

# Planning Proposal

## Rezoning at 37 Baldock Drive, McLeans Ridges

June 2016



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## APPENDICES

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## Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to enable large lot rural residential development of Lot 23 DP 1130169 at 37 Baldock Drive, McLeans Ridges. This objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012), specifically the land zoning, lot size and height of buildings maps. The proposed LEP maps are included in Appendix 3.

### Site description and setting

This Planning Proposal applies to Lot 23 DP 1130169 at 37 Baldock Drive, McLeans Ridges. The site is a vacant 7.52 ha lot that was created as part of the 'Floreat Park' rural residential subdivision. Development consent for a dwelling was granted on 2 May 2016 (DA16/40) with the proposed location being on the southern end of the land.

Land to the north and west of the subject site consists of larger rural lots used for grazing purposes. Land adjoining the site to the east and south is large lot residential development. The site is mostly cleared however scattered trees and a patch of dense regrowth vegetation is located in its southern portion. A minor watercourse runs through the site. Figure 1 below shows the site and its surroundings.

The subject land is currently in Zone RU1 Primary Production, the current Minimum Lot Size applying to the land is 40 hectares. There is no Height of Buildings control that applies to land in Zone RU1. The current land zone is shown in Figure 2.



Figure 1- Aerial photograph of 37 Baldock Drive, McLeans ridges

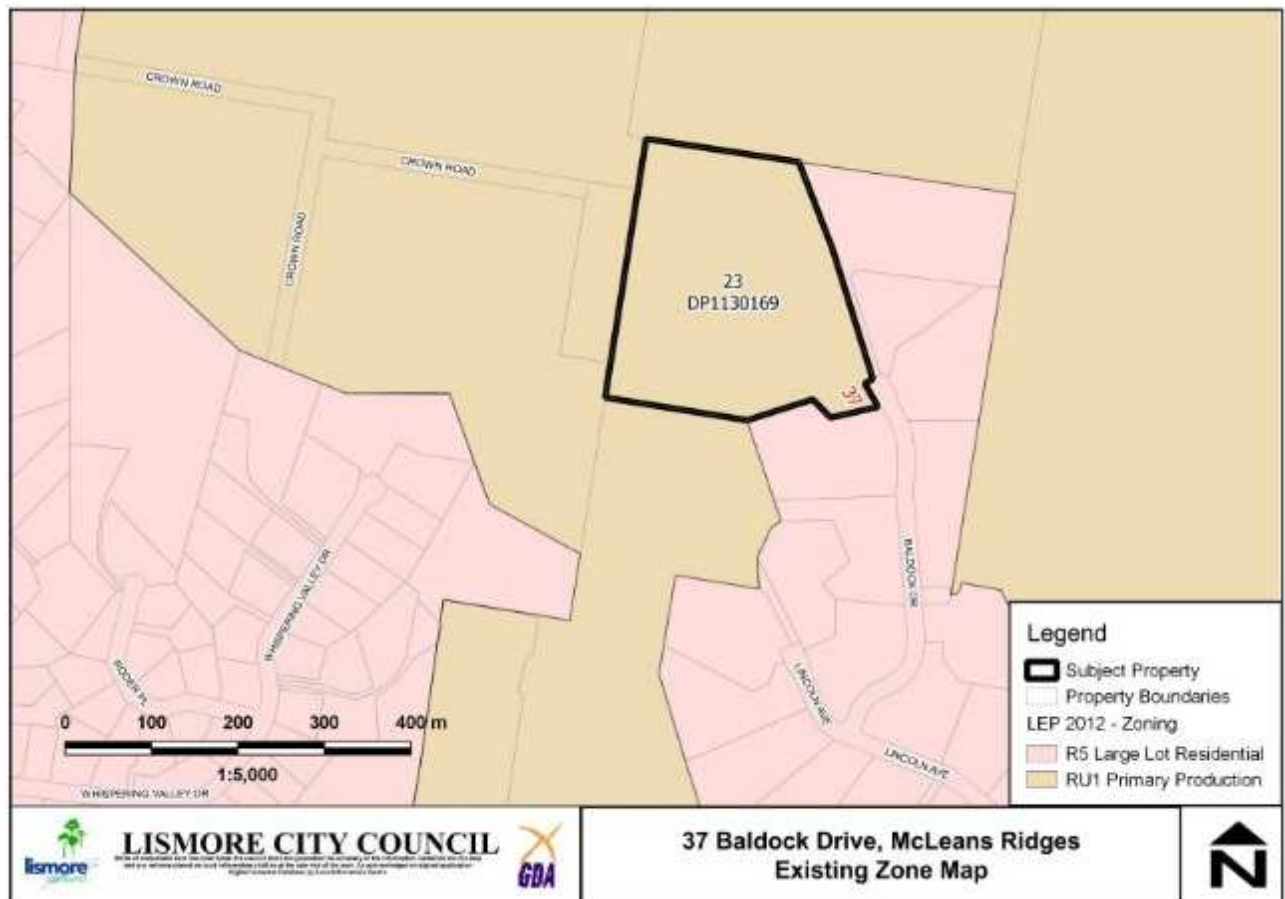


Figure 2 - Current land zone in Lismore LEP 2012

## Part 2 – Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2012 be amended as follows:

- Amend the Land Zoning Map to change the subject land from RU1 Primary Production to R5 Large Lot Residential.
- Amend the Lot Size Map to change the subject land from 40 hectares to 3 ha.
- Amend the Height of Buildings Map to change the subject land from no maximum building height to a building height of 8.5 metres.

