

# Report

|                       |                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b>        | Planning proposal - fourth round of general amendments LEP 2012 and associated DCP amendment - tourist accommodation                                                                                                                                            |
| <b>TRIM Record No</b> | BP17/882:EF16/336                                                                                                                                                                                                                                               |
| <b>Prepared by</b>    | Senior Strategic Planner                                                                                                                                                                                                                                        |
| <b>Reason</b>         | To obtain a resolution of Council to: forward the general amendments planning proposal to the Minister for Planning for a Gateway determination; and prepare a draft amendment to the Development Control Plan to incorporate tourist accommodation provisions. |

## Executive Summary

Periodic reviews to the Lismore Local Environmental Plan 2012 (LEP 2012) are undertaken to address general “housekeeping” issues associated with the plan. This planning proposal is the fourth round of general amendments for LEP 2012. It is also proposed to amend the Lismore Development Control Plan (DCP) in association with one of the items in the planning proposal.

The planning 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; Land Use Table; Part 4 Principal development standards; and Part 6 Additional local provisions.

The proposed LEP 2012 mapping amendments are required to: correct anomalies; provide consistency with recent cadastral updates, subdivisions and public authority land acquisitions; and assist with the economic use and development of certain urban Council land.

LEP 2012 Schedule 1 “Additional permitted uses” amendments are proposed to: clarify the development enabled under the schedule; and remove an entry that has been developed under the schedule. A minor update to LEP 2012 Schedule 5 “Environmental heritage” is required to accommodate a new property description associated with a recent boundary adjustment.

The Land Use Table amendments are proposed for: consistency with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and increased flexibility for small scale tourism development in Zone RU1 Primary Production.

The proposed amendment to LEP 2012 Part 4 “Principal development standards” is to ensure consistency with development consents issued for Rural landsharing community development (multiple occupancies).

The proposed new clause in LEP 2012 Part 6 “Additional local provisions” provides a set a guidelines for small scale rural and nature based tourism development within Zone RU1 Primary Production. An associated proposed amendment to the DCP will include detailed guidelines for tourist accommodation in zones where this land use is permissible.

It is recommended that: Council support the general amendments planning proposal and request a Gateway determination from the Minister for Planning; and a draft “Tourist Accommodation” DCP chapter be prepared and reported to Council for public exhibition.

## Recommendation

That:

1. Council support the planning proposal for general amendments to Local Environmental Plan (LEP) 2012 as detailed in Attachment 1 and summarised in Table 1 of this report and itemised below:
  - Item A - 5 Reserve Street and adjacent road reserve, Goonellabah
  - Item B - 84 and 90 Henson Road and 350A Tregeagle Road, Wyrallah
  - Item C - 60 Kruseana Avenue and adjacent road reserve, Goonellabah
  - Item D - 22 and 23 Pindari Crescent and adjacent road reserve, Goonellabah
  - Item E - 9 and 11 Willow Tree Drive, Chilcotts Grass
  - Item F - 44 Kadina Street and 124 Oliver Avenue and adjacent road reserve, Goonellabah
  - Item G - 156 and 156A Terania Street, 1 Bouyon Street and the adjacent Bouyon Street road reserve; 5, 7, 9, 11, 13 and 15 New Street; and 2 Tweed Street; all in North Lismore
  - Item H - 97 Pineapple Road, Goonellabah
  - Item I - Part proposed Dunoon Dam site including: 163A Fraser Road, Dunoon; and part 57B Ashlin Road, Whian Whian
  - Item J - 296 Stony Chute Road, Nimbin
  - Item K - 355 and 357 Dunoon Road and adjoining road reserve, Tullera
  - Item L - 11 and 9 Main Street, Clunes
  - Item M – Land use table “home-based child care”
  - Item N – 1) Land use table “tourist and visitor accommodation”
    - 2) Rural and nature based tourism clause
  - Item O – Clause 4.2B Erection of dual occupancies and dwelling house on land in certain rural and environmental protection zones.
2. The planning proposal for the general amendments to LEP 2012 as detailed in Attachment 1 and itemised in 1 above is forwarded to the Minister for Planning for a Gateway determination.
3. Council lodge a request with the Department of Planning and Environment seeking to exercise plan making delegations under s59 of the EP&A Act 1979.
4. A draft Development Control Plan (DCP) “Tourist Accommodation” chapter be prepared and reported to Council.
5. The draft DCP “Tourist Accommodation” chapter and the LEP 2012 fourth round of general amendments planning proposal are to be coordinated so that they take effect simultaneously.

## Background

Regular review and amendment of LEP 2012, Council's principal land use planning document, is an ongoing process. General amendments or “housekeeping amendments” are minor in nature and can involve mapping updates, changes to the land use table and other minor changes to the written instrument. To date LEP 2012 has been the subject of three previous rounds of general amendments, which came into effect on 4 April, 2014; 19 December, 2014; and 19 May, 2017.

## Summary of the planning proposal

The fourth round of general amendments planning 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; Land Use Table; Part 4 Principal development standards; and Part 6 Additional local provisions.

The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment (DP&E) guidelines and is attached to this report (Attachment No. 1). Table 1 provides a summary of the proposed amendments and the justification associated with each proposal.

