

Lismore LEP 2012 – McLeans Ridges Rural Residential Expansion

Proposal Title : Lismore LEP 2012 – McLeans Ridges Rural Residential Expansion

Proposal Summary : The proposal seeks to amend Lismore LEP 2012 by rezoning land at 37 Baldock Drive, McLeans Ridges (Lot 23 DP 1130169) for large lot residential (rural residential) purposes.

The proposal includes rezoning the 7.52ha vacant site from RU1 Primary Production to R5 Large Lot Residential and applying a 3ha minimum lot size and 8.5m maximum building height development standard.

Rezoning the site is estimated to yield 1 additional allotment.

PP Number : PP_2016_LISMO_006_00 Dop File No : 16/09115

Proposal Details

Date Planning Proposal Received :	04-Jul-2016	LGA covered :	Lismore
Region :	Northern	RPA :	Lismore City Council
State Electorate :	LISMORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	37 Baldock Drive		
Suburb :		City :	McLeans Ridges
Land Parcel :	Lot 23 DP 1130169	Postcode :	

DoP Planning Officer Contact Details

Contact Name : Luke Blandford
 Contact Number : 0266416612
 Contact Email : luke.blandford@planning.nsw.gov.au

RPA Contact Details

Contact Name : Paula Newman
 Contact Number : 0266250525
 Contact Email : paula.newman@lismore.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Paul Garnett
 Contact Number : 0266416607
 Contact Email : paul.garnett@planning.nsw.gov.au

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	7.50	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	4
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :	SITE DESCRIPTION The site is vacant and predominantly cleared, with mature vegetation pockets scattered within the southern parts of the site. A minor watercourse traverses the site, draining from the south to north eastern corner. The site is undulating with some steep slopes (ie. 30-40%). The existing McLeans Ridges Rural Residential Estate adjoins the land to the east. Land to the north consists primarily of grazing land.
External Supporting Notes :	

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The 'Statement of Objectives' adequately describes the intention of the Planning Proposal, which is to enable rural residential development at the site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions explains that the intent of the proposal will be implemented through an amendment to the Lismore LEP 2012, including an amendment to the 'Land

Zoning', 'Building Height' and 'Lot Size' maps.

The proposal seeks to apply the R5 Large Lot Residential Zone, 8.5m maximum building height and 3ha minimum lot size standard to the land

This will require amendment to the following LEP maps:

- Land Zoning Map – Sheet LZN_005
- Lot Size Map – Sheet LSZ_005
- Height of Buildings Map – Sheet HOB_005

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 44—Koala Habitat Protection**
- SEPP No 55—Remediation of Land**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Rural Lands) 2008**
- SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

An assessment of the applicable directions and SEPPs is provided within the 'Assessment' section of this planning team report.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

See the 'Assessment' section of this planning team report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal includes maps that identify the site, current and proposed zones and proposed development standards. These maps are considered suitable for community consultation, though the planning proposal should also include the current minimum lot size and building height maps to clearly demonstrate the changes proposed. This should be made a condition on the Gateway determination.

Revised maps which comply with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' would need to be prepared for the making of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The Planning Proposal indicates that community consultation will be undertaken and nominates a 28 day consultation timeframe.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with the pattern of surrounding land use zones and inconsistencies with the strategic planning framework are of minor significance. The proposal does not reclassify land or present infrastructure servicing issues.

It is therefore considered that a community consultation period of 14 days is adequate. However there is no impediment to Council conducting longer community consultation.

The proposal nominates that consultation should be undertaken with the following public agencies:

- NSW Rural Fire Service
- Department of Primary Industries
- Local Aboriginal Land Council
- Office of Environment and Heritage

Consultation with the DPI (Water and Agriculture) should also be made a requirement given that a low order watercourse traverses the site.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The Planning Proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the proposed provisions;
3. Providing an adequate justification for the proposal;
4. Providing maps which suitably identify the site and intended outcomes;
5. Indicating that community consultation of the proposal will be undertaken; and
6. Providing a project timeframe which suggests completion by April 2017 (9 months).