Changing the land zoning to R5 Large Lot Residential in conjunction with reducing the minimum lot size will allow subdivision of the land into rural residential lots, each of which can be used for a dwelling. The proposed minimum lot size will enable one additional lot with the two (2) resulting lots able to be used for a dwelling.

## Part 3 – Justification

### Section A – Need for the Planning Proposal

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

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Lismore City Council on 12 May 2015 and was conditionally approved by the Department of Planning and Environment on 11 August 2015. Map 26 of the GMS identifies the subject as being 'Potential Large Lot Residential' land as shown in Figure 3 below. The subject land is one of two lots included in the GMS in McLeans Ridges and the supporting text in relation to these sites notes that there may be potential for an additional 3-4 lots in Lincoln Avenue as the land is heavily constrained by steep slopes. This planning proposal represents part of the implementation of the GMS.

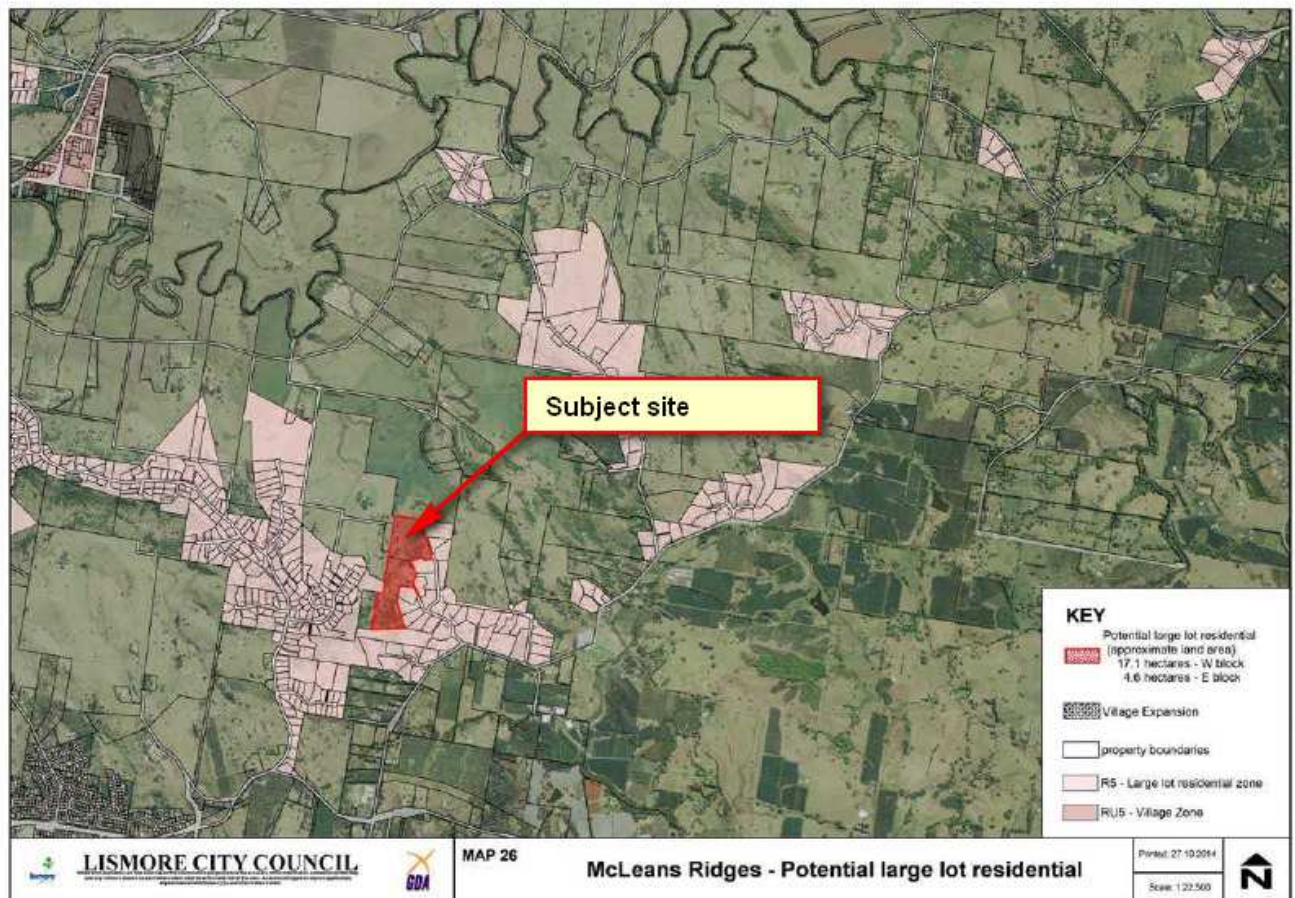


Figure 3 - Map 26, Lismore Growth Management Strategy 2015-2035

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

In order to increase the supply of rural residential land in accordance with Lismore Growth Management Strategy 2015-2035 Council needs to amend the Lismore LEP 2012. A planning proposal is the only way to do this.