**Table 1 Summary of proposed general amendments**

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Mapping – General</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Item A</b><br/>5 Reserve Street, Goonellabah (Lot 2 DP 814012) and the adjoining road reserve</p> <p><b>Land Zoning Map</b><br/>Amend the Land Zoning Map – Sheet LZN_006AB for part Lot 2 DP 814012 and the adjoining road reserve so that Zone RE1 Public Recreation is replaced by Zone R1 General Residential as indicated in Item A maps.</p> <p><b>Lot Size Map</b><br/>Amend the Lot Size Map – Sheet LSZ_006AB so that a minimum lot size of 400m<sup>2</sup> (F) is applied to all Zone R1 General Residential within Lot 2 DP 814012 and the adjoining road reserve.</p> <p><b>Height of Buildings Map</b><br/>Amend the Height of Buildings Map – Sheet HOB_006AB so that a maximum building height of 8.5m (I) applies to all Zone R1 General Residential within Lot 2 DP 814012 and the adjoining road reserve.</p> <p>Refer to Item A maps.</p> | <p>5 Reserve Street, Goonellabah is a 4.349ha Council owned allotment within Zone RE1 Public Recreation and Zone R1 General Residential. The entire lot is classified Operational. The area of the Zone RE1 is 4.2775ha and the area of Zone R1 is 715m<sup>2</sup>.</p> <p>Lismore LEP Amendment 7, amongst other things, created the 715m<sup>2</sup> Zone R1 portion of the lot as part of the “small parks” review in accordance with the Lismore Sport and Recreation Plan 2011 – 2021. The review of public open space identified ‘underperforming’ parks which should be considered for inclusion in the divestment strategy outlined in that Plan.</p> <p>The Zone R1 area of the site was the subject of a survey in September 2016 and it has been deemed that an area of 990m<sup>2</sup>, an increase of 275m<sup>2</sup>, is required for a residential lot in this location.</p> <p>The adjoining southern residential lot incorporates a dwelling house located close to the northern boundary. The proposed expansion of the Zone R1 is justified as it would enable any future dwelling to be setback further from the adjoining southern boundary, thus maximising solar access for the adjoining dwelling.</p> <p>Consequential amendments are also required for Lot Size and Height of Buildings Maps.</p> <p><b>Staff recommendation</b><br/>Amend the Land Zoning Map at 5 Reserve Street, Goonellabah and the adjoining road reserve (including consequential amendments to the Height of Buildings and Lot Size Maps) in accordance with Item A maps.</p> |
| <p><b>Item B</b><br/>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).</p> <p><b>Land Zoning Map</b><br/>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>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).</p> <p>The LPI watercourse boundary update now requires an amendment to the Land Zoning Map and Lot Size Map at the aforementioned location.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Waterways applies in the watercourses adjacent to the aforementioned allotments.</p> <p><b>Lot Size Map</b><br/>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 626596, Lot 2 DP 1221506 and Lot 88 DP 755705; and no minimum lot size applies to Zone W1 Natural Waterways at the location.</p> <p>Refer to Item B maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Staff recommendation</b><br/>Amend the Land Zoning Map at 84 and 90 Henson Road, and 350A Tregeagle Road Wyrallah (including consequential amendments to the Lot Size Map) in accordance with Item B maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Item C</b><br/>60 Kruseana Avenue, Goonellabah (Lot 1 DP 1219681) and adjoining road reserve.</p> <p><b>Land Zoning Map</b><br/>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.</p> <p><b>Lot Size Map</b><br/>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 400m<sup>2</sup> (F) is applied to Zone R1 General Residential in the adjoining road reserve.</p> <p><b>Height of Buildings Map</b><br/>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.</p> <p>Refer to Item C maps.</p> | <p>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.</p> <p>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.</p> <p><b>Staff recommendation</b><br/>Amend the Land Zoning Map at 60 Kruseana Avenue, Goonellabah and the adjoining road reserve (including consequential amendments to the Lot Size and Height of Buildings Maps) in accordance with Item C maps.</p> |
| <p><b>Item D</b><br/>22 and 23 Pindari Crescent, Goonellabah (Lot 362 DP 1223500 and Lot 2 DP 1162138 respectively) and the adjoining road reserve.</p> <p><b>Land Zoning Map</b><br/>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.</p> <p><b>Lot Size Map</b><br/>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.</p>                                                                                                                                                                                                                                                                                                                                                                              | <p>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.</p> <p>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.</p> <p><b>Staff recommendation</b></p>                                                                          |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Height of Buildings Map</b><br/>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.</p> <p>Refer to Item D maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Amend the Land Zoning Map at 22 and 23 Pindari Crescent, Goonellabah and the adjoining road reserve (including consequential amendments to the Lot Size and Height of Buildings Maps) in accordance with Item D maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Item E</b><br/>9 and 11 Willow Tree Drive, Chilcotts Grass (Lot 9 and 10 DP 1202894 respectively).</p> <p><b>Land Zoning Map</b><br/>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.</p> <p><b>Height of Buildings Map</b><br/>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.</p> <p><b>Land Reservation Acquisition Map</b><br/>Amend the Land Reservation Acquisition Map – Sheet LRA_006AB so that Lot 10 DP 1202894 is omitted from the map.</p> <p>Refer to Item E maps.</p> | <p>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.</p> <p>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.</p> <p><b>Staff recommendation</b><br/>Amend the Land Zoning Map (including consequential amendment of the Height of Buildings Map) at 9 and 11 Willow Tree Drive, Chilcotts Grass in accordance with Item E maps.</p> <p>Amend the Land Reservation Acquisition Map to omit the entry for 11 Willow Tree Drive, Chilcotts Grass.</p>                                                                                                                                                               |
| <p><b>Item F</b><br/>44 Kadina Street and 124 Oliver Avenue, Goonellabah (Lots 1 and 2 DP 1196801 respectively) and adjoining Oliver Avenue road reserve.</p> <p><b>Land Zoning Map</b><br/>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.</p> <p><b>Lot Size Map</b><br/>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<sup>2</sup> (F) is applied to Zone R1 General Residential in Lot 2 DP 1196801 and the adjoining road reserve.</p>                   | <p>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 Tucki Tucki Creek Reserve.</p> <p>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.</p> <p>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&amp;E LEP Practice Note PN 08-002 <i>Zoning for Infrastructure in LEPs</i>.</p> <p><b>Staff recommendation</b><br/>Amend the Land Zoning Map (including consequential amendments to the Height of Buildings and Lot Size Maps) at</p> |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Rationale                                                                                                                                                                                                                                              |                                                       |                  |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------|------|-----|--------|------------------------------------------------------|----------|---|---------|-------------------------------------------------------|----------|--|--|----------------------------|----------|---|--------|--------------------------------|----------|---|--------|-----------------------------|----------|----|--------|-----------------------------|----------|----|--------|-----------------------------|----------|----|--------|------------------------------|----------|----|--------|------------------------------|----------|---|--------|------------------------------|----------|---|--------|-------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Height of Buildings Map</b><br/>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 (l) is applied to Zone R1 General Residential in Lot 2 DP 1196801 and the adjoining road reserve.</p> <p><b>Land Reservation Acquisition Map</b><br/>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.</p> <p>Refer to Item F maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>44 Kadina Street and 124 Oliver Avenue, Goonellabah and the adjoining road reserve in accordance with Item F maps.</p> <p>Amend the Land Reservation Acquisition Map to omit the entry for 44 Kadina Street and 124 Oliver Avenue, Goonellabah.</p> |                                                       |                  |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Item G</b></p> <table><tr><th>Part Lot</th><th>DP</th><th>Property address</th><th>Zone</th></tr><tr><td>188</td><td>758615</td><td>156 Terania Street, North Lismore (part Arthur Park)</td><td>RE1 &amp; W2</td></tr><tr><td>2</td><td>1221195</td><td>156A Terania Street, North Lismore (part Arthur Park)</td><td>RE1 &amp; W2</td></tr><tr><td></td><td></td><td>Bouyon Street road reserve</td><td>RE1 &amp; W2</td></tr><tr><td>4</td><td>713307</td><td>1 Bouyon Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>1</td><td>713307</td><td>5 New Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>13</td><td>745167</td><td>7 New Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>12</td><td>745167</td><td>9 New Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>11</td><td>745167</td><td>11 New Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>10</td><td>745167</td><td>13 New Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>9</td><td>745167</td><td>15 New Street, North Lismore</td><td>RU2 &amp; W2</td></tr><tr><td>1</td><td>745168</td><td>2 Tweed Street, North Lismore</td><td>RU2 &amp; W2</td></tr></table> <p><b>Land Zoning Map</b><br/>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 &amp; 4 DP 713307, Lots 9 – 13 DP 745167 and Lot 1 DP 745168.</p> <p><b>Lot Size Map</b><br/>Amend the Lot Size Map – Sheet LSZ_005AA so that: a minimum lot size of 40ha (AB3) is applied to all Lots 1 &amp; 4 DP 713307, Lots 9 – 13 DP 745167 and Lot 1 DP 745168.</p> | Part Lot                                                                                                                                                                                                                                               | DP                                                    | Property address | Zone | 188 | 758615 | 156 Terania Street, North Lismore (part Arthur Park) | RE1 & W2 | 2 | 1221195 | 156A Terania Street, North Lismore (part Arthur Park) | RE1 & W2 |  |  | Bouyon Street road reserve | RE1 & W2 | 4 | 713307 | 1 Bouyon Street, North Lismore | RU2 & W2 | 1 | 713307 | 5 New Street, North Lismore | RU2 & W2 | 13 | 745167 | 7 New Street, North Lismore | RU2 & W2 | 12 | 745167 | 9 New Street, North Lismore | RU2 & W2 | 11 | 745167 | 11 New Street, North Lismore | RU2 & W2 | 10 | 745167 | 13 New Street, North Lismore | RU2 & W2 | 9 | 745167 | 15 New Street, North Lismore | RU2 & W2 | 1 | 745168 | 2 Tweed Street, North Lismore | RU2 & W2 | <p>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).</p> <p>Realignment of zones and minimum lot size is now required for consistency with the cadastral realignment.</p> <p><b>Staff recommendation</b><br/>Amend the Land Zoning Map (including consequential amendments to the Lot Size Map) in accordance with Item G maps at the following locations in North Lismore: 156 and 156A Terania Street, 1 Bouyon Street and the adjacent Bouyon Street road reserve; 5, 7, 9, 11, 13 and 15 New Street; and 2 Tweed Street.</p> |
| Part Lot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | DP                                                                                                                                                                                                                                                     | Property address                                      | Zone             |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 188                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 758615                                                                                                                                                                                                                                                 | 156 Terania Street, North Lismore (part Arthur Park)  | RE1 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1221195                                                                                                                                                                                                                                                | 156A Terania Street, North Lismore (part Arthur Park) | RE1 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                        | Bouyon Street road reserve                            | RE1 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 713307                                                                                                                                                                                                                                                 | 1 Bouyon Street, North Lismore                        | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 713307                                                                                                                                                                                                                                                 | 5 New Street, North Lismore                           | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 745167                                                                                                                                                                                                                                                 | 7 New Street, North Lismore                           | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 745167                                                                                                                                                                                                                                                 | 9 New Street, North Lismore                           | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 745167                                                                                                                                                                                                                                                 | 11 New Street, North Lismore                          | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 745167                                                                                                                                                                                                                                                 | 13 New Street, North Lismore                          | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 745167                                                                                                                                                                                                                                                 | 15 New Street, North Lismore                          | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 745168                                                                                                                                                                                                                                                 | 2 Tweed Street, North Lismore                         | RU2 & W2         |      |     |        |                                                      |          |   |         |                                                       |          |  |  |                            |          |   |        |                                |          |   |        |                             |          |    |        |                             |          |    |        |                             |          |    |        |                              |          |    |        |                              |          |   |        |                              |          |   |        |                               |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                        |                                                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Refer to Item G maps.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                        |                                                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Item H</b><br/>97 Pineapple Road, Goonellabah (Lot 2 DP 1064627).</p> <p><b>Land Reservation Acquisition Map</b><br/>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 H maps.</p> <p><b>Clause 5.1 Relevant acquisition authority</b><br/>Amend the table in clause 5.1(2) by inserting the following entry:</p> <table border="1"> <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> <p>Refer to Item H maps.</p> | Type of land shown on the map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Authority of the State | Zone RU1 Primary Production and marked "Arterial road" | Council | <p>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.</p> <p>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.</p> <p>The eastern bypass road was not identified as a project to be delivered in the Lismore Strategic Road Review 2013 before 2033.</p> <p>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.</p> <p><b>Staff recommendation</b><br/>Amend the Land Reservation Acquisition Map to include a bypass corridor at 97 Pineapple Road, Goonellabah in accordance with Item H maps.</p> <p>Amend clause 5.1(2) as follows:<br/>Insert the following description of the type of land shown on the map <i>Zone RU1 Primary Production and marked Arterial road</i>.<br/>Nominate Council as the acquisition authority.</p> |
| Type of land shown on the map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Authority of the State                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                        |                                                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Zone RU1 Primary Production and marked "Arterial road"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                        |                                                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Item I</b><br/>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).</p> <p><b>Land Reservation Acquisition Map</b><br/>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.</p> <p>Refer to Item I maps.</p>                                                                                                                                                                                                                                                       | <p>The proposed Dunoon Dam was previously adopted by Rous County Council as a potential future water source in 1995.</p> <p>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 owns significant land holdings at the Dunoon Dam site and is nominated as the acquisition authority in the Lismore LEP Land Reservation Acquisition Authority.</p> <p>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.</p> |                        |                                                        |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                               | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>Staff recommendation</b><br/>Amend the Land Reservation Acquisition Map to omit the entry for 163A Fraser Road, Dunoon and 57B Ashlin Road, Whian Whian in accordance with Item I maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Schedule 1 – Additional permitted uses                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Item J</b><br/>296 Stony Chute Road, Nimbin (Lot 4 DP 1048778)</p> <p><b>Schedule 1 Additional Permitted Uses</b><br/>Amend Clause 1 – “Use of certain land at Stony Chute Road, Nimbin” so that future subdivision at the site is in accordance with the Development Subdivision Plan numbered BA060137-PL1A, prepared by Landpartners and dated 16/05/2007 (final wording to be confirmed by Parliamentary Counsel).</p> | <p>Land at 296 Stony Chute Road, Nimbin was subject to a rezoning approval for rural residential subdivision by community title under LEP2000. The site was not rezoned but remains in the RU1 Primary Production. Instead the approval for community title subdivision of the land is included in Schedule 1 – Additional Permitted Uses as follows:</p> <p><b>1 Use of certain land at Stony chute Road, Nimbin</b><br/>(1) <i>This clause applies to land at Stony Chute Road, Nimbin, being Lot 4, DP 1048778 and identified as “Item 1” on the Additional Permitted Uses Map.</i><br/>(2) <i>Subdivision of land to which this clause applies to create:</i><br/>(a) <i>a maximum of 26 community development lots and a single neighbourhood lot under the Community Land Development Act 1989, and</i><br/>(b) <i>a residue Torrens Title lot, is permitted with development consent.</i><br/>(3) <i>In this clause, community development lot and neighbourhood lot have the same meanings as they have in the Community Land Development Act 1989.</i></p> <p>Future subdivision of this land is to be in accordance with the development subdivision plan that is referenced in the planning agreement associated with this Schedule 1 listing. The planning agreement is a public document but is not readily accessible. Reference to the development subdivision plan in the LEP would enhance access and clarity of the requirements associated with future subdivision of the land. The LEP is Council's principal land use planning document and is readily accessible.</p> <p><b>Staff recommendation</b><br/>Amend Schedule 1 Clause 1 - <i>Use of certain land at Stony Chute Road, Nimbin</i> so that future subdivision at the site is in accordance with the Development Subdivision Plan numbered BA060137-PL1A, prepared by Landpartners and dated 16/05/2007.</p> |
| <p><b>Item K</b><br/>355 and 357 Dunoon Road, Tullera (Lots 1 and 2 DP 1208831 respectively) and adjoining road reserve.</p> <p><b>Additional Permitted Uses Map</b><br/>Amend the Additional Permitted Uses Map – Sheet APU_005A so that Item 3 (Lots 1 and 2 DP 1208831) is omitted.</p> <p><b>Lot Size Map</b><br/>Amend the Lot Size Map – Sheet LSZ_005 so that a minimum lot size of 5000m<sup>2</sup> applies to</p>      | <p>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<sup>2</sup> minimum lot size is recommended for the approximately 28,000m<sup>2</sup> of Zone R5 land at the site. The use of this lot size will not permit further subdivision of the land.</p> <p><b>Staff recommendation</b><br/>Omit 355 and 357 Dunoon Road, Tullera from the Additional Permitted Uses Map; and Schedule 1 Additional Permitted Uses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Zone R5 Large Lot Residential within Lots 1 and 2 DP 1208831 and the adjoining road reserve.</p> <p><b>Schedule 1 Additional Permitted Uses</b><br/>Omit clause 3 - <i>Use of certain land at Dunoon Road, Tullera</i></p> <p>Refer to Item K maps</p>                                                                                                                                                                                                                                                                              | <p>Amend the Lot Size Map to apply a 5000m<sup>2</sup> minimum lot size for land within Zone R5 Large Lot Residential at 355 and 357 Dunoon Road, Tullera and the adjoining road reserve in accordance with Item K maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Mapping and Schedule 5 Environmental Heritage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Item L</b><br/>11 and 9 Main Street, Clunes (Lot 1 and 2 DP 1189209 respectively)</p> <p><b>Heritage Map</b><br/>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.</p> <p><b>Schedule 5 Environmental Heritage, Part 1 Environmental Heritage</b><br/>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”.</p> <p>Refer to Item L maps</p> | <p>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.</p> <p><b>Staff recommendation</b><br/>Amend the Heritage Map so that the map entry covers the entire lot at 11 Main Street and is omitted from part 9 Main Street, Clunes.<br/>Amend Schedule 5 by omitting the property description “Lot 1 DP 733621” for Item I6 (St John’s Presbyterian Church) and inserting “Lot 1 DP 1189209” in its place.</p>                                                                                                                                                                                                                               |
| Land Use Table – Home-based child care                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Item M</b><br/>Land Use Table</p> <p><b>Zone R3 Medium Density Residential and Zone E3 Environmental Management</b><br/>Omit “home-based child care” from item 2 Permitted without consent.</p> <p><b>Zone E3 Environmental Management</b><br/>Insert “home-based child care” in alphabetical order in item 3 Permitted with consent.</p>                                                                                                                                                                                        | <p>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.</p> <p>This anomaly can be rectified with a minor modification to the land use table.</p> <p><b>Staff recommendation</b><br/>Amend the land use table for Zones R3 Medium Density Residential and E3 Environmental Management so as to require development consent for “home-based child care”.</p> |
| Land Use Table and LEP Part 6 – Additional Local Provisions – ‘Rural Tourism’                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Item N</b><br/><b>1) Land Use Table – ‘Rural Tourism’</b></p> <p><b>Zone RU1 Primary Production</b><br/>Omit “bed and breakfast accommodation” and “farm stay accommodation” from item 3 Permitted with consent; and</p>                                                                                                                                                                                                                                                                                                         | <p><b>1) Land Use Table</b></p> <p>The structure and contents of the Zone RU1 land use table currently does not permit rural tourist facilities unless they align precisely with set criteria of definitions such as eco-tourist facilities and farm stay accommodation. This has the effect of prohibiting, say, a small scale rural tourist cabin development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Insert "tourist and visitor accommodation" in alphabetical order in item 3 Permitted with consent.</p> <p>Insert "backpackers' accommodation", "hotel or motel accommodation" and "serviced apartments" in alphabetical order in item 4 Prohibited</p> <p><b>2) Associated rural tourism clause</b></p> <p>Insert the following rural and nature-based tourism development clause in Part 6 of the LEP.</p> <p><b>Rural and nature-based tourism development</b></p> <p>(1) The objective of this clause is to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production,</p> <p>(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and</p> <p>(b) the development is small scale and low impact, and</p> <p>(c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and</p> <p>(d) the development is designed, sited and will be managed to minimise any adverse impact on agricultural production, amenity or significant features of the natural environment.</p> <p>(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless:</p> <p>(a) a lawfully erected dwelling house or dual occupancy is situated on the land, or</p> <p>(b) a dwelling house may be erected on the land under this Plan.</p> <p>(5) Development consent must not be granted to development under subclause (4) if the development:</p> <p>(a) includes an ancillary caretaker's or manager's residence, or</p> <p>(b) is for the purpose of more than 1 bed and breakfast accommodation.</p> <p>(6) In this clause:</p> <p><b>small scale</b> means a scale that is small enough to be generally managed and</p> | <p>on a rural lifestyle property that is neither a working farm nor an allotment with significant environmental or cultural values.</p> <p>This issue can be rectified so as to permit other non-defined rural tourist facilities, such as the aforementioned cabins, while maintaining the permissibility status quo for defined sub-terms of the <b><i>tourist and visitor accommodation</i></b> group term.</p> <p>Zone RU1 is a closed zone and undefined land uses are not permitted. However, the group term <i>tourist and visitor accommodation</i> is an inclusive term. Consequently, the use of this group term in the Item 3 (Permitted with consent) will permit undefined tourist land uses. The definition for tourist and visitor accommodation is provided in italics below:</p> <p><b><i>Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:</i></b></p> <p>(a) <i>backpackers' accommodation,</i></p> <p>(b) <i>bed and breakfast accommodation,</i></p> <p>(c) <i>farm stay accommodation,</i></p> <p>(d) <i>hotel or motel accommodation,</i></p> <p>(e) <i>serviced apartments,</i></p> <p><b><i>but does not include:</i></b></p> <p>(f) <i>camping grounds, or</i></p> <p>(g) <i>caravan parks, or</i></p> <p>(h) <i>eco-tourist facilities</i></p> <p>The land use table for Zone RU1 Primary Production is currently structured to enable the following tourist and visitor accommodation:</p> <p><b>Permitted with consent:</b></p> <p><i>bed and breakfast accommodation, and farm stay accommodation.</i></p> <p><b>Prohibited:</b></p> <p><i>backpackers' accommodation, hotel or motel accommodation, and serviced apartments.</i></p> <p><b>Staff recommendation:</b></p> <p>Amend the Zone RU1 land use table as follows:</p> <p>Omit the following terms from Item 3 (Permitted with consent): <i>bed and breakfast accommodation</i>; and <i>farm stay accommodation</i>.</p> <p>Insert in Part 3: <i>tourist and visitor accommodation</i></p> <p>Insert the following terms in Part 4 (Prohibited): <i>backpackers' accommodation</i>; <i>hotel or motel accommodation</i>; and <i>serviced apartments</i>.</p> <p><b>2) Associated rural tourism clause</b></p> <p>LEP 2012 currently does not provide controls for rural and nature based tourism development. A requirement to minimise the scale of rural and nature based tourism would ensure that</p> |

| Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>operated by the principal owner living on the property.</p> <p><b>tourism development</b> includes, but is not necessarily limited to, development for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(a) bed and breakfast accommodation,</li> <li>(b) camping grounds,</li> <li>(c) caravan parks,</li> <li>(d) cellar door premises,</li> <li>(e) eco-tourist facilities,</li> <li>(f) farm stay accommodation</li> <li>(g) home industries that provide services, or the sale of goods, on site to visitors,</li> <li>(h) information and education facilities,</li> <li>(i) kiosks,</li> <li>(j) restaurants or cafes,</li> <li>(k) rural industries that provide services, or the sale of goods, on site to visitors</li> </ul> | <p>the development does not adversely impact on the agricultural production, scenic or environmental values of the land.</p> <p>A requirement to limit rural and nature based tourism development to land with a dwelling entitlement will provide appropriate opportunities to accommodate the manager or caretaker of such a business. An on-site manager further reduces the risk of land use conflict and assists with crime prevention.</p> <p>Ballina and Byron LEPs both include this clause to provide guidance for appropriate rural and nature based tourism development. Land use planning staff at both of these Councils provided a positive review of the use of the clause in their LEPs.</p> <p><b>Staff recommendation:</b><br/>Insert the rural and nature based tourism development clause in Part 6 of the LEP.</p> <p><b>Note.</b> Proposed sub clause 3(d) was modified after concerns were raised at the Councillor briefing of 4 July, 2017 regarding the use of the word “significant”. The proposed sub clause 3(d) now reads:</p> <p><i>“The development is designed, sited and will be managed to minimise any adverse impact on agricultural production, amenity or significant features of the natural environment.”</i></p> <p>It is also recommended that a draft Development Control Plan Chapter is prepared to provide detailed development guidance. This Chapter should be in effect when the proposed amendment to the LEP takes effect. This is further discussed in the next section of the report.</p> |
| LEP Part 4 – Principal Development Standards – Dual occupancy on strata and community title lots in the RU1 Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Item O</b><br/>Amend Part 4 of the LEP so as to have the effect of prohibiting dual occupancies in strata lots and community title lots within Zone RU1 Primary Production.</p> <p>Insert additional subclause within clause 4.2B as follows (to be confirmed by Parliamentary Counsel):</p> <p><b>4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environmental protection zones</b><br/>(5) Development consent must not be granted for a dual occupancy on land to which this clause applies for strata plan schemes or community title schemes.</p>                                                                                                                                                                    | <p>Lismore LEP clause 6.8 <i>Rural landsharing community development</i> enables Council to issue development consent, subject to criteria, for 3 or more dwellings on one lot. The clause does not enable the development of dual occupancy which provides for two dwellings on one lot. The definitions of <i>rural landsharing community development</i> and <i>dual occupancy</i> are mutually exclusive. The community title subdivision of rural landsharing communities (Draft LEP Amendment No. 20) could potentially permit dual occupancies (a doubling of the potential number of dwellings) unless the relevant subdivision provisions are explicit in the limitation to one dwelling per lot. In this regard, the draft rural community title subdivision clause limits the number of dwellings to one per lot.</p> <p>This restriction of one dwelling per rural community title lot could also be extended to include rural strata lots of which Billen Cliffs is the only such development in the Local Government Area. Billen Cliffs was approved some decades ago as a rural landsharing community (multiple occupancy)</p>                                                                                                                                                                                                                                                                                                                                                                                                  |