Delegation

- Council has requested delegation to finalise the proposal and an evaluation checklist has been provided.
- The proposal is considered to be of local planning significance. It applies to land identified for rural residential purposes under Council's growth management strategy, which has been approved by the Department. It is recommended that an Authorisation to Exercise Delegation be issued to Council in this instance.

Timeline

- Council has indicated a 9 month time frame to finalise the plan. This is to account for preparing and finalising additional studies, including a flora and fauna study, and consultation with agencies and the community. Listing a 12 month time frame on the Gateway determination is considered appropriate. This will account for any potential delays during the plan making process. There is no impediment to Council finalising the plan sooner.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Lismore LEP 2012 is a Principal LEP and came into effect on 22 February 2013. The Planning Proposal seeks to amend this planning instrument.

Assessment Criteria

Need for planning
proposal :

IS THE PLANNING PROPOSAL THE RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Lismore Growth Management Strategy 2015-2035 identifies all land within the site as potential rural residential land. This strategy, as discussed further below, has been endorsed by the Department.

IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES?

Rezoning the site and amending the current lot size and building height development standards is required to enable rural residential development on the land.

The proposed land use zone and building height standard is equivalent to the zones and building height standards applied to the existing McLeans Ridges Rural Residential Estate.

The proposed minimum lot size reflects the environmental and surrounding land use characteristics and will ensure flexibility in determining a suitable subdivision alignment and building pads.

The site is 1 of 2 allotments in McLeans Ridges identified under the Lismore Growth Management Strategy for potential rural residential development. The Strategy estimates that up to 3-4 rural residential allotments may be accommodated within these 2 sites. A 3ha minimum lot size will enable the creation of 1 additional lot.

This development outcome is consistent with the yield estimates under the Strategy.

Consistency with
strategic planning
framework :

FAR NORTH COAST REGIONAL STRATEGY (FNCRS)

The Planning Proposal is considered to be consistent with the Far North Coast Regional Strategy.

The amendments proposed in this planning proposal will assist in the provision of dwellings to meet projected housing demands, albeit minor.

The site is mapped outside of the Town and Village Growth Boundary, but is west of the coastal area. The Strategy notes that future rural residential development must be consistent with an agreed local growth strategy. As discussed above and below, the proposal is consistent with the endorsed Lismore Growth Management Strategy.

The Far North Coast Regional Strategy also acknowledges that agriculture forms an important part of the Far North Coast's economic and social base. It recognises that future population growth is likely to put pressure on farmland resources and that it is important to find a balance between protecting high value agricultural land and providing opportunities for rural lifestyle, settlement and housing. This Planning Proposal is considered to provide an opportunity to achieve this (Refer to comments below regarding s117 Directions).

DRAFT NORTH COAST REGIONAL PLAN

The Draft North Coast Regional Plan was publicly exhibited for 3 months, which concluded on 2 June 2016. Once adopted this Plan will replace the FNCRS and will guide strategic planning across the North Coast over the next 20 years.

The Draft Plan includes a range of actions for considering LEP amendments. The key actions specific to this proposal relate to: identifying and protecting areas of high environmental values; permitting complementary uses in rural zones; focusing growth to the least sensitive and constrained areas; and providing sufficient housing supply.

Of particular note, the Draft Plan contains a requirement that new rural residential zonings are confined to areas outside of the coastal area and / or in an approved local growth strategy. The Draft Plan also contains interim criteria for considering variations to the Farmland Strategy mapping.

The proposal is consistent with the actions of the Draft Plan given that it will permit new housing opportunity on land identified for rural residential development under an agreed local growth strategy and will not have any significant impacts on natural resources, infrastructure or agricultural activities.