## **Section B – Relationship to Strategic Planning Framework**

### **Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The Far North Coast Regional Strategy (FNCRS) is the overarching framework for the management of growth for the Far North Coast. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

The FNCRS has not identified the site as a proposed future urban release area as it is a rural residential proposal. In relation to rural settlement in non-coastal areas (all of Lismore LGA), the FNCRS states that it should occur in accordance with existing local growth management strategies agreed to by the Department (pages 28 and 30). The rural settlement that arises from this Planning Proposal is consistent with the local growth management strategy. The Lismore Growth Management Strategy 2015-2035 has identified the site as having potential for large lot residential development.

In this regard the Planning Proposal is consistent with the FNCRS.

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

The Planning Proposal is consistent with (and implements) the following sections of *Imagine Lismore 10 Year Plan*:

#### **Community Vision: Affordable Housing**

*"Through the implementation of the Lismore Housing Strategy and the Growth Management Strategy we will ensure that Lismore provides housing options that are affordable, appropriate and accessible to the different economic and social needs of the community."*

#### **Service: Strategic Planning, Assessment and Construction**

*"The Growth Management Strategy will be completed in 2014. The implementation of the Strategy will see the values of the community enshrined in Lismore's planning framework."*

The Lismore Growth Management Strategy 2015-2035 clearly identifies the subject land on Map 26 "McLeans Ridges – Potential large lot residential". The GMS states on page 88 regarding the implementation of the GMS that, *"the rezoning of identified village and large lot residential expansion areas will occur by way of landowner initiated planning proposals."*

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

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs). A commentary of compliance of the planning proposal with these SEPPs provided at Appendix 1.

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

The Planning Proposal is consistent with most Section 117 Directions. Where inconsistencies occur, they can be justified. A commentary of compliance of the planning proposal with these Ministerial Directions is provided at Appendix 2.

## **Section C – Environmental, Social and Economic Impact**

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

An ecological assessment that was undertaken in 2005 for previous subdivision of the Floreat Park estate was submitted by the applicant for this planning proposal. Council's Ecologist has reviewed this report and advised that the report contains a number of deficiencies primarily due to the time that has elapsed since it was originally prepared. Council's Ecologist has advised that whilst the majority of the site is cleared and has minimal ecological value, the patch of regrowth vegetation on the site has some ecological values which should be properly assessed. It is therefore recommended that an updated flora and fauna assessment of the site be prepared following Gateway Determination.

One threatened flora species (Arrow-headed vine) was recorded on the site. It is not likely that the planning proposal will adversely affect this plant; however, the updated flora and fauna assessment will provide a clear assessment of ecological values and potential impacts.

The site is within the area of the Comprehensive Koala Plan of Management for South East Lismore; however, no primary or secondary koala habitat is present on site.

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

Given the nature and scale of the Planning Proposal, other environmental effects are expected to be minimal:

- A preliminary assessment of the capability of the land to accommodate waste water disposal was undertaken. Council's Environmental Health Officer has advised that the assessment confirms that the land can accommodate the on-site disposal of wastewater from an additional dwelling.
- Council's Environmental Health Officer has reviewed the proposal and advised that a previous assessment of potential land contamination was undertaken for the subdivision which created the subject lot and found that there was no likelihood of any contaminating activities occurring on the land. Therefore, no further assessment of potential land contamination is required for this planning proposal.
- The Planning Proposal will create the potential to enable the creation of one (1) additional lot; potential additional traffic generation will therefore be minimal. Council's Engineer has advised that the existing road network has the capacity to accommodate additional traffic.
- The land has moderate to steep slopes. Although a geotechnical assessment of the site has not been provided the risk of slope instability is considered high on the steeper slopes of the site and in these locations finding suitable house sites could be problematic given the slope of the land. Limiting the number of potential lots to two (ie one extra lot) through a minimum lot size of 3 hectares will provide increased potential to locate future dwellings.

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

#### Land use conflict

The subject land is located adjoining an area of existing large lot residential development. Council's Environmental Health Officer has advised that there are no activities or industries in the vicinity of the subject site that are likely to create amenity impacts on future residents, or be impacted by future large lot residential development. Council's Environmental Health Officer has advised that the Planning

Proposal is unlikely to create any land use conflict which cannot be managed through the development assessment process.

#### Cultural heritage

The site is not mapped or listed in the Lismore LEP 2012 as containing any Aboriginal or European cultural heritage items or values. A search of the Aboriginal Heritage Information Management System (AHIMS) database did not reveal any records of Aboriginal sites or places on the subject land or adjoining land. It is recommended that the Ngulingah Local Aboriginal Land Council is consulted on the Planning Proposal during public exhibition and their comments taken into consideration.