| Proposed Amendment | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | <p>under a now repealed SEPP. The repealed SEPP defined rural landsharing communities as 3 or more dwellings on one lot and it was never the intention to enable a potential doubling of the dwellings in such a development by permitting dual occupancies.</p> <p><b>Staff recommendation:</b><br/>Insert additional provisions in Part 4 of the LEP involving Strata and Community Title lots in Zone RU1 that will have the effect of limiting the number of dwellings per lot to one.</p> |

### Proposed amendment to the DCP for tourism in the RU1 Zone

Item N of the planning proposal involves: an amendment to the Zone RU1 land use table to permit undefined tourist land uses; and the introduction of a set a guidelines to assist in the control of small scale rural tourist development in Zone RU1 Primary Production (details in table 1). It is also proposed to draft a DCP chapter in association with the LEP amendment that will provide more detailed controls for tourist accommodation applicable to all zones where tourist land uses are currently permissible. The chapter can include general character and design provisions specific to various land use zones as well as specific provisions applying to individual tourism land uses.

The preparation of the DCP chapter and the processing of the LEP amendment will be coordinated so that they take effect simultaneously.

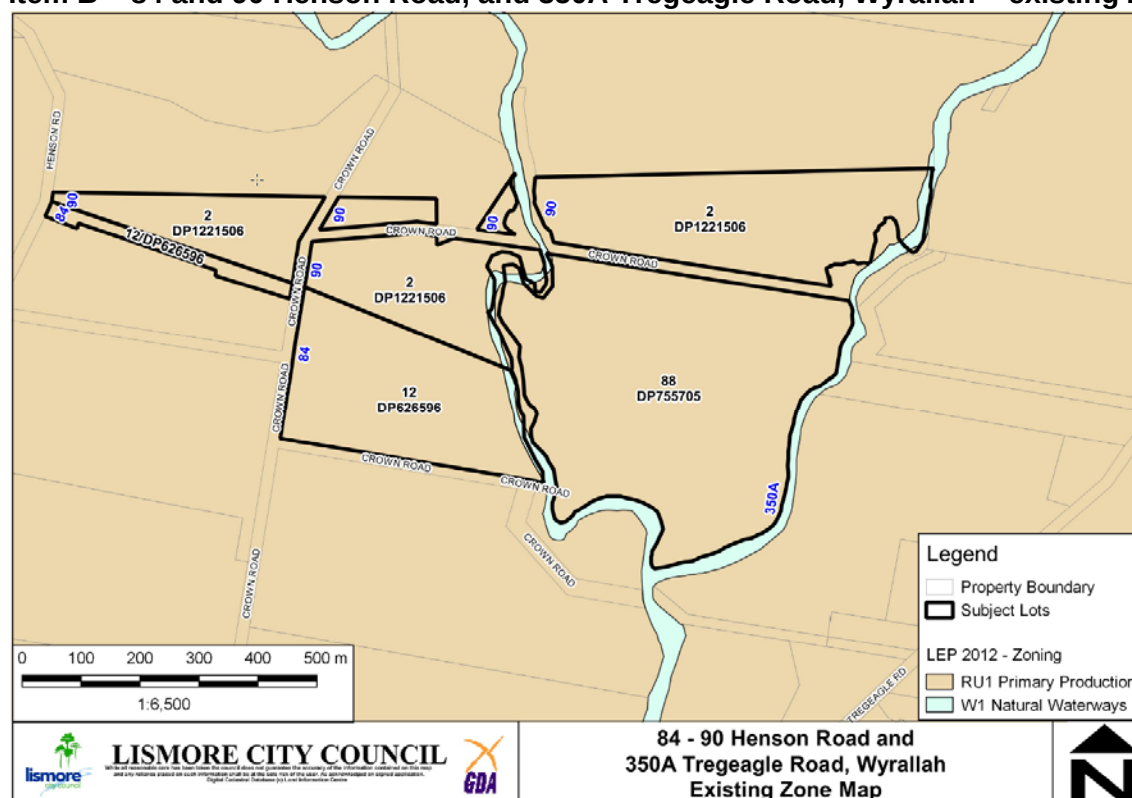
### Planning proposal maps

The planning proposal involves, among other things, mapping changes associated with 11 sites. The maps proposed for amendment include the: Land Zoning; Lot Size; Height of Buildings; Heritage; Land Reservation Acquisition; and Additional Permitted Uses. Attachment 1 to this report provides aerial location maps and the relevant existing and proposed maps associated with each site. The maps provided below are selected to indicate the key issues using existing: land zoning; heritage; additional permitted uses; and/or land reservation acquisition maps.

