

Planning Proposal

Deferred Matter - Stage 1 Non-Urban

August 2018



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EXECUTIVE SUMMARY

This planning proposal seeks to rezone non-urban Deferred Matter (DM) land under Lismore Local Environmental Plan (LEP) 2012 and is the first stage of Lismore City Council's proposed DM rezoning. Stage 2 will seek to rezone urban DM land and will form the subject of a separate planning proposal. The proposed rezoning of DM land also involves the consequential amendment of numerous other LEP maps.

The rezoning of non-urban DM will assist in the simplification of the current complex circumstances using two LEPs and two Development Control Plans (DCPs). Moreover, the use of Zone RU1 Primary Production for rural land, based on the "primary use" (the main use of the land over the last two years) will remove landholder concern and uncertainty associated with the previous use of environmental protection zones (E Zones).

E Zones are only proposed if requested by the landholder. Privately owned land proposed for an E zone has been subjected to a biodiversity field inspection by a suitably qualified Council officer unless the land is mapped as Coastal Wetland (SEPP Coastal Management) or a recent flora and fauna assessment (under 5 years old) was supplied by the landholder. The proposed zone for public land is determined on the basis of the "primary use". Biodiversity assessment for public land was limited to a desk top analysis.

This proposal requires the amendment of 26 LEP 2012 map sheets and involves the following maps: Acid Sulfate Soils; Drinking Water Catchment; Flood Planning; Heritage; Land Application; Lot Size; Land Zoning; and Potential Rural Landsharing Community Development.

The planning proposal has been prepared in accordance with Lismore City Council's resolution 9/17 and is consistent with the North Coast Regional Plan 2036; the relevant State Environmental Planning Policies; and the relevant *Environmental Planning and Assessment Act 1979* (EP&A Act) Section 9.1 Directions by the Minister.

This planning proposal has been prepared in accordance with the Department of Planning & Environment's guide to preparing planning proposals. A Gateway Determination under Section 3.33 of the EP&A Act is sought.

BACKGROUND

Lismore City Council resolved as follows at its ordinary meeting of 14 February 2017.

Resolution 9/17

- 1. Council does not support the application of E Zones on agricultural land;*
- 2. Environmental Protection zones are only used in the Lismore Local Environmental Plan 2012 where requested by the property owner or as part of a negotiated development outcome;*
- 3. A draft Planning Proposal is prepared to rezone all agricultural land mapped as Deferred Matter in Lismore Local Environmental Plan 2012 to the RU1 Primary Production zone;*
- 4. On those lands where property owners have requested the application of an E zone, Council adopt the Stage 1: Pre-Gateway Consultation and Preparation of Planning Proposal process for the review of Deferred Matters (E Zones and Overlays) in the Lismore Local Environmental Plan 2012 as outlined in option 3 of this report;*
- 5. On the basis of resolving (4) above, Council accept the funding offer from the Department of Planning and Environment of up to \$40,000 for the review of the Deferred Matters;*
- 6. In the review of deferred E zone matters, staff investigate and report back via a Council briefing on how land that has been included in an E zone at the request of a landowner can be reviewed at a change of ownership of the land.*

Council staff wrote to all landholders with DM on their land in November 2017 in accordance with part 4 of the resolution. The consultation letter provided information on DM areas; included a copy of the Council resolution; and sought to determine the primary use of the DM land. Landholders were also requested to advise Council if they sought to have an E zone on their DM land. The same consultation letter was sent again in April 2018 to DM landholders that did not reply to the first letter.

Urban DM landholders include Lismore City Council, the Crown, Southern Cross University (SCU) and private individuals/organisations. The consultation letters were sent to private individuals/organisations and SCU. Council received nine (9) responses out of the ten (10) landholders that were contacted, a 90% response rate. Table 1 below provides an overview of the urban DM areas and landholder responses.

Table 1 – Urban Deferred Matter overview

| Ownership | Primary use | No. lots | No. owners | No. responses | DM area (ha) | E zone request | Proposed zone | Proposed lot size |
|---|--|--------------------|--------------------|---------------------|---------------------|-----------------------------|---------------|------------------------------|
| Private | Residential, rural landscape | 7 | 7 | 6 | 4 | No | R1, RU2 | Various to limit subdivision |
| Private – negotiated outcome | Environmental management | 2 | 2 | 2 | 20 | Negotiated rezoning outcome | E3 | 40ha |
| SCU | University / and associated mixed use | 7 | 1 | 1 | 24 | No | SP2 | N/A |
| Council (urban bushland) Crown (Rotary Pk & Currie Pk) | Environmental conservation/ management | 43 | 2 | N/A | 90 | N/A | E2, E3 | 40ha |
| | | Total 59 | Total 12 | Total 90% | Total 138 | | | |

Non-urban DM landholders are predominantly private individuals/organisations. Other landholders include Rous County Council (Rocky Creek Dam), Lismore City Council (two unused quarry sites), the Crown (Wyrallah & Broadwater stock flood refuges, recreation & nature reserves and others), two Local Aboriginal Land Councils and State Government agencies. The consultation letters were sent to all non-urban DM private landholders. Public landholders will be consulted during the exhibition period. Council received one hundred and eleven (111) responses out of the one hundred and forty seven (147) landholders that were contacted, a 75.5% response rate. Eleven (11) landholders have requested an E zone. Table 2 below provides an overview of the non-urban DM areas and landholder responses.