#### Economic effects

The Planning Proposal and any development that may potentially result as a consequence of the Planning Proposal is unlikely to have any significant economic effects.

Overall, no adverse social or economic effects are anticipated as a result of this Planning Proposal.

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

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

##### Roads and traffic

The subject land has road frontage to Baldock Drive and links to the Bruxner Highway via Lincoln Avenue and Cowlong Road. Council's Strategic Engineer has indicated that these roads have sufficient capacity to accommodate traffic generated by one (1) addition lot.

##### Sewage management

An on-site wastewater management assessment was submitted by the applicant. Council's Environmental Health Officer has reviewed the assessment and advised the assessment does not include all required technical information. It is therefore proposed to request further information following the Gateway determination.

##### Water

The site is not currently serviced by reticulated water and is not proposed to be serviced.

##### Developer contributions

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014. Contributions for public infrastructure will apply to any new lots created once the LEP has been amended.

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

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

State authorities were consulted in the preparation of the Lismore Growth Management Strategy 2015-2035, and their views taken into account. This document was approved conditionally by the Department of Planning and Environment on 11 August 2015.

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

- Rural Fire Service
- Department of Primary Industries
- Office of Environment and Heritage

## **Part 4 – Mapping**

It is proposed to rezone the subject land to R5 Large Lot Residential with a minimum lot size of 3 ha and a maximum building height of 8.5 metres. This will be achieved by amending map sheets:

- a. Land Zoning Map - Sheet LZN\_005
- b. Lot Size Map - Sheet LSZ\_005
- c. Height of Buildings Map – Sheet HOB\_005

**Appendix 3** contains the proposed LEP Maps.

## **Part 5 – Community Consultation**

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

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Planning Proposal.
- The website of Lismore City Council and the Department of Planning and Environment.
- Letter to adjoining land holders.
- Letter to Ngulingah Local Aboriginal Land Council.

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 will include:

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

The Gateway Determination will confirm the community consultation requirements.

## Part 6 – Project Timeline

It is anticipated that the planning proposal will be completed within ten (10) months with an indicative timeline shown below:

- Report to Council: **June 2016**.
- Gateway determination issued: **July 2016**.
- Preparation of additional studies: the applicant will be requested to provide an updated Flora and Fauna Assessment report and further detail regarding the assessment of on-site management of wastewater; **August 2016 – September 2016**.
- Government agency and community consultation: **October 2016 - November 2016**.
- Consideration of submissions: **December 2017**.
- Council consideration of the Planning Proposal post-exhibition: **February 2017**.
- Date of submission to the Department to finalise the LEP: **March 2017**.
- Anticipated date for plan making: **April 2017**.

## Conclusion

This Planning Proposal seeks to amend the Lismore LEP 2012 to permit large lot residential subdivision of Lot 23 DP 1130169 at 37 Baldock Drive, McLeans Ridges. This will be achieved through an amendment of the Land Zoning map to apply a R5 Large Lot Residential zone to the subject land and to amend the Minimum Lot Size map to apply a 3 ha minimum lot size. The Height of Buildings map will also be amended to apply a maximum building height of 8.5 metres.

The Planning Proposal is consistent with the Lismore Growth Management Strategy 2015-2035 which has been endorsed by Council and the Department of Planning and Environment. An assessment of the Planning Proposal indicates that it is consistent with relevant SEPPs. It is consistent with most of the relevant s117 Directions and where inconsistencies occur they can be justified.

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

## APPENDIX 1 Compliance with applicable State Environmental Planning Policies

| State Environmental Planning Policy                                | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SEPP 44 – Koala Habitat Protection</b>                          | <p><b>3 Aims, objectives etc</b><br/>           (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and<br/>           (b) by encouraging the identification of areas of core koala habitat, and<br/>           (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</p> <p><b>16 Preparation of local environmental studies</b><br/>           The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.</p> | <p><b>Consistent.</b></p> <p>The Comprehensive Koala Plan of Management for South East Lismore applies to the land. The site does not contain primary or secondary koala habitat.</p> <p>The planning proposal is therefore consistent with the aims and objectives of SEPP 44.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>SEPP 55 – Remediation of Land</b>                               | <p><b>6 Contamination and remediation to be considered in zoning or rezoning proposal</b><br/>           Council is required to consider whether the land is contaminated when rezoning for residential development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Consistent.</b></p> <p>A preliminary contaminated land assessment was undertaken for the site as part of the assessment of the subdivision of the rural residential estate that created the subject lot. Council's Environmental Health Officer has advised that there are no contamination issues that would preclude the subject land being used for residential purposes.</p>                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>SEPP (Affordable Rental Housing) 2009</b>                       | No specific requirement regarding rezoning land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Consistent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>SEPP (Housing for Seniors or People with a Disability) 2004</b> | No specific requirement regarding rezoning land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Consistent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>SEPP (Infrastructure) 2007</b>                                  | No specific requirement regarding rezoning land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Consistent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>SEPP (Rural Lands) 2008</b>                                     | <p><b>2 Aims of Policy</b><br/>           The aims of this Policy are as follows:<br/>           (a) orderly and economic use and development of rural lands,<br/>           (b) regard to Rural Planning Principles and the Rural Subdivision Principles,<br/>           (c) to implement measures designed to reduce land use conflicts,<br/>           (d) to identify State significant agricultural land,<br/>           (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</p>                                                                                                 | <p><b>Consistent.</b></p> <p>The site is mapped as being Class 4 agricultural land and a very small portion regionally significant farmland. Due to its agricultural class, lot size and topography the subject site is considered to have limited agricultural potential.</p> <p>The site was identified in the Lismore Growth Management Strategy 2015-2035 as being 'potential large lot residential' land. The only rural land proposed in the strategy for potential future development of rural residential purposes are small areas that are contiguous with existing urban or rural residential lands and where the loss of rural land was considered to be acceptable.</p> <p>An area of approximately 700m<sup>2</sup> is identified as 'Regionally Significant</p> |