The proposal would be consistent with the interim variation criteria to the Farmland Strategy mapping for the following reasons;

1. The amount of land mapped as Regionally Significant farmland (700m²) is not considered to be of sufficient size to be capable of supporting a sustainable agricultural pursuit;
2. It is unlikely that the rezoning of the land would result in a potential increase in land use conflict. Establishing 2 x 3ha (minimum) lots will provide a suitable transition between the McLeans Ridges Rural Residential Estate and surrounding agricultural land;
3. Appropriate infrastructure is available to service the land once it has been rezoned;
4. There are significant cleared areas onsite that could accommodate dwellings without the need for vegetation removal. It is also unlikely that these cleared areas would be of Aboriginal or historic heritage significance;
5. The land is not flood prone, does not contain acid sulfate soils and comprises surfaces suitable for accommodating a dwelling and services. The land is partly bushfire prone however it is considered that this constraint can be avoided or easily mitigated.

LISMORE GROWTH MANAGEMENT STRATEGY 2015-2035

The proposal implements the recommendations of the Lismore Growth Management

Strategy 2015-2035, which was endorsed by the Department in August 2015. The Strategy identifies the site as potential large lot residential land.

Approximately 700m² of land within the site's north western corner is mapped as regionally significant farmland.

Whilst this land is included in the Strategy, the Department issued its endorsement on the requirement that all mapped regionally significant farmland would not be included in any land release planning proposals until the review of the Regional Strategy and Farmland provisions had been completed. This comment was made generally referring to other proposed release areas in the Strategy, which contained significant areas of mapped farmland (Bexhill, The Channon, Eltham, Richmond Hill and some urban fringe sites at Lismore near Taylor Rd, Blue Hills Avenue and Rous Rd).

Whilst the review of the regional planning framework is still under review it is considered appropriate that the planning proposal proceed with this land being included. Refer to comments above regarding the variation criteria to the Farmland Strategy mapping and also the comments below regarding s117 Directions.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is consistent with the provisions of all applicable SEPPs relevant to the site. Comments are provided below regarding key relevant SEPPs for the proposed rezoning.

SEPP 44 - Koala Habitat

- The site is greater than 1 hectare in area and not identified under the Lismore Core Koala Plan of Management to potentially include primary or secondary Koala habitat. Given that Council has adopted this management plan for protecting Koala habitat, a site specific plan of management is not considered to be required.
- Any future development application over the land will need to demonstrate consistency with the SEPP and Council's Koala Plan of Management.
- It is noted though that further ecological assessment is proposed to be undertaken as part of the rezoning process.
- It is considered appropriate that the Office of Environment and Heritage.

SEPP 55 – Remediation of Land

- This SEPP requires a RPA to appropriately consider the potential for soil contamination prior to rezoning land.
- The proposal notes that a preliminary contamination assessment was undertaken in 2005 which included the site. This was in association with a former subdivision proposal that created the subject site. Council has reviewed this former assessment and concluded that no further testing is required. Council considers that the land is suitable for rural residential use.
- A copy of this preliminary assessment should be appended to this planning proposal.

SEPP (Rural Lands)

- The size of the site and its characteristics (steep slopes, vegetation cover, etc.) limit the ability to use the land for agricultural practices.
- Establishing 2 x 3ha minimum allotments on the site will provide a suitable transition between the McLeans Rural Residential Estate and surrounding agricultural practices.
- Given the identification of the site under the endorsed Lismore Growth Management Strategy and that the proposal can be justified under the Far North Coast Regional Strategy, the proposal is considered to be consistent with the Rural Planning Principles under the SEPP.

SECTION 117 DIRECTIONS

The following directions are applicable to the proposal:

- 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates,

3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 5.3 Farmland of State and Regional Significance on the Far North Coast, 6.1 Approval and Referral Requirements and 6.2 Reserving Land for Public Purposes

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 1.2 and 5.3

Direction 1.2 Rural Zones

- The Planning Proposal is inconsistent with this Direction as it seeks to rezone land from rural to urban.
- The inconsistency is justified as the proposed rezoning is consistent with the FNCRS and Council's adopted and endorsed local growth strategy.