Table 2 – Non-urban Deferred Matter overview

| Ownership | Primary use | No. lots | No. owners | No. responses | DM Area (ha) | E zone request | Proposed zone | Proposed lot size |
|-----------------------------|--|---------------------|---------------------|-----------------------|----------------------|----------------|----------------------|-------------------|
| Private | Agriculture, rural res, or other | 172 | 136 | 100 | 1273 | No | RU1 | 40ha |
| | Environmental protection | 11 | 11 | 11 | 67.6 | Yes | E2/E3 | 40ha |
| Lismore City Council | Environmental management (unused quarry sites) | 2 | 1 | N/A | 4.6 | N/A | E3 | 40ha |
| Crown | Wyrallah and Broadwater Stock flood refuges | 4 | 1 | N/A | 88 | N/A | RU1 | 40ha |
| Crown | Tuckurimba Nature Reserve | 1 | 1 | N/A | 0.75 | N/A | E3 | 40ha |
| Crown | Road reserve | 2 | 1 | N/A | 0.45 | N/A | RU1 | 40ha |
| Rous County Council | Rocky Creek Dam catchment | 5 | 1 | N/A | 84 | N/A | E3 | 40ha |
| | Dam infrastructure | See above | | | 12 | | SP2 | N/A |
| Jali LALC | Cultural heritage preservation | 1 | 1 | 1 | 7.7 | Not stated | E2 (Coastal Wetland) | 40ha |
| | 3 lots Agriculture | 3 | | | 84 | | RU1 | 40ha |
| Ngulingah LALC | Vacant bushland | 2 | 1 | 0 | 0.42 | No | RU1 | 40ha |
| Bunjun Aboriginal Co-Op Ltd | Agriculture | 1 | 1 | 0 | 0.3 | No | RU1 | 40ha |
| Crown | Travelling stock camp - Agriculture | 2 | 1 | N/A | 8 | N/A | RU1 | 40ha |
| Crown | Ruthven Recreation Reserve | 3 | 1 | N/A | 3.6 | N/A | RU1 & E3 | 40ha |
| Crown / LCC | 3 areas of undescribed riparian land | N/A | | N/A | 67 | N/A | E2 | 40ha |
| | | Total 209 | Total 157 | Total 75.5% | Total 1702 | | | |

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this proposal include:

- Simplify land use planning requirements for all non-urban land in the Lismore Local Government Area with the provision a single LEP.
- Provide appropriate land use zones for non-urban DM land in accordance with the *Environmental Planning and Assessment Act 1979* Section 9.1 Directions by the Minister.
- The removal of any landholder concern and uncertainty associated with the application of E zones in non-urban areas.

- Provide an opportunity for non-urban DM landholders to request an E zone where the “primary use” of the DM area is environmental conservation or environmental management.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal is Stage 1 of Lismore City Council’s DM LEP 2012 amendment and involves non-urban DM land. Stage 2 involves urban DM land and will form the subject of a separate planning proposal.

This proposal requires the amendment of 26 LEP 2012 map sheets and involves the following maps: Acid Sulfate Soils; Drinking Water Catchment; Flood Planning; Heritage; Land Application; Lot Size; Land Zoning; and Potential Rural Landsharing Community Development. A summary of the mapping amendments is provided in Table 3.

Table 3 – Proposed amendments to maps involving Non-Urban DM

| LEP 2012 Map | LEP 2012 Map Sheets | Summary of proposed amendments |
|---|--|--|
| Acid Sulfate Soils | ASS_003, ASS_006 & ASS_007 | Insert appropriate acid sulfate soils classification for relevant DM land. |
| Drinking Water Catchment | DWC_004 & DWC_005 | Insert drinking water catchment mapping for relevant DM land. |
| Flood Planning | FLD_003, FLD_006 & FLD_007 | Insert flood mapping for relevant DM land. |
| Heritage | HER_004 | Minor amendment to heritage mapping and cadastre for consistency with boundary adjusted, heritage listed DM lot. |
| Land Application | LAP_001 | Omit DM land. |
| Lot Size | LSZ_001, LSZ_003, LSZ_004, LSZ_005, LSZ_006, LSZ_006AB & LSZ_007 | Insert minimum lot size for DM land – 40ha to apply to Zones E2 and E3; 40ha to apply to Zone RU1 except if DM is within Zone 1(b) under LEP 2000 in which case 20ha is to apply; No minimum lot size applies to Zone SP2. |
| Land Zoning | LZN_001, LZN_003, LZN_004, LZN_005, LZN_006, LZN_006A, LZN_006AB & LSZ_007 | Apply Zone RU1, E2, E3 or SP2. Zone SP2 to apply to some DM land owned by Rous County Council within which is located dam infrastructure or water filtration plant. |
| Potential Rural Landsharing Community Development | RCD_001 | Omit one DM affected lot that is proposed for E2 and E3 at the request of the landholder. |