## Item A – 5 Reserve Street, Goonellabah and adjoining road reserve - existing zone map



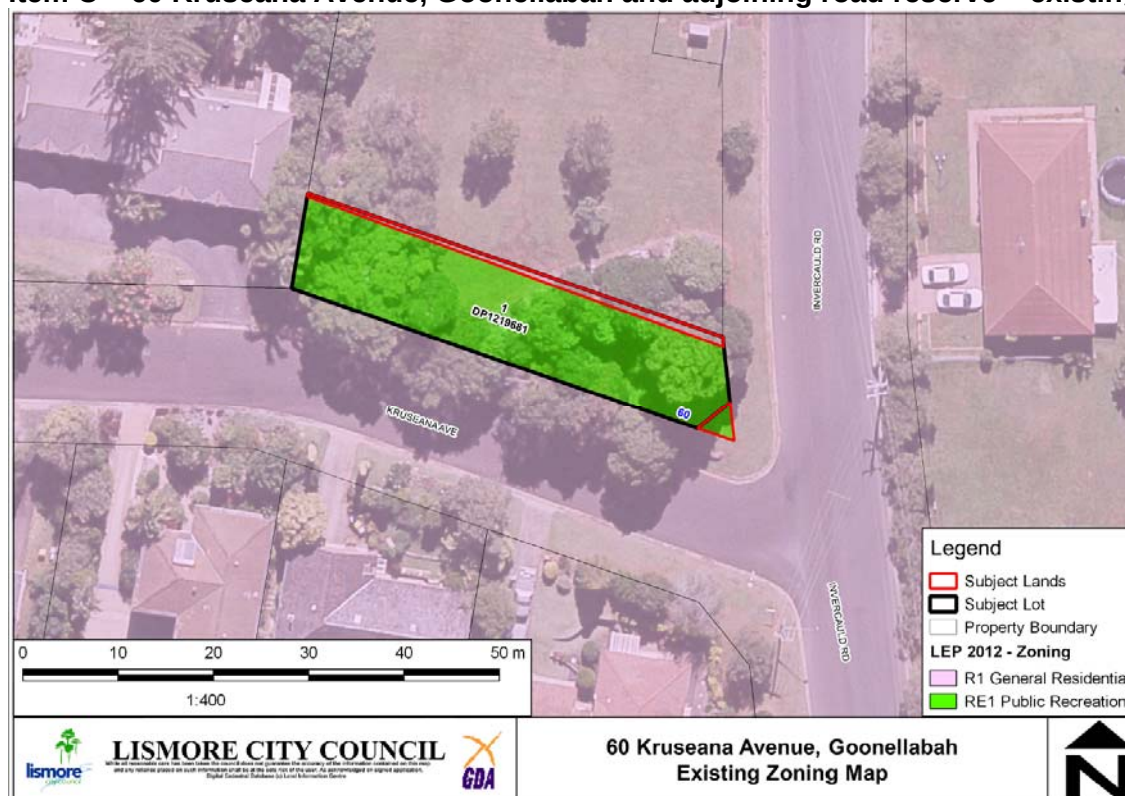
## Item B – 84 and 90 Henson Road, and 350A Tregeagle Road, Wyrallah – existing zone map



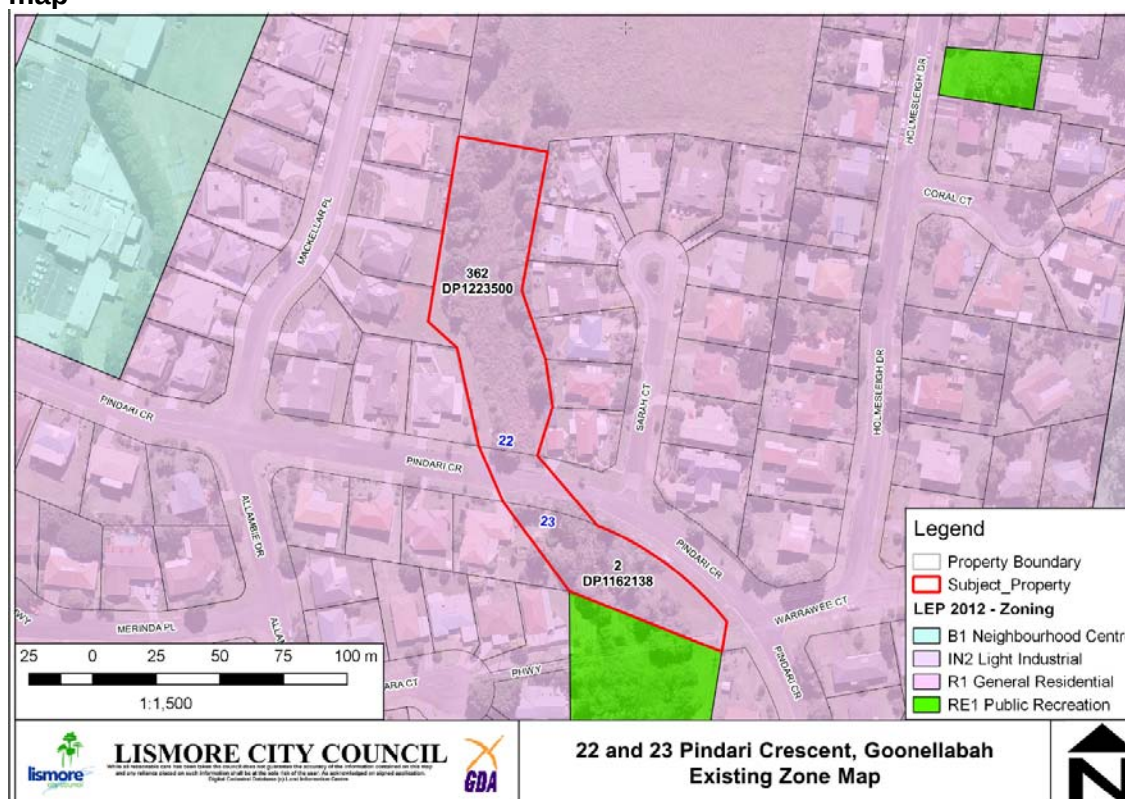
Lismore City Council

Meeting held 8 August 2017 - Planning proposal - fourth round of general amendments LEP 2012 and associated DCP amendment - tourist accommodation