Direction 5.3 Farmland of State and Regional Significance on the Far North Coast

- The proposal seeks to zone approximately 700m² mapped regionally significant farmland to residential.
- The inconsistency is unable to be addressed under the provisions of the Direction as the proposal is not consistent with Section 4(4)(1) of the Northern Rivers Farmland Protection Project - Final Recommendations.
- The rezoning will contribute to housing supply and choice in the Lismore LGA, is not likely to significantly reduce agricultural activities in the area from land use conflict or fragmentation of productive agricultural land and is consistent with an agreed local growth management strategy.
- Given these matters listed above, it is not considered necessary that the land be retained for agricultural purposes or that the Direction be satisfied in this instance.

Consistency with the Directions 2.1, 2.3 and 4.4 is currently unresolved:

Direction 2.1 Environmental Protection Zones

- The Direction provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- The proposal indicates that an ecological assessment was undertaken over the land in 2005 which indicated that one threatened flora species was recorded on the site. The proposal also indicates that further studies are required to confirm the ecological significance of regrowth vegetation scattered over the land.
- It is considered suitable to reconsider this Direction once this additional ecological assessment is undertaken.

Direction 2.3 Heritage Conservation

- The Direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance.
- The proposal indicates that an AHIMS search has been undertaken that has confirmed that no items of heritage have previously been recorded within the area.
- The proposal also indicates that consultation with the local Aboriginal Land Council will be undertaken and that if any cultural heritage values are identified from this consultation, that the proposal may be amended to ensure their protection.
- It is considered suitable to reconsider this Direction once this consultation has been undertaken. This consultation should be undertaken prior to community consultation so that the outcome can be included in the exhibited planning proposal.

Direction 4.4 Planning for Bushfire Protection

- The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.
- A preliminary bushfire assessment should be prepared to confirm that rural residential development on the land can achieve the requirements of Planning for Bushfire Protection and to assist consultation with the RFS.

Some comments are provided below regarding other relevant Direction to this Planning

Proposal

Direction 1.3 Mining, Petroleum Production and Extractive Industries

- The proposal is not considered to be inconsistent with Direction 1.3 Mining, Petroleum Production and Extractive Industries given that the site is not mapped as containing state or regionally significant minerals, that there is a 2km exclusion area around existing urban zones and that agriculture and industrial uses remain permitted across the site, which allows some mining operations to occur under the Mining SEPP.

Direction 1.5 Rural Lands

- The proposal is not considered to be inconsistent with Direction 1.5 Rural Lands, as the proposal is consistent with the Rural Planning Principles under SEPP Rural Lands as discussed above.

Environmental social
economic impacts :

Constraints mapping and investigations were undertaken for the local area, which informed the identification of the site under the Lismore Local Growth Management Strategy.

Further site specific investigations can be undertaken as part of the rezoning process or at development application stage to address any site specific matters, as discussed below.

Ecological and Water

The proposal notes an ecological assessment has been conducted over the land in 2005. This assessment confirmed that some pockets of significant vegetation were present. There is also a low order stream traversing the site.

Council has indicated that it will be seeking an updated ecological review. This will assist when consulting with the community and public agencies and may inform matters that should be addressed / protected through this rezoning process or at development application stage.

Natural Hazards

The land comprises steep slopes. The proposal indicates that there are a number of level areas throughout the site that could accommodate future dwelling/s and associated services. This matter can be addressed at development application stage.

The subject land is not mapped as being subject to flooding or acid sulfate soils. The land does have a watercourse traversing site. Due to the landform of the site, it is not expected that this will raise any overland / flooding issues with adequate land available for future building envelopes clear of the watercourse.

The site is mapped to contain bushfire prone vegetation. A bushfire impact assessment should be prepared to confirm that rural residential development is suitable for the site.

Cultural Heritage

The site was created in 2005 and adjoins an existing rural residential development. No former investigations or current registers have indicated that the land or immediate area may contain items of cultural significance.

Consultation with the Local Aboriginal Land Council is to be undertaken to review this matter further through the rezoning process.

Contamination

The proposal notes that a preliminary site investigation has been completed over the land and has confirmed that no further site testing is required. A copy of this study should be exhibited with the planning proposal.

Infrastructure

The proposal could yield up to a maximum of 4 new dwellings (2 dwellings per lot). This is unlikely to significantly impact traffic loads in the local and wider road networks.