| State Environmental Planning Policy | Requirements | Compliance                                                                                                                                                                                                                                            |
|-------------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     |              | Farmland' under the Northern Rivers Farmland Protection Project 2005. The loss of this small area of regionally significant farmland is considered to be of negligible consequence to the agricultural potential of the area and region more broadly. |

## APPENDIX 2 – Compliance with Section 117 Ministerial Directions

| Ministerial Directions                                     | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1 Employment and Resources</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1.1 Business and Industrial Zones                          | Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Not applicable.<br><br>This Planning Proposal will not affect the boundaries or extent of business or industrial zones.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1.2 Rural Zones                                            | A planning proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the Direction. Such justification includes the identification of the land in a strategy (local or regional).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Justifiably inconsistent.</b><br><br>This Planning Proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. This land is identified in the endorsed Lismore Growth Management Strategy 2015-2035 as being 'potential large lot residential land'. The inconsistency is therefore justified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.3 Mining, Petroleum Production and Extractive Industries | This Direction applies when the planning proposal has the effect of:<br>(a) Prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;<br>(b) Restricting the potential of State or regionally significant mineral resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Consistent.</b><br><br>No State or regional extractive resources (or buffers) affect the subject land. As a logical expansion to an existing rural residential area there is minimal potential conflict with any future extraction sites.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1.4 Oyster Aquaculture                                     | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.5 Rural Lands                                            | The planning proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008 if it impacts on rural zoned land.<br><br><b>Rural Planning Principles</b><br>The Rural Planning Principles are as follows:<br>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,<br>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,<br>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,<br>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community, | <b>Consistent.</b><br><br>The Planning Proposal is consistent with the Rural Planning Principles in the following ways:<br><ul style="list-style-type: none"><li>• The subject land has minimal agricultural potential due to its agricultural class (Class 4), topography and its small size. The Planning Proposal will not substantially reduce the current and potential agricultural opportunities in the locality.</li><li>• The subject land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as being 'potential large lot residential' land. In preparing the GMS Council has recognised the significance of socio-economic benefits of rural land uses.</li><li>• Council has identified natural resources, biodiversity, water resources and constrained land in mapping its preferred areas for future rural residential development. Yet it has also still provided for a reasonable supply of rural housing in a range of locations with adequate services and infrastructure.</li></ul> |

| Ministerial Directions            | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | <p>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</p> <p>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</p> <p>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</p> <p>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</p> | <ul style="list-style-type: none"> <li>• This Planning Proposal will make use of existing urban infrastructure and services.</li> <li>• This Planning Proposal is consistent with the endorsed Lismore Growth Management Strategy 2015-2035.</li> </ul>                                                                                                                                                                                                                                                                                                                        |
| <b>2 Environment and Heritage</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.1 Environment Protection Zones  | <p>The planning proposal must include provisions that facilitate protection of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environment protection zones.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Consistent.</b></p> <p>The Planning Proposal will not remove any environment protection zones.</p> <p>The subject land does not contain any environmentally sensitive areas that are of sufficient size to be mapped in an LEP.</p> <p>The subject site is not mapped as containing any significant ecological values. It is recommended that an updated flora and fauna assessment be provided following gateway determination to fully identify ecological values of the site and ensure their protection.</p>                                                         |
| 2.2 Coastal Protection            | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2.3 Heritage Conservation         | The planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>Consistent.</b></p> <p>No European or Aboriginal heritage is known to occur on the subject land.</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) found no records of Aboriginal sites or places on the subject land or in its vicinity. It is proposed to refer the Planning Proposal to the Ngulingah Local Aboriginal Land Council for their review during public exhibition of the Planning Proposal. If any Aboriginal cultural heritage values are identified the Planning Proposal may be amended to ensure their protection.</p> |