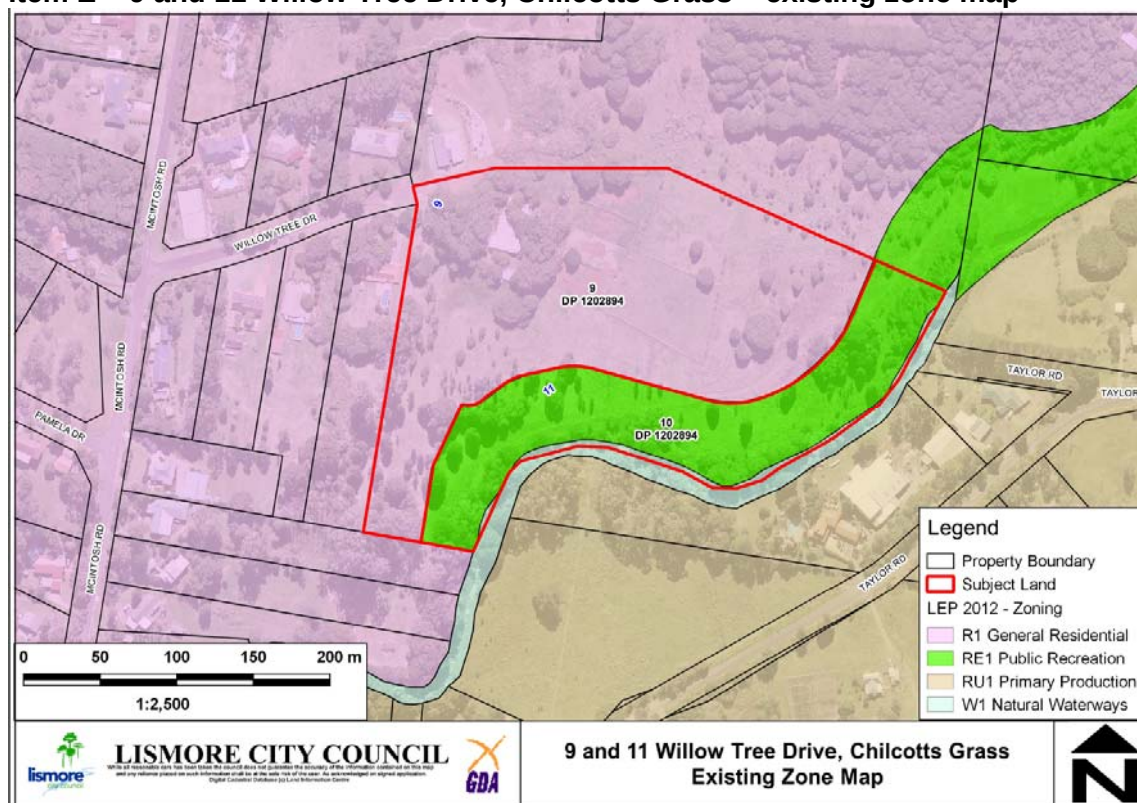
## Item C – 60 Kruseana Avenue, Goonellabah and adjoining road reserve – existing zone map



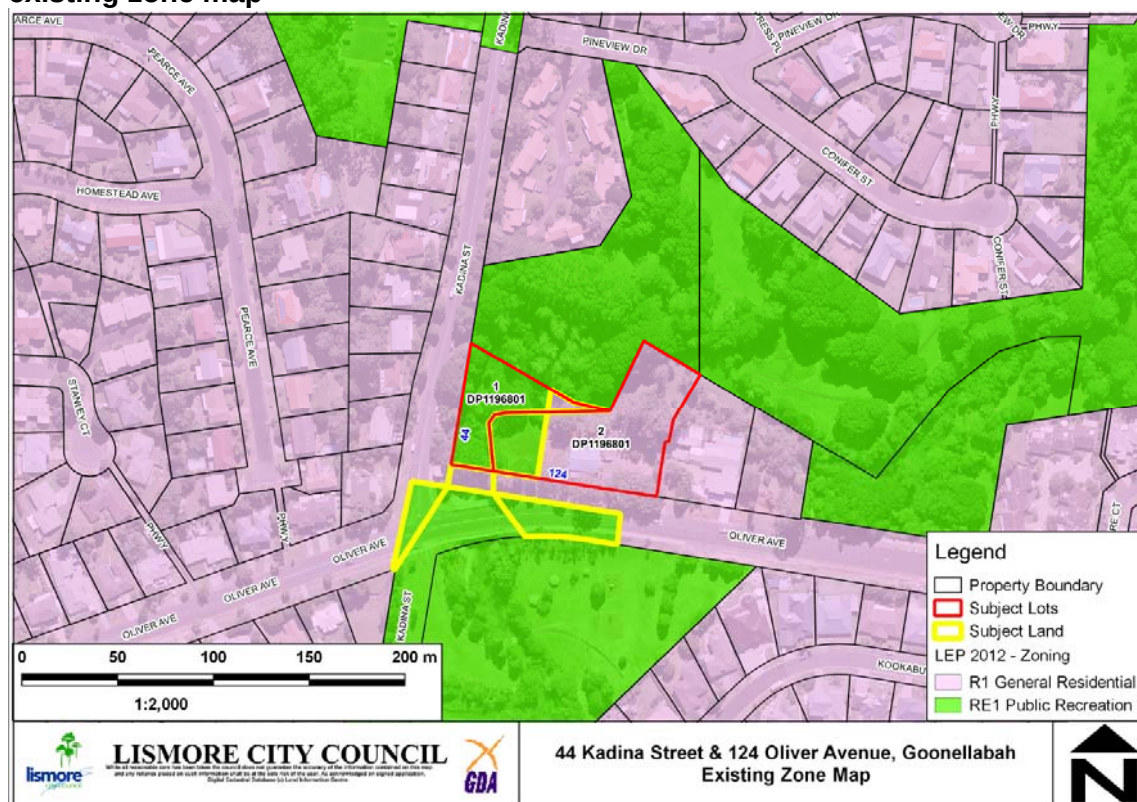
## Item D – 22 and 23 Pindari Crescent, Goonellabah and adjoining road reserve – existing zone map



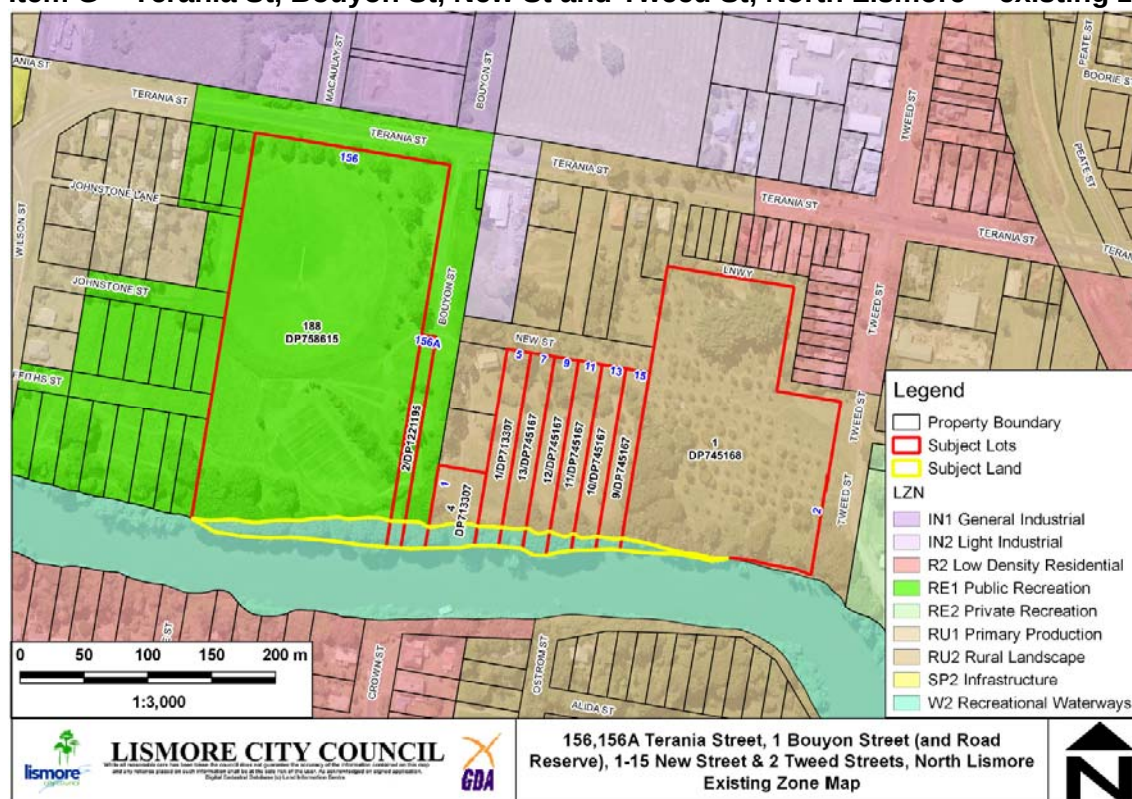
## Item E – 9 and 11 Willow Tree Drive, Chilcotts Grass – existing zone map