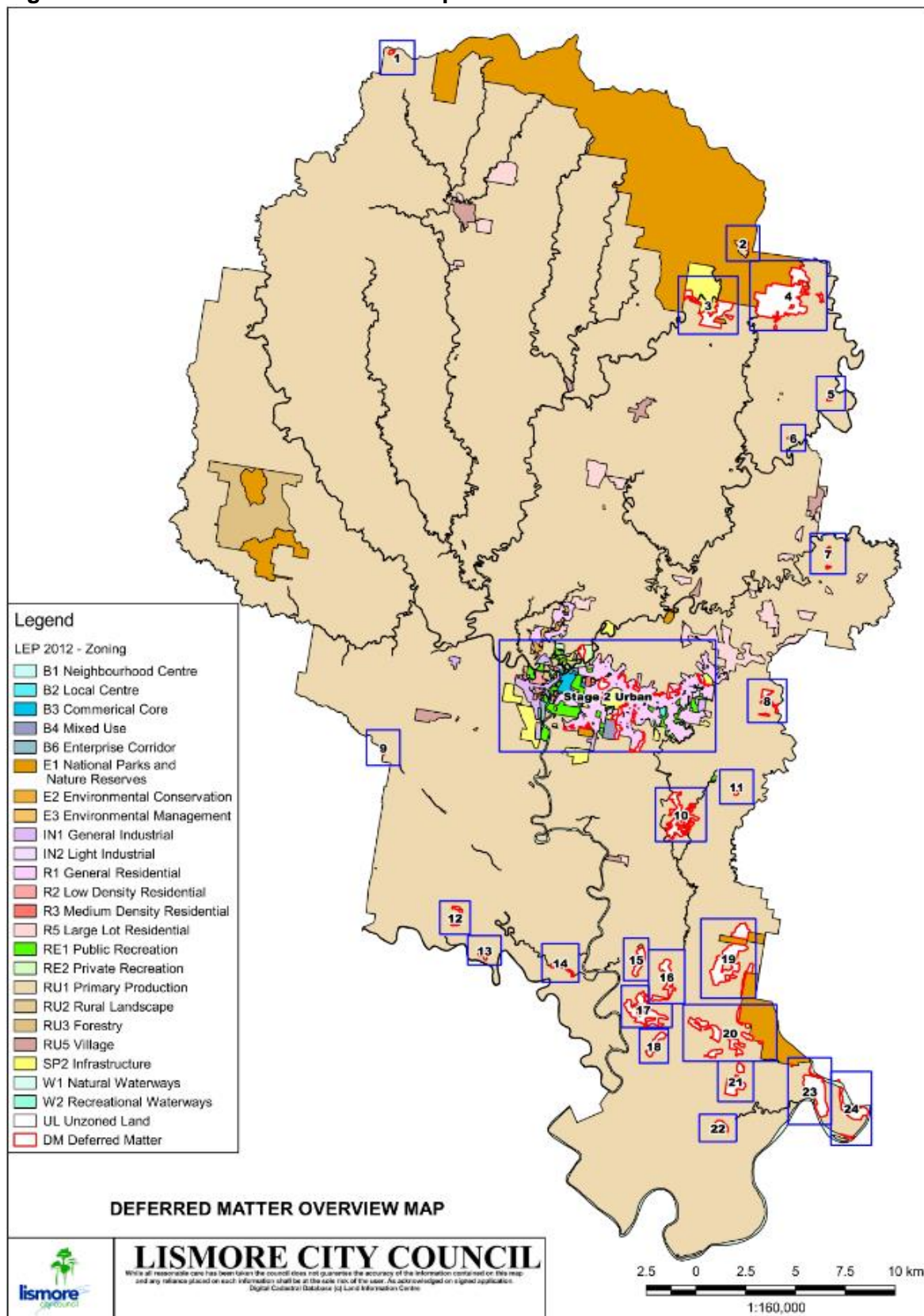
The proposed minor modification to the Heritage Map is due to a boundary adjustment involving two DM affected lots, one of which is listed in Schedule 5 as an Environmental Heritage Item. It is proposed to amend Schedule 5 by changing the property description of the aforementioned heritage item. Details are listed in Table 4.

Table 4 – Proposed amendment to Part 1, Schedule 5 – Environmental Heritage

| Suburb | Item Name | Address | Property Description | Significance | Item no |
|-----------------------------------|-----------|--------------------------|----------------------|--------------|---------|
| Existing heritage listing | | | | | |
| Dunoon | “Wendela” | 143 Rocky Creek Dam Road | Lot 1, DP 538691 | Local | I17 |
| Proposed amended heritage listing | | | | | |
| Dunoon | “Wendela” | 143 Rocky Creek Dam Road | Lot 12, DP 1147676 | Local | I17 |

The Lismore LGA non-urban DM areas have been divided into 24 sites for the purposes of this planning proposal. This has enabled the production of maps at an appropriate scale that clearly indicate the site and the proposed zone change. Figure 1 illustrates the location of each of the DM sites. Individual DM site maps are located at Appendix 2.

Figure 1 – Deferred Matter Overview Map



Details of non-urban DM land including property address, lot and deposited plan, primary use, existing zone, proposed zone and consequential map amendments are provided for each of the 24 sites in the site tables below. Proposed zones for non-urban DM includes RU1 Primary Production, E3 Environmental Management, E2 Environmental Conservation and SP2 Infrastructure (Water Storage Facility).

Note 1. Owner codes: P – private, NLALC – Ngulingah Local Aboriginal Land Council, JLALC – Jali Local Aboriginal Land Council, Rous County Council – RCC, Crown – C, Lismore City Council – LCC, Bunjum - Bunjum Aboriginal Co-operative Ltd.

Note 2. Most entries in the “address” column are single allotments. Entries involving more than one allotment are under the same ownership and are generally contiguous.

Note 3. Primary Use: asterisk (*) primary use confirmed by landowner.