| Ministerial Directions                                                                | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Lismore LEP 2012 contains provisions for the protection of European and Aboriginal heritage items or places.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.4 Recreation Vehicle Areas                                                          | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | A planning proposal that introduces or alters an E Zone or an overlay must apply the Zone and overlay in accordance with the Northern Councils E Zones Review Final Recommendations.                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Not applicable.</b><br><br>This Planning Proposal does not introduce or alter an E Zone or overlay.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>3 Housing, Infrastructure and Urban Development</b>                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3.1 Residential Zones                                                                 | The planning proposal must:<br><br>(a) Broaden the choice of housing types and locations.<br>(b) Make efficient use of existing infrastructure and services.<br>(c) Reduce consumption of land.<br>(d) Housing of good design.<br>(e) Residential development not permitted until land is adequately serviced.<br>(f) Not contain provisions that will reduce residential density.                                                                                                                                                                                                                        | <b>Consistent.</b><br><br>a) This Planning Proposal will broaden the choice of building types and locations available.<br>b) The Planning Proposal seeks to make more efficient use of existing infrastructure and services.<br>c) The Planning Proposal will reduce the consumption of land as it will permit a higher density of development than that currently permitted.<br>d) The Planning Proposal seeks to encourage the provision of housing that is of good design.<br>e) The land is adequately serviced for the proposed development.<br>f) The Planning Proposal does not reduce residential density. |
| 3.2 Caravan Parks and Manufactured Home Estates                                       | Requirements for provisions that apply to development of caravan parks and Manufactured Home Estates.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.3 Home Occupations                                                                  | The planning proposal must permit home occupations in dwelling houses without development consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.4 Integrating Land Use and Transport                                                | The planning proposal must give effect to and be consistent with the aims, objectives and principles of:<br><i>Improving Transport Choice</i> – Guidelines for planning and development (DUAP 2001), and<br><i>The Right Place for Business and Services</i> – Planning Policy (DUAP 2001)<br><br><i>Improving Transport Choice.</i><br>This policy aims to better integrate land use and transport planning and development, provide transport choice and manage travel demand to improve the environment, accessibility and livability, reduce growth in the number and length of private car journeys, | <b>Consistent.</b><br><br>The subject land is within 4km of the Goonellabah urban area. Council identified this site in its Growth Management Strategy selected this site in its growth management strategy because it is adjoining an existing residential area and is serviced by existing infrastructure. Development of the land for residential purposes will better integrate land use, transport and services.<br><br>The rezoning of the subject land for residential purposes will support and reinforce the role of the Goonellabah and Lismore urban centres.                                           |

| Ministerial Directions                   | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance                                                                                                                                                                                                                                               |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | <p>make walking, cycling and public transport use more attractive.</p> <p><i>The Right Place for Business and Services</i></p> <p>This policy aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p> <p>(a) help reduce reliance on cars and moderate the demand for car travel</p> <p>(b) encourage multi-purpose trips</p> <p>(c) encourage people to travel on public transport, walk or cycle</p> <p>(d) provide people with equitable and efficient access</p> <p>(e) protect and maximise community investment in centres, and in transport infrastructure and facilities</p> <p>(f) foster growth, competition, innovation and investment confidence in centres.</p> |                                                                                                                                                                                                                                                          |
| 3.5 Development Near Licensed Aerodromes | <p>The three objectives of this Direction are to:</p> <p>(a) ensure safe operations of aerodromes;</p> <p>(b) ensure operations are not compromised by development causing obstruction or hazard to flying aircraft; and</p> <p>(c) ensure development for human occupation is not exposed to Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25 unless appropriate noise mitigation is proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                | <p><b>Not applicable.</b></p> <p>The Planning Proposal does not apply to land that is in the vicinity of the Lismore Airport.</p>                                                                                                                        |
| 3.6 Shooting Ranges                      | <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Not applicable.</b></p> <p>The subject land does not adjoin any shooting ranges.</p>                                                                                                                                                               |
| <b>4 Hazard and Risk</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                          |
| 4.1 Acid Sulfate Soils                   | <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Consistent.</b></p> <p>LEP 2012 includes provisions for the management of acid sulfate soils. This Planning Proposal does not alter those provisions.</p> <p>The subject land is not included in the Lismore LEP 2012 Acid Sulfate Soils Maps.</p> |