The proposal indicates that Council's strategic engineer is satisfied that there is capacity in the local road network to accommodate any potential additional loadings.

Council is also satisfied that the land can accommodate onsite water and sewage services and can be connected to existing electrical and telecommunication services via minor extensions.

Social and Economic

The proposal will have a positive economic and social impact through the release of land for residential development, albeit minor. The land is located close to Goonellabah and Wollongbar and has easy access to Lismore and Ballina. This ensures that any future residents can connect to existing social and community services.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Other - provide details below

If Other, provide reasons :

The following studies have been listed as a post Gateway requirement by Council

- **Ecological**

A bushfire hazard assessment and cultural heritage impact assessment should also be undertaken prior to exhibiting the proposal.

A copy of the AHIMS search and former site contamination assessment should also be exhibited alongside the proposal.

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter - 37 Baldock Drive McLeans Ridges.pdf	Proposal Covering Letter	Yes
Planning Proposal - 37 Baldock Drive McLeans Ridges.pdf	Proposal	Yes
Council Report - 37 Baldock Drive, McLeans Ridges l.pdf	Study	Yes
Information Checklist - 37 Baldock Drive McLeans Ridges.pdf	Proposal	Yes
Attachment 4 – Evaluation Criteria Delegation of Plan Making - 37 Baldock Drive McLeans Ridges.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the Acting Director Regions, Northern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan 2012 to rezone land at 37 Baldock Drive, McLeans Ridges (Lot 23 DP 1130169) for large lot residential purposes and to apply alternative minimum lot size and maximum building height standards to the land should proceed subject to the following conditions:

1. Prior to undertaking community consultation the following site investigations should be undertaken and placed on public exhibition with the planning proposal:
 - (a) Bushfire Hazard Assessment
 - (b) Ecological
2. Prior to community consultation the planning proposal is to be amended as follows:
 - (a) to include maps within Appendix 3 that show the current zone, lot size and building height controls as well as the proposed zone, lot size and building height controls.
 - (b) to incorporate a copy of the AHIMS search and existing preliminary site contamination assessment, which are referenced in the proposal.
 - (c) to include written advice from the Local Aboriginal Land Council that the land has no significant cultural heritage significance.
 - (d) to incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.
3. Consultation is required with the following public authorities and agencies prior to public exhibition under section 56(2)(d) of the Act and/or to comply with the requirements

of relevant S117 Directions:

- (a) NSW Rural Fire Service
- (b) Department of Primary Industries (Agriculture and Water)
- (c) Office of Environment and Heritage

Each public authority and agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Environment 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. Delegation to finalise the Plan should be issued to Council.

SECTION 117 DIRECTIONS

It is recommended that:

- (a) The Secretary's delegate can be satisfied that the Planning Proposal's inconsistency with s117 Direction 1.2 Rural Zones is justified by the terms of the Direction.
- (b) The Secretary's delegate note the proposal's inconsistency with Direction 5.3 Farmland of State and Regional Significance on the Far North Coast remains outstanding but is considered minor.
- (c) The Secretary's delegate note further site studies and/or consultation is required in relation to s117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection before any potential inconsistencies can be determined.
- (d) The Secretary's delegate can be satisfied that the Planning Proposal is consistent with all other relevant s117 Directions.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows:

- 1. The planning proposal is considered a 'routine' planning proposal.
- 2. Zoning the land for rural residential development is consistent with the strategic planning framework for the site.
- 3. The inconsistencies with the s117 Directions are justified by the proposal's consistency with the Regional Strategy.
- 4. Consistency with s117 Direction 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection is currently unresolved until site studies and/or consultation is undertaken.
- 5. The proposal's inconsistency with Direction 5.3 Farmland of State and Regional Significance on the Far North Coast remains outstanding.
- 6. The proposal is otherwise consistent with all relevant local and regional planning strategies, s117 Directions and SEPPs.
- 7. The recommended conditions to the Gateway are required to provide adequate

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consultation, accountability and progression.

Signature:



Printed Name:

Craig Diss

Date:

12 July 2016