Note 4. DM existing LEP 2000 zones: 1(a) General Rural; 1(b) Agricultural; 1(r) Riverlands; 5 Special Uses; 7(a) Environmental Protection – Natural Vegetation and Wetlands; 7(b) Environmental Protection - Habitat

Table - Site 1

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-------------------------------|----------|--|------------------|--|--|-------|
| 1035 Blue Knob Road BLUE KNOB | 4/258958 | Environmental conservation & management* | 1(a) | E2 LZN_001 Also RU1 to E2 & E3 | LAP_001 LSZ_001 - 40ha RCD_001 – delete from map at request of landowner | P |

Table - Site 2

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-------------------------------------|----------|---------------------------------|------------------|------------------|--------------------------------------|-------|
| 414 Nightcap Range Road DORROUGHBY | 1/793686 | Agriculture / plant propagation | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 416 Nightcap Range Road WHIAN WHIAN | 2/793686 | Hobby farm & tourism | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |

Table - Site 3

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|------------------------------------|------------|---------------------------------------|------------------|--|--|-------|
| 143 Rocky Creek Dam Road DUNOON | 12/1147676 | Agriculture – grazing & horticulture* | 1(b) | RU1 LZN_004 | DWC_004 HER_004 – minor amendment required for this heritage listed item due to boundary adjustment within DM area LAP_001 LSZ_004 - 20ha | P |
| 131 Nightcap Range Road DORROUGHBY | 1/121383 | Dam catchment | 1(a) | E3 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | RCC |
| 186 Rocky Creek Dam Road DUNOON | 1/1112836 | Dam infrastructure & catchment | 1(a) | SP2 & E3 LZN_005 Also RU1 to SP2 | DWC_005 LAP_001 LSZ_005 - 40ha (E3 only, no MLS for SP2) | RCC |
| 228 Rocky Creek Dam Road DUNOON | 2/117544 | Dam infrastructure | 1(b) | SP2 LZN_004 | DWC_004 LAP_001 LSZ_004 – no MLS for SP2 | RCC |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|------------------------------------|-------------|--------------------------------|------------------|---|---|-------|
| 229 Rocky Creek Dam Road DUNOON | 111/1234813 | Dam infrastructure & catchment | 1(b) & 5 | SP2 & E3 LZN_004 Also RU1 to E3 | DWC_004 HER_004 – minor amendment required for this non-listed item due to boundary adjustment within DM area LAP_001 LSZ_004 - 40ha (E3 only, no MLS for SP2) | RCC |
| 229A Rocky Creek Dam Road DUNOON | 1/118970 | Dam infrastructure & catchment | 1(b) | SP2 & E3 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha (E3 only) | RCC |
| 182 Rocky Creek Dam Road DUNOON | 2/598908 | Agriculture - grazing* | 1(a) & 1(b) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 20ha (1(b)) & 40ha (1(a)) | P |
| 108 Nightcap Range Road DORROUGHBY | 40/608509 | Environmental Management* | 1(a) | E3 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |

Table - Site 4

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---------------------------------------|-----------|---|------------------|---------------------|--------------------------------------|-------|
| 67 Minyon Falls Road REPENTANCE CREEK | 94/755752 | Hobby farm | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 27 Minyon Falls Road REPENTANCE CREEK | 6/591904 | Hobby farm | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 25 Minyon Falls Road REPENTANCE CREEK | 4/611731 | Hobby farm* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 114 Maso Road REPENTANCE CREEK | 7/615305 | Multiple occupancy & hobby farm* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 151 Maso Road REPENTANCE CREEK | 6/615305 | Environmental management & rural residential* | 1(a) | E3 & RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 252 Fox Road ROSEBANK | 70/755752 | Hobby farm* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 253 Fox Road ROSEBANK | 1/1017485 | Hobby farm* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 234 Fox Road ROSEBANK | 1/604515 | Environmental management | 1(a) | E3 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | LCC |
| 198 Fox Road ROSEBANK | 2/604515 | Hobby farm | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 93 Maso Road REPENTANCE CREEK | 5/615305 | Environmental management & hobby farm* | 1(a) | E3 & RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 76 Maso Road REPENTANCE CREEK | 2/251294 | Environmental management & hobby farm* | 1(a) | E3 & RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|------------|---|------------------|------------------|--|-------|
| 35 Maso Road ROSEBANK | 3/588121 | Rural residential | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 19 Maso Road ROSEBANK | 2/588121 | Hobby farm | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 188 Fox Road ROSEBANK | 1/588121 | Hobby farm | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 207 Fox Road ROSEBANK | 1/575508 | Rural residential | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 185 Fox Road ROSEBANK | 3/1017886 | Hobby farm* | 1(a) | RU1 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | P |
| 211 Fox Road ROSEBANK | 2/1017886 | Agriculture - grazing* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 27 Baldwins Road ROSEBANK | 1/1017886 | Hobby farm* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 82 Coopers Creek Road REPENTANCE CREEK | 5/629292 | Hobby farm | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 10 Coopers Creek Road REPENTANCE CREEK | 1/1211247 | Agriculture - grazing* | 1(a) | RU1 LZN_004 | DWC_004 LAP_001 LSZ_004 - 40ha | P |
| 251 Repentance Creek Road REPENTANCE CREEK | 8/623575 | Agriculture - grazing | 1(a) | RU1 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | P |
| 158 Fox Road ROSEBANK | 21/1044850 | Hobby farm | 1(a) | RU1 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | P |
| 166 Fox Road ROSEBANK | 20/1044850 | Rural residential & powerline easement* | 1(a) | RU1 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | P |
| 177 Fox Road ROSEBANK | 1/588093 | Rural residential & hobby farm* | 1(a) | RU1 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | P |
| 81 Fox Road ROSEBANK | 7/631975 | Environmental management* | 1(a) | RU1 LZN_004 & 5 | DWC_004 & 5 LAP_001 LSZ_004 & 5 - 40ha | P |
| 146 Fox Road ROSEBANK | 7/623575 | Hobby farm | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 191 Repentance Creek Road ROSEBANK | 7/625596 | Agriculture - horticulture* | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 144A Fox Road ROSEBANK | 21/600330 | Hobby farm | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 80 Fox Road ROSEBANK | 6/631975 | Agriculture - grazing | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 165 Fox Road ROSEBANK | 3/618351 | Rural residential & Environmental Management* | 1(a) | E3 & RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 103 Fox Road ROSEBANK | 5/631975 | Hobby farm | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-------------------------|-----------|--------------------|------------------|------------------|--------------------------------------|-------|
| 26 Fox Road ROSEBANK | 23/813117 | Rural residential* | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |

Table - Site 5

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--------------------------------|-----------|-----------------------------|------------------|-------------------------------------|--------------------------------------|-------|
| 387 Ridgewood Road ROSEBANK | 13/847265 | Environmental conservation* | 1(a) | E2 LZN_005 Also RU1 to E3 | DWC_005 LAP_001 LSZ_005 - 40ha | P |

Table - Site 6

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-------------------------|------------|------------------------|------------------|------------------|--------------------------------------|-------|
| 2 Hull Road ROSEBANK | 301/863374 | Agriculture – grazing* | 1(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |

Table - Site 7

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--------------------------------|-----------|-----------------------------|------------------|------------------|--------------------------------------|-------|
| 67 Gray Road ELTHAM | 2/619965 | Environmental conservation* | 7(a) | E2 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 43 Gray Road ELTHAM | 31/858704 | Agriculture – grazing* | 7(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 44 Gray Road ELTHAM | 2/630257 | Agriculture – grazing* | 7(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 645 Eltham Road ELTHAM | 2/1225312 | Agriculture – grazing* | 7(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |
| 892 Boatharbour Road ELTHAM | 21/730264 | Agriculture – grazing* | 7(a) | RU1 LZN_005 | DWC_005 LAP_001 LSZ_005 - 40ha | P |

Table - Site 8

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|------------------------------------|-----------|-----------------------------|------------------|--------------------|--|-------|
| 76 Lindendale Road LINDENDALE | 3/1177558 | Agriculture & bushland | 7(a) & 1(b) | RU1 LZN_005 & 6 | LAP_001 LSZ_005 & 6 - 40ha (7(a)), 20ha (1(b)) | P |
| 1389 Bruxner Highway LINDENDALE | 2/1177558 | Agriculture – horticulture* | 7(a) & 1(b) | RU1 LZN_005 | LAP_001 LSZ_005 - 40ha (7(a)), 20ha (1(b)) | P |
| 100A Lindendale Road LINDENDALE | 21/859942 | Agriculture - horticulture | 7(a) & 1(b) | RU1 LZN_005 | LAP_001 LSZ_005 - 40ha (7(a)), 20ha (1(b)) | P |

Table - Site 9

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-------------------------------|------------|-------------------------|------------------|------------------|---------------------------|-------|
| 147 Spring Grove Road CANIABA | 681/842190 | Agriculture – cropping* | 1(r) | RU1 LZN_003 | LAP_001 LSZ_003 - 40ha | P |
| 111 Spring Grove Road CANIABA | 102/833617 | Agriculture – cropping* | 1(r) | RU1 LZN_003 | LAP_001 LSZ_003 - 40ha | P |
| 1006A Caniaba Road CANIABA | 2/866264 | Agriculture – grazing* | 1(r) | RU1 LZN_003 | LAP_001 LSZ_003 - 40ha | P |

Table - Site 10

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---------------------------------|----------------------|---------------------------------------|-------------------|---------------------|--|-------|
| 678 Tregeagle Road TREGEAGLE | 11/1143410 | Agriculture – horticulture* | 1(a) | RU1 LZN_006A B | LAP_001 LSZ_006AB - 40ha | P |
| 654 Tregeagle Road TREGEAGLE | 2/614467 | Agriculture – grazing* | 1(a) | RU1 LZN_006A B & 6A | LAP_001 LSZ_006AB & 6 - 40ha | P |
| 228 Connor Road TREGEAGLE | 2/1215154 | Agriculture – horticulture* | 1(a) & 7(b) | RU1 LZN_006A B & 6A | LAP_001 LSZ_006AB & 6 - 40ha | P |
| 640 Tregeagle Road TREGEAGLE | 3/614467 | Agriculture – horticulture* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 628 Tregeagle Road TREGEAGLE | 5/703856 | Agriculture – grazing & horticulture | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 596 Tregeagle Road TREGEAGLE | 36/785846 | Agriculture – grazing* | 1(a), 1(b) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha (1(a) & 7(b)), 20ha (1(b)) | P |
| 498 Tregeagle Road TREGEAGLE | 14/732621 | Agriculture – grazing* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 476B Tregeagle Road WYRALLAH | 91/655344 | Agriculture – grazing* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 374 & 407 Connor Road TREGEAGLE | 6/731808 & 1/1207333 | Agriculture* | 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 360 Connor Road TREGEAGLE | 5/731808 | Agriculture - grazing* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 334 Connor Road TREGEAGLE | 4/731808 | Agriculture – horticulture & grazing* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 – 40ha | P |
| 266 Connor Road TREGEAGLE | 1/1115271 | Agriculture – horticulture & grazing* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 - 40ha | P |
| 215 Connor Road TREGEAGLE | 2/585444 | Agriculture – horticulture & grazing* | 1(a) & 7(b) | RU1 LZN_006A B | LAP_001 LSZ_006AB - 40ha | P |
| 229 Connor Road TREGEAGLE | 11/589356 | Agriculture – horticulture & grazing* | 1(a) & 7(b) | RU1 LZN_006A B | LAP_001 LSZ_006AB - 40ha | P |
| 245A Connor Road TREGEAGLE | 12/589356 | Agriculture – grazing* | 7(b) | RU1 LZN_006A B | LAP_001 LSZ_006AB - 40ha | P |
| 245B Connor Road TREGEAGLE | A/335759 | Agriculture – grazing* | 7(b) | RU1 LZN_006A B | LAP_001 LSZ_006AB - 40ha | P |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---------------------------------|-----------------------|----------------------------------|------------------|---------------------|------------------------------|-------|
| 82 & 82A Faulkner Road WYRALLAH | 2/1128785 & 1/1187042 | Agriculture – grazing* | 1(a) & 7(b) | RU1 LZN_006A B & 6A | LAP_001 LSZ_006AB & 6 - 40ha | P |
| 38B Faulkner Road WYRALLAH | 93/755705 | Agriculture – grazing* | 1(a) & 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 - 40ha | P |
| 369 Connor Road TREGEAGLE | 7/731808 | Rural residential* | 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 - 40ha | P |
| 361 Connor Road TREGEAGLE | 8/731808 | Rural residential | 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 - 40ha | P |
| 353 Connor Road TREGEAGLE | 3/731808 | Rural residential & agriculture* | 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 - 40ha | P |
| 345 Connor Road TREGEAGLE | 2/731808 | Rural residential | 7(b) | RU1 LZN_006A | LAP_001 LSZ_006 - 40ha | P |