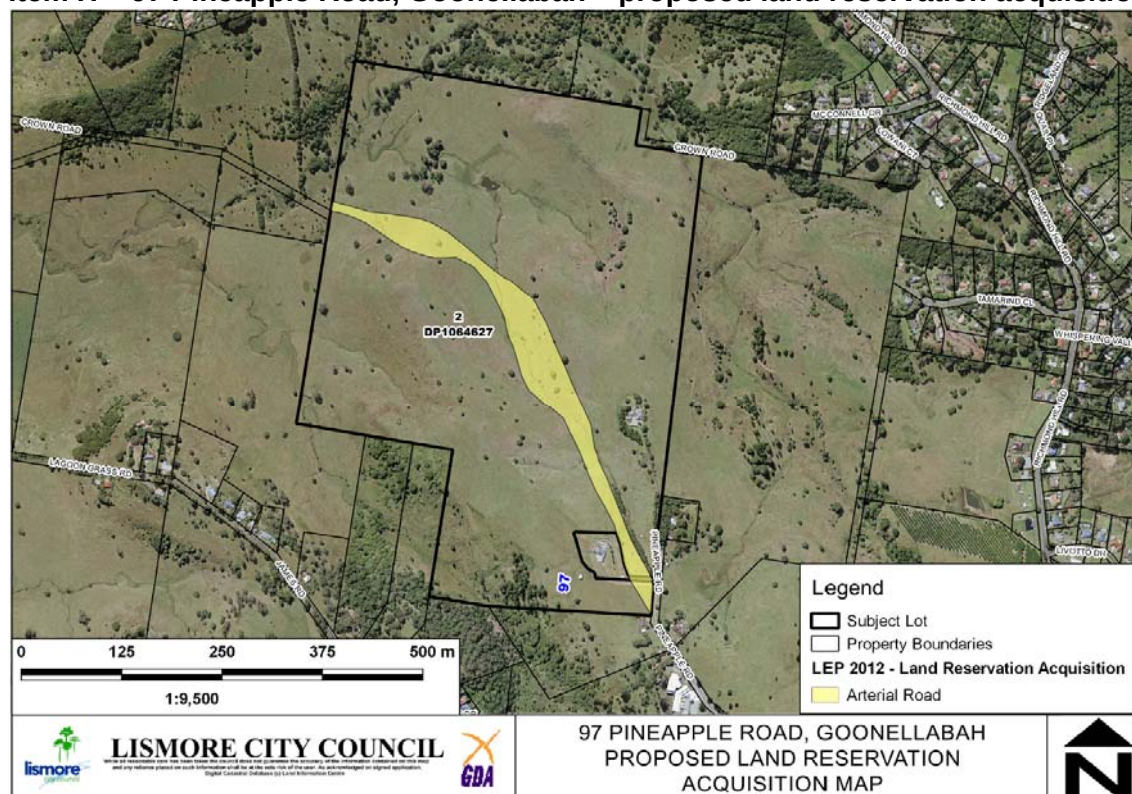
## Item F – 44 Kadina Street and 124 Oliver Avenue, Goonellabah and adjoining road reserve – existing zone map



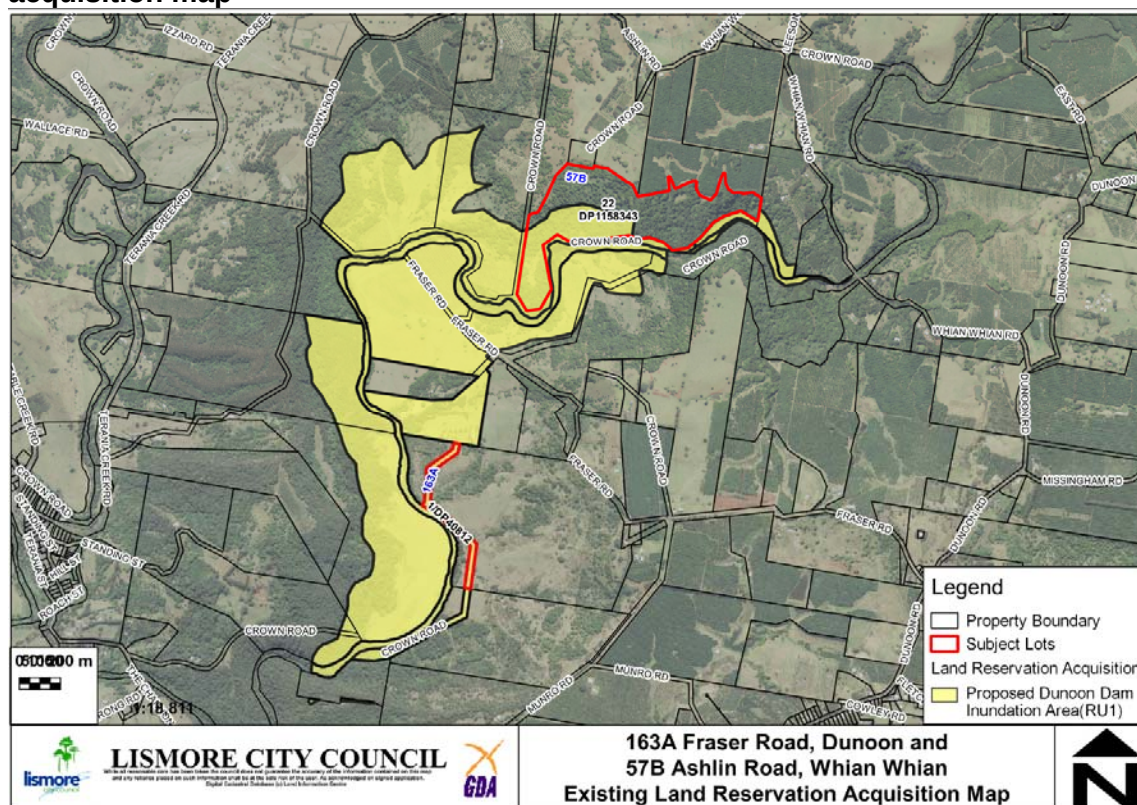
## Item G – Terania St, Bouyon St, New St and Tweed St, North Lismore – existing zone map



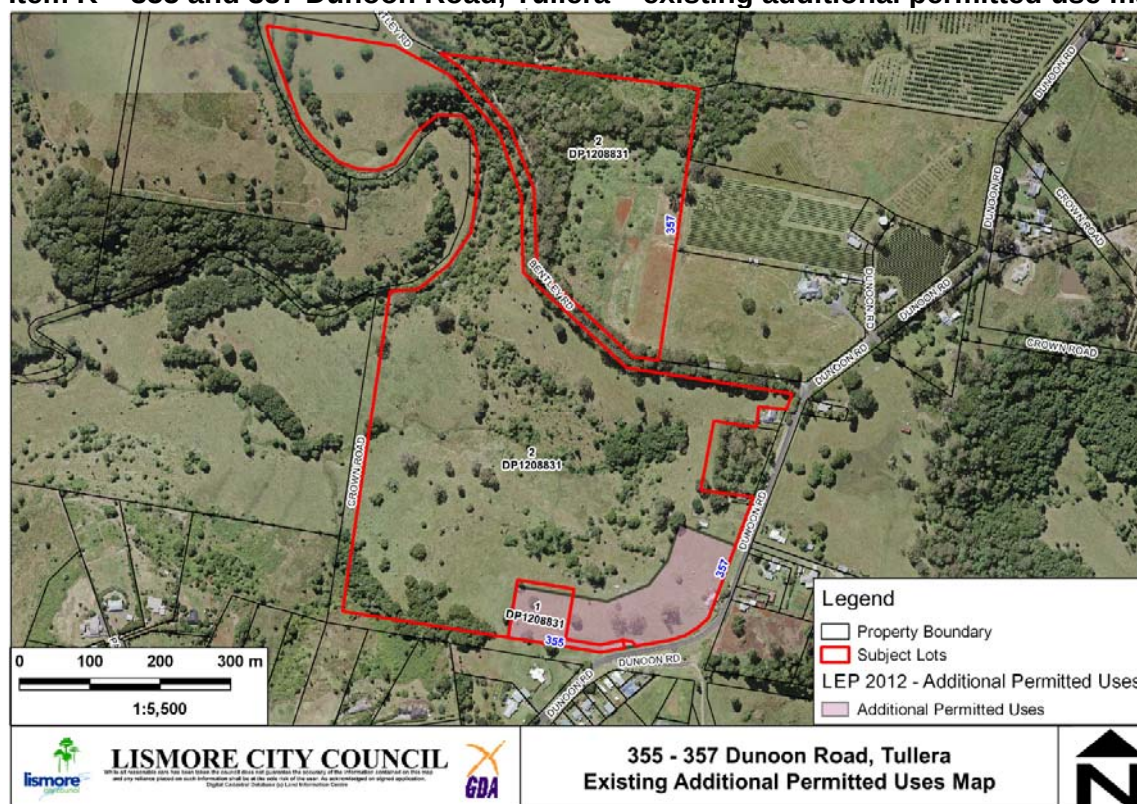
## Item H – 97 Pineapple Road, Goonellabah – proposed land reservation acquisition map



## Item I – 163A Fraser Rd, Dunoon and 57B Ashlin Rd, Whian Whian – existing land reservation acquisition map



## Item K – 355 and 357 Dunoon Road, Tullera – existing additional permitted use map



## Item L - 11 and 9 Main Street, Clunes – existing heritage map



## Overview of the planning proposal

Table 2 below provides an overview of the planning proposal structured in accordance with the DP&E guidelines for planning proposals.