| Ministerial Directions                    | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4.2 Mine Subsidence and Unstable Land     | Applies to mine subsidence areas. Applies to areas identified as unstable.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Not applicable.</b><br><br>The land has not been identified as unstable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.3 Flood Prone Land                      | The objectives of this Direction are:<br>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and<br>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.                                                                                                   | <b>Not applicable.</b><br><br>None of the subject land is flood prone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.4 Planning for Bushfire Protection      | A planning proposal that will affect bushfire prone land:<br><ul style="list-style-type: none"> <li>• Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation.</li> <li>• Must have regard to Planning for Bush Fire Protection 2006.</li> <li>• Must introduce controls that avoid placing inappropriate development in hazardous areas.</li> <li>• Must ensure bushfire hazard reduction is not prohibited within the APZ.</li> </ul> | Inconsistent pending consultation with RFS.<br><br>This Direction applies to the planning proposal as some of the subject land is mapped as bushfire prone land.<br><br>A preliminary bushfire hazard assessment prepared in 2005 was submitted by the applicant. The preliminary bushfire hazard assessment does not consider the current proposal and it may therefore not be sufficient for consideration of this Planning Proposal.<br><br>Council proposes to seek advice from the RFS following gateway determination as required by this Direction.<br><br>The Planning Proposal will not prohibit bushfire hazard reduction within the APZ. |
| <b>5 Regional Planning</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.1 Implementation of Regional Strategies | The planning proposal must be consistent with the Far North Coast Regional Strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Consistent.</b><br><br>The FNCRS requires that rural residential development should be consistent with an agreed local strategy (pg. 30, FNCRS). This Planning Proposal concerns a site specifically identified in the Lismore Growth Management Strategy 2015-2035 which was endorsed by DP&E on 11 August 2015.                                                                                                                                                                                                                                                                                                                                |
| 5.2 Sydney Drinking Water Catchments      | Not applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| <b>Ministerial Directions</b>                                                | <b>Requirements</b>                                                                                                                                                                                                                                                                                                                               | <b>Compliance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | <p>The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>Justification for an inconsistency includes consistency with the Far North Coast Regional Strategy 2006 and identification of the land in a council strategy.</p>                  | <p><b>Justifiably inconsistent.</b></p> <p>Approximately 700m<sup>2</sup> of the subject site is identified as Regionally Significant Farmland by the Northern Rivers Farmland Protection Project 2005. This land is located in the far north-western corner of the site.</p> <p>As the site is identified in the Lismore Growth Management Strategy 2015-2035 as being 'potential large lot residential' land, the Planning Proposal is justifiably inconsistent with this Direction.</p> |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable.                                                                                                                                                                                                                                                                                                                                   | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.8 Second Sydney Airport: Badgerys Creek                                    | Not applicable.                                                                                                                                                                                                                                                                                                                                   | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.9 North West Rail Link Corridor Strategy                                   | Not applicable.                                                                                                                                                                                                                                                                                                                                   | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>6 Local Plan Making</b>                                                   |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.1 Approval and Referral Requirements                                       | <p>A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of DPE.</p> <p>A planning proposal must not identify development as designated development unless justified.</p> | <p><b>Consistent.</b></p> <p>No such provisions are proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6.2 Reserving Land for Public Purposes                                       | A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DPE.                                                                                                                                              | <p><b>Consistent.</b></p> <p>This Planning Proposal does not affect land zoned or reserved for public recreation purposes.</p>                                                                                                                                                                                                                                                                                                                                                             |
| 6.3 Site Specific Provisions                                                 | <p>The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>A planning proposal to allow a particular land use must rezone the site to an existing zone that allows the land use, without additional development standards to those already in use in that zone.</p>                    | <p><b>Consistent.</b></p> <p>The Planning Proposal will not allow a particular development proposal to be carried out.</p>                                                                                                                                                                                                                                                                                                                                                                 |
| <b>7 Metropolitan Planning – Not applicable to Lismore</b>                   |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## APPENDIX 3: Proposed LEP maps