Table - Site 11

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-------------------------------|-----------|-----------------------------|------------------|------------------|--|-------|
| 1 Mollys Grass Road TREGEAGLE | 4/787370 | Agriculture – horticulture* | 1(b) & 7(a) | RU1 LZN_006 | LAP_001 LSZ_006 - 40ha (7(a)), 20ha (1(b)) | P |
| 789 Tregeagle Road TREGEAGLE | 2/1159846 | Agriculture – horticulture | 1(b) & 7(a) | RU1 LZN_006 | LAP_001 LSZ_006 - 40ha (7(a)), 20ha (1(b)) | P |

Table - Site 12

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|----------------------------------|----------|------------------------|------------------|------------------|--|-------|
| 251 Tatham Road SOUTH GUNDURIMBA | 1/405077 | Agriculture – grazing* | 1(r) & 7(a) | RU1 LZN_003 & 6 | ASS_003 & 6 FLD_003 & 6 LAP_001 LSZ_003 & 6 - 40ha | P |

Table - Site 13

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|--|--|------------------|------------------|--|-------|
| 93 & 97B Frame Street, 14 & 14A Havanah Street, & 3 Horse Shoe Road, South Gundurimba | 100/111405, 1/431251, 2/48724, 3/48724, & 1/571713 | Agriculture – stock and crop watering* | 1(r) & 7(a) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 14

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|----------------------------------|------------------------|------------------|----------------------|--|-------|
| 940, 1106A, & 1072 Coraki Road RUTHVEN | 1/125530 2/210603 179/755728 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 941, 977 & 979 Coraki Road RUTHVEN | 242/755728 243/755728 244/755728 | Recreation reserve | 1(r) | RU1 (Lots 243 & 244) | ASS_006 FLD_006 LAP_001 | C |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|------------------------------|--------------------------|------------------------|------------------|----------------------------|---|-------|
| | | | | 244), E3 (Lot 242) LZN_006 | LSZ_006 - 40ha | |
| 2 & 74 Rogerson Road RUTHVEN | 181/755728 213/755728 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | C |

Table - Site 15

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|----------------------------|---|------------------|------------------|--------------------------------------|-------|
| 1511 & 1511A Wyrallah Road TUCKI TUCKI | 131/728195 7001/1057123 | Agriculture – grazing (Wyrallah stock flood refuge) | 7(b) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | C |

Table - Site 16

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|--------------------------------------|----------------------------------|------------------|------------------|---|-------|
| 52, 64 & 94 Hazlemount Lane TUCKURIMBA | 1/1086613 2/1086613 1/1191905 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 84 Hazlemount Lane TUCKURIMBA | 14/746186 | Rural residential | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 37 Hazlemount Lane TUCKURIMBA | 4/635085 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 118 Hazlemount Lane TUCKURIMBA | 18/746186 | Hobby farm | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 115 Hazlemount Lane TUCKURIMBA | 9/736216 | Hobby farm* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 140 Hazlemount Lane TUCKURIMBA | 4/857530 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 1692 Wyrallah Road & 142 Hazlemount Lane TUCKURIMBA | 4/1191905 3/1191905 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 1752 & 1784 Wyrallah Road & 40 Mccaughey Road (part – also refer to Site 20) TUCKURIMBA | 3/835565 1/1150847 184/1013042 | Agriculture – grazing & cropping | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 17