Table 2 Overview of planning proposal

| Part | Requirements                           | Description of planning proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | <b>OBJECTIVES OR INTENDED OUTCOMES</b> | <p>The outcomes of this proposal follow:</p> <ul style="list-style-type: none"> <li>• Rectify minor anomalies in the Land Zoning Map including various consequential amendments to the Height of Buildings Map; and Lot Size Map.</li> <li>• 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'.</li> <li>• Update the Additional Permitted Uses Map and the associated Schedule 1 to reflect recent approved development relating to one site; and clarify the description of an additional permitted use relating to another site.</li> <li>• Update the Heritage Map and associated Schedule 5 to reflect a recent approved boundary adjustment of land that includes a heritage item.</li> <li>• Amend the land use table to rectify an inconsistency between LEP 2012 and the Codes SEPP with regards to <i>home-based child care</i> in Zones R3</li> </ul> |

| Part | Requirements                                                                                                                                                                                                                                                                                | Description of planning proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                                                                                                             | <p>Medium Density and E3 Environmental Management.</p> <ul style="list-style-type: none"> <li>• Amend the land use table to permit undefined <i>tourist and visitor accommodation</i> in Zone RU1 Primary Production.</li> <li>• Insert clause <i>Rural and nature based tourism</i> in Part 6 of the LEP to provide controls applying to Zone RU1 Primary Production.</li> <li>• Maintain the maximum number of dwellings permitted for multiple occupancies that have converted to strata or community title by prohibiting dual occupancies in strata and community title schemes in Zone RU1.</li> </ul>                                                                                                                                                                                                                                                           |
| 2    | <b>EXPLANATION OF PROVISIONS</b>                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• Amend Land Zoning Map Sheets: LZN_005AA; LZN_005AB; LZN_006A; and LZN_006AB.</li> <li>• Amend Lot Size Map Sheets: LSZ_005; LSZ_005AA; LSZ_005AB; LSZ_006; and LSZ_006AB.</li> <li>• Amend Height of Buildings Map Sheets: HOB_005AB; and HOB_006AB.</li> <li>• Amend Heritage Map Sheet: HER_005.</li> <li>• Amend Land Reservation Acquisition Map Sheets: LRA_005; LRA_005AB; and LRA_006AB.</li> <li>• Amend Additional Permitted Uses Map Sheet: APU_005.</li> <li>• Amend Part 4 - Principle development standards, possibly clause 4.2B</li> <li>• Amend Part 5 – Miscellaneous provisions, Clause 5.1</li> <li>• Amend Part 6 – Additional local provisions with the addition of a new clause</li> <li>• Amend Schedule 1 - Additional permitted uses</li> <li>• Amend Schedule 5 – Environmental heritage</li> </ul> |
| 3    | <b>JUSTIFICATION</b><br><b>Section A – Need for the Planning Proposal</b><br><b>1. Is the Planning Proposal a result of any strategic study or report?</b><br><b>2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</b> | <ul style="list-style-type: none"> <li>• This general amendments planning proposal is consistent with the Delivery Program Strategy D3.2 and the Operational Plan Action D3.2.1</li> <li>• Yes</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Part | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Description of planning proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3    | <p><b>JUSTIFICATION</b></p> <p><b>Section B – Relationship to Strategic Planning Framework</b></p> <p><b>3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</b></p> <p><b>4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?</b></p> <p><b>5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?</b></p> <p><b>6. Is the Planning Proposal consistent with applicable s117 Ministerial Directions?</b></p> | <ul style="list-style-type: none"> <li>• The planning proposal is consistent with the North Coast Regional Plan actions (refer to Attachment 1 for detail);</li> <li>• Consistent with relevant LEP 2012 zone objectives;</li> <li>• Consistent with Imagine Lismore 4 Year Delivery Program;</li> <li>• Consistent with SEPPs (refer to Attachment 1 for detail);</li> <li>• Consistent or justifiably inconsistent with s117s (refer to Attachment 1 for detail).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3    | <p><b>JUSTIFICATION</b></p> <p><b>Section C – Environment, Social and Economic Impact</b></p> <p><b>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?</b></p> <p><b>8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</b></p> <p><b>9. How has the Planning Proposal adequately addressed any social and economic effects?</b></p>                                            | <ul style="list-style-type: none"> <li>• The planning proposal is limited to general housekeeping amendments only;</li> <li>• There is no critical habitat in the LGA;</li> <li>• There will be no adverse impacts on threatened species, populations or ecological communities or their habitats.</li> <li>• Each of the sites proposed for rezoning has been reviewed for environmental constraints. The planning proposal will not result in any negative environmental effects;</li> <li>• Due to the minor nature of the proposed amendments there are no additional technical reports recommended.</li> <li>• A review of Aboriginal and European cultural heritage has been undertaken. None of the sites proposed for changes to zone, minimum lot size or height of buildings were identified in either: the Aboriginal Heritage Management Information System; or an unpublished report entitled "Wiyabal Aboriginal Clan (Bundjalung Nation) Cultural Heritage &amp; Values Relating to the Lismore City Council Local Government Area" prepared by Collins M and Heron R dated June 2000.</li> <li>• No further reporting recommended.</li> </ul> |

| Part | Requirements                                                                                                                                                                                                                                                                                       | Description of planning proposal                                                                                                                                                                                                                                                                  |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3    | <b>JUSTIFICATION</b><br><b>Section D – State and Commonwealth Interests</b><br><b>10. Is there adequate public infrastructure for the Planning Proposal?</b><br><b>11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?</b> | <ul style="list-style-type: none"> <li>The general amendments do not present any additional demands on public infrastructure;</li> <li>No further reporting recommended.</li> <li>Consultation is recommended with the following public authorities/organisations: RFS; OEH &amp; DPI.</li> </ul> |
| 4    | <b>MAPPING</b>                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Refer to LEP Maps in Attachment 1 to this report.</li> </ul>                                                                                                                                                                                               |
| 5    | <b>COMMUNITY CONSULTATION</b>                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>Recommended 28 day exhibition period.</li> </ul>                                                                                                                                                                                                           |
| 6    | <b>PROJECT TIMELINE</b>                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Recommendation of 12 months for completion (Refer to attachment 1 for detail).</li> </ul>                                                                                                                                                                  |
| 7    | <b>DELEGATIONS</b>                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Recommendation for Council to exercise plan making delegations.</li> </ul>                                                                                                                                                                                 |

## Strategic Alignment

LEP general amendments and the DCP amendment are consistent with: the 4 year Delivery Program Strategies D2.1 *Ensure new development enhances the area within which it is located*; and D3.2 *Ensure a diverse range of land use and development opportunities are available*. The amendments are also consistent with the 1 year Operational Plan Actions D2.1.1 *Monitor and review the Lismore Development Control Plan to include contemporary controls that will result in development that improves the local area*; and D3.2.1 *Monitor the Local Environmental Plan and amend as required in response to community and development industry needs*.

The benefits associated with the proposal include:

- Correction of LEP mapping anomalies;
- Update LEP maps in response to land acquisitions, cadastral updates and subdivisions;
- Provide contemporary LEP and DCP provisions.

There are no non-pecuniary costs. The proposal is being processed by Council staff and no external pecuniary costs will be incurred.

There are no risks associated with the proposal.

## Comments

### Finance

Not required.

## Other staff comments

The general amendments planning proposal is the result of input from the Sustainable Development and the Development and Compliance sections of Council.

Council's Compliance Coordinator has reviewed all of the proposed rezoning sites against the requirements of SEPP 55 and concluded that no additional reporting is required.

## 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 (LEP amendment) 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 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 rezonings consistent with endorsed strategies and/or surrounding zones
- Mapping alterations
- Other matters of local significance as determined by the Gateway.

It is recommended that Council lodge a request with the Department of Planning and Environment seeking to exercise plan making delegations under s59 of the *EP&A Act 1979*.

## Public 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:

- publication in Council's Local Matters newsletter that circulates in the area affected by the planning proposal;
- the websites of Lismore City Council and the Department of Planning and Environment;
- letter to adjoining landholders.

The written notice will:

- provide a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land that is the subject of the planning proposal;
- state where and when the planning proposal can be inspected;
- provide detail that will enable members of the community to make a submission.

Exhibition material:

- the planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment;
- the Gateway determination;
- any studies required as part of the planning proposal.

The Gateway determination will confirm the public consultation requirements.

## Conclusion

This report has outlined a planning proposal to undertake Council's fourth round of general amendments of the Lismore LEP 2012 and to commence the preparation of draft DCP tourism accommodation

provisions. An assessment of the planning proposal indicates that it complies with the relevant SEPPs and is consistent or justifiably inconsistent with the section 117 Ministerial Directions. The proposal is also consistent with the actions of the North Coast Regional Plan. DCP tourism provisions will complement the associated rural tourism item contained within the planning proposal.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment seeking a Gateway determination.

## Attachment/s

1. Planning Proposal report (Over 7 pages)