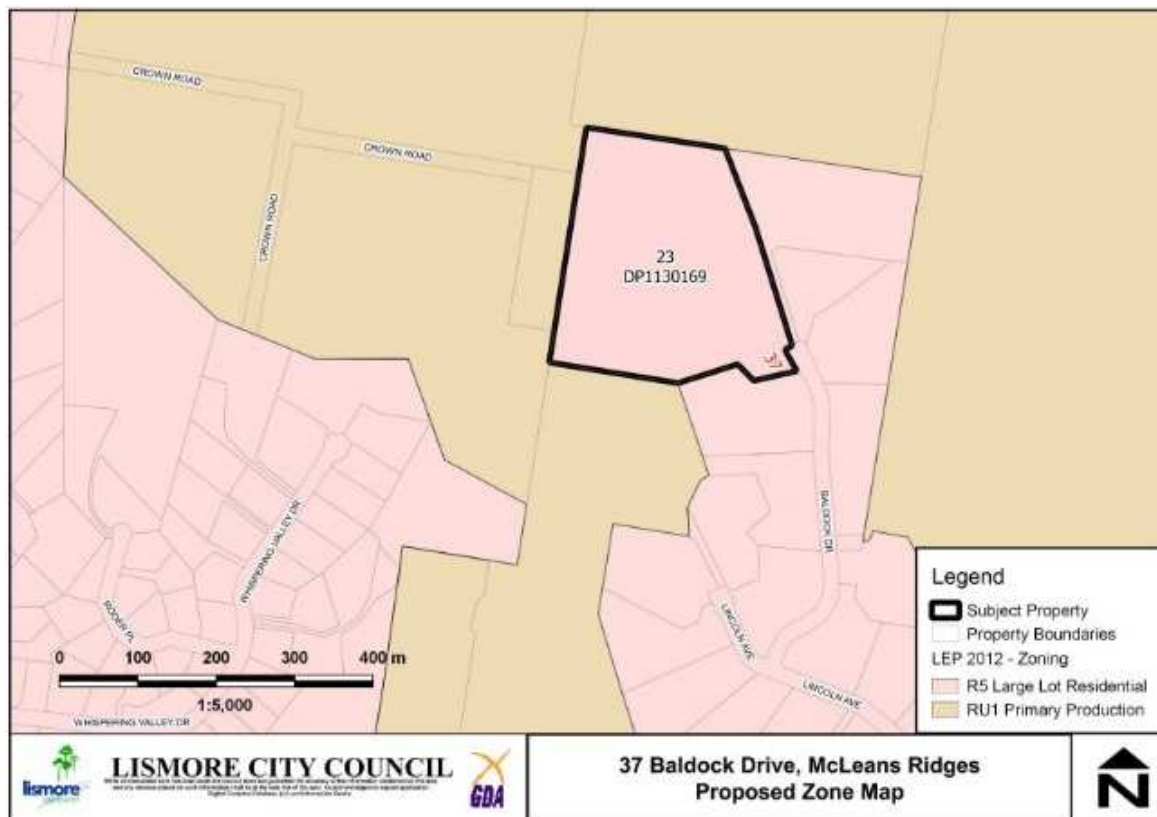


Figure 1 - Proposed land zone

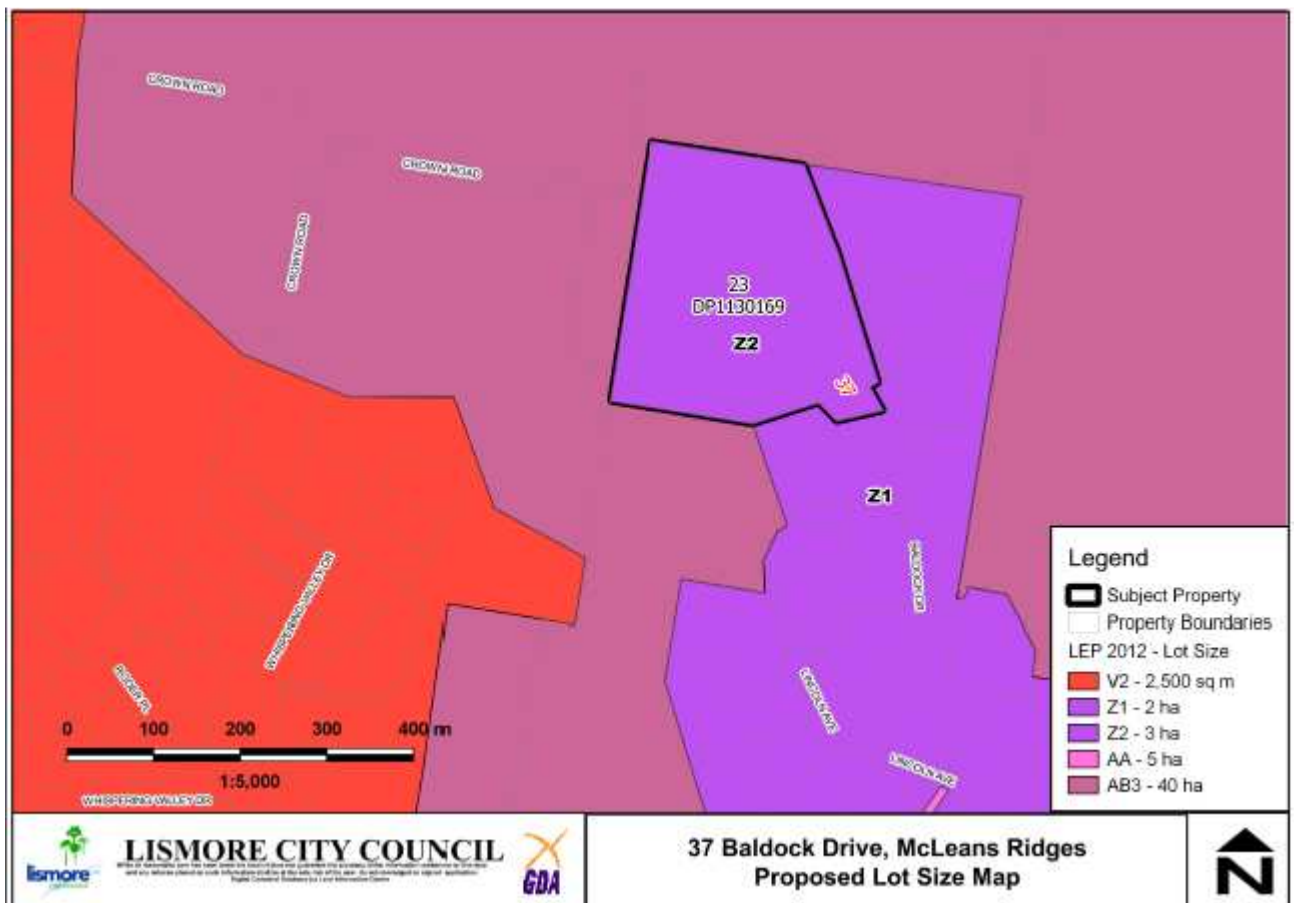


Figure 2 - Proposed lot size



Figure 3 - Proposed height of buildings