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|--------------------------|---------------------------------------|------------------|------------------|---|-------|
| 1709 Wyrallah Road TUCKURIMBA | 11/136070 | Environmental Conservation* | 1(a) | E3 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 1752 Wyrallah Road TUCKURIMBA (part – also refer to Site 16) | 3/835565 | Agriculture - grazing | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 1779 Wyrallah Road TUCKURIMBA | 2/835565 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 62 Tuckurimba Road TUCKURIMBA | 1/835565 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 88 & 94 Tuckurimba Road TUCKURIMBA | 1/1224062 63/755746 | Agriculture – grazing & horticulture* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 112 Tuckurimba Road TUCKURIMBA | 62/755746 | Agriculture - grazing | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 1927 Wyrallah Road TUCKURIMBA | 11/1027413 | Agriculture – cropping & grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 136 Tuckurimba Road TUCKURIMBA | 10/1027413 | Rural residential, hobby farm* | 1(a) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 160 Tuckurimba Road TUCKURIMBA | 1/624079 | Hobby farm* | 1(a) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 182 Tuckurimba Road TUCKURIMBA | 2/624079 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 2 Paff Lane EAST CORAKI (part – also refer to Site 18) | 2/1086421 | Agriculture - grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 196 Tuckurimba Road EAST CORAKI | 1/1086421 | Agriculture - grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 184 Tuckurimba Road and 1 Baxter Lane TUCKURIMBA | 133/728196 134/728196 | None known | 1(a) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | NLALC |
| 187 & 188 Tuckurimba Road TUCKURIMBA | 2/47033 3/47033 | Road reserve | 1(a) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | C |
| 5 Baxter Lane TUCKURIMBA | 2/1232100 | Agriculture - grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 6 Baxter Lane TUCKURIMBA | 124/755746 | Nature reserve | 1(a) | E3 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | C |
| 12 Baxter Lane TUCKURIMBA | 1/872155 | Agriculture - grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|----------------------------------|----------|------------------------|------------------|------------------|---|-------|
| 57 Tuckurimba Road TUCKURIMBA | 6/712520 | Agriculture - grazing | 1(a) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 27 Mcinnes Lane TUCKURIMBA | 7/712520 | Agriculture - grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 18

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|----------------------|------------------------|------------------|------------------|---|-------|
| 2 Paff Lane EAST CORAKI (part – also refer to Site 17) | 2/1086421 | Agriculture - grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 54 & 54A Paff Lane EAST CORAKI | 1/121705 2/114827 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 340 Tuckurimba Road TUCKURIMBA | 107/755699 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 53 Paff Lane EAST CORAKI | 1/547374 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 19

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|--|---|--|------------------|---|-------|
| 115, 154, 175, 177, 177B Tuckean Island Road MAROM CREEK | 29/755720 136/755720 1/1113970 138/755720 1/243870 | Agriculture - grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 256 Tuckean Island Road MAROM CREEK | 146/755691 | Agriculture – grazing | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 279, 303A, 437A Tuckean Island Road GREEN FOREST | 148/755691 153/755691 167/755691 | Aboriginal cultural heritage protection* Agriculture – grazing | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | JLALC |
| 302A, 304 Tuckean Island Road GREEN FOREST | 145/755691 1/801877 | Agriculture – grazing* | 1(a), 1(r) & 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 305A, 305, 329, 355, 391, 413 Tuckean Island Road GREEN FOREST | 4/115382 1/8740 3/8740 7/8740 8/8740 9/8740 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 439 Tuckean Island Road GREEN FOREST | 2/801877 | Agriculture – grazing* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|------------|------------------------|------------------|------------------|---|-------|
| 481C Tuckean Island Road GREEN FOREST | 141/755691 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 192B Mathieson Lane MAROM CREEK | 177/755691 | Agriculture – grazing | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 20

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|---|-----------------------------------|---|------------------|---|-------|
| 544, 668, 712, 802A Tuckean Island Road, 111 Hoare Lane GREEN FOREST | 1/229902 67/755691 169/755691 1/115382 227//55691 | Agriculture - grazing* | 1(r) & 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 39, 40, 40A Hoare Lane GREEN FOREST | 2/46061 219/755691 114/755691 | Agriculture – grazing* | 1(r) & 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 82, 96A Hoare Lane DUNGARUBBA | 223/755691 224/755691 | Agriculture – cropping & grazing* | 1(r) & 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 754 Tuckean Island Road GREEN FOREST | 83/755691 | Agriculture – grazing | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 671A, 733, 775 Tuckean Island Road GREEN FOREST | 168/755691 156/755691 155/755691 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 861, 862 Tuckean Island Road, 63 McCaughey Road GREEN FOREST | 2/627659 1/627659 1/110168 | Agriculture – grazing & cropping* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 812 Tuckean Island Road GREEN FOREST | 154/755691 | Agriculture – grazing & cropping | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 230 Stibbard Lane DUNGARUBBA | 2/597026 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 40 (part also refer to Site 16), 104, 106 McCaughey Road TUCKURIMBA | 184/1013042 1/1015555 137/755691 | Agriculture – cropping & grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 21

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|---|------------------------|------------------|------------------|---|-------|
| 250 Broadwater Road DUNGARUBBA 164, 214, 244, 305 Hoare Lane GREEN FOREST | 101/755691 162/755691 158/755691 161/755691 1/46061 | Agriculture - grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 218, 228 Broadwater Road DUNGARUBBA | 99/755691 100/755691 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 74 Stibbard Lane DUNGARUBBA | 1/1078157 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 22

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|-----------------------------------|------------|-----------------------------------|------------------|------------------|---|-------|
| 237 Broadwater Road DUNGARUBBA | 1/627199 | Agriculture – cropping & grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 524 Forest Road DUNGARUBBA | 1/826891 | Agriculture – cropping | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 87C Broadwater Road DUNGARUBBA | 217/755699 | Agriculture – grazing* | 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |

Table - Site 23

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|--|--------------------------|------------------------------------|--|------------------|---|-------|
| 141A, 143 Bagotville Road, BROADWATER | 55/755691 29/755691 | Agriculture – cropping | 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 766 Broadwater Road BROADWATER | 4/707834 | Agriculture - grazing | 1(a) & 1(r) | RU1 LZN_007 | ASS_007 LAP_001 LSZ_007 - 40ha | P |
| 19, 85 Bagotville Road BROADWATER | 266/726560 243/755691 | Agriculture – stock flood reserve* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | C |
| 88 Bagotville Road BROADWATER | 1/717103 | Rural Residential hobby farm* | 1(a), 1(r) & 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 2 Bagotville Road BROADWATER | 1/706413 | Agriculture forestry* | 1(a) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | P |
| 84C Bagotville Road BROADWATER | 4/717103 | Agriculture – stock flood refuge* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 | P |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|-----------|---|-------------------------------------|---------------------|---|----------|
| | | | | | LSZ_006 - 40ha | |
| 84A Bagotville Road BROADWATER | 2/717103 | Rural residential & environmental management* | 1(a) & 1(r) | E3 & RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 84B Bagotville Road BROADWATER | 3/717103 | Agriculture* | 1(a) & 1(r) | RU1 LZN_006 | ASS_006 LAP_001 LSZ_006 - 40ha | P |
| 637 Broadwater Road BROADWATER | 2/706413 | Agriculture – grazing* | 1(a) | RU1 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | P |
| 650 Broadwater Road BROADWATER | 1/171730 | Environmental management | 1(a) | E3 LZN_006 & 7 | ASS_006 & 7 LAP_001 LSZ_006 & 7 - 40ha | LCC |
| 690 Broadwater Road BROADWATER | 32/627286 | Hobby farm | 1(a) & 1(r) | RU1 LZN_006 & 7 | ASS_006 & 7 FLD_006 & 7 LAP_001 LSZ_006 & 7 - 40ha | P |
| 670 Broadwater Road BROADWATER | 21/609866 | Rural residential* | 1(a) | RU1 LZN_006 & 7 | ASS_006 & 7 LAP_001 LSZ_006 & 7 - 40ha | P |
| 708 Broadwater Road BROADWATER | 31/627286 | Environmental management* | 1(a) & 1(r) | E3 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | P |
| 712 Broadwater Road BROADWATER | 24/825859 | Agriculture – bee keeping* | 1(a) | RU1 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | P |
| 720 Broadwater Road BROADWATER | 25/825859 | Rural residential | 1(a) | RU1 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | P |
| 732 Broadwater Road BROADWATER | 2/631584 | Agriculture | 1(a) | RU1 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | P |
| Undescribed riparian land between Bagotville Road reserve and Zone W1; part Bagotville Road reserve | N/A | Environmental Conservation | 7(a) also Coastal Wetland (CM SEPP) | E2 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | C LCC |

Table - Site 24

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|----------|----------------------------|--|-------------------|---|----------|
| Undescribed riparian land adjacent to Plenkovich Road reserve and Zone W1; part Plenkovich Road reserve | N/A | Environmental Conservation | 1(r) & 7(a) also Coastal Wetland (CM SEPP) | E2 LZN_006 & 7 | ASS_006 & 7 FLD_006 & 7 LAP_001 LSZ_006 & 7 - 40ha | C LCC |
| 171 Plenkovich Road BROADWATER | 1/123439 | Agriculture - cropping | 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_006 | ASS_006 FLD_006 LAP_001 LSZ_006 - 40ha | C |

| Address | Lot/DP | Primary Use | DM Existing Zone | DM Proposed Zone | Consequential amendments | Owner |
|---|-------------|--|-------------------------------------|------------------|---|--------|
| 838 Broadwater Road BROADWATER | C/361768 | Agriculture – cropping | 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | Bunjum |
| 21 Plenkovich Road BROADWATER | 8/755691 | Agriculture – cropping * | 7(a) also Coastal Wetland (CM SEPP) | RU1 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | P |
| 114 Plenkovich Road BROADWATER | 253//755691 | Aboriginal cultural heritage protection* | 7(a) also Coastal Wetland (CM SEPP) | E2 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | JLALC |
| Undescribed riparian land between Broadwater Road reserve and Zone W1 | N/A | Environmental Conservation | 7(a) also Coastal Wetland (CM SEPP) | E2 LZN_007 | ASS_007 FLD_007 LAP_001 LSZ_007 - 40ha | C |

The information presented above in the 24 site tables is summarised in Table 5 below in order to clearly indicate the category of zone changes involved in the planning proposal. For example, the number of existing lots with DM zoned rural (LEP 2000) proposed for Zone RU1 Primary Production (LEP 2012), or the number of existing lots with DM zoned environmental protection (LEP 2000) proposed for Zone RU1 etc.

Note. The following abbreviations are used in the table:

- “R” – rural zones including LEP 2000 1(a) General Rural, 1(b) Agricultural, 1(r) Riverlands; and LEP 2012 RU1 Primary Production.
- “E” – environmental protection zones including LEP 2000 - 7(a) Natural Vegetation and Wetlands, 7(b) Habitat; and LEP 2012 - E2 Environmental Conservation, E3 Environmental Management.
- “SP2” – LEP 2012 Infrastructure (Rocky Creek Dam).

Table 5 – Summary of proposed zone changes for each site

| Site | Proposed DM zone change categories (number of lots) | | | | | Total lots with DM |
|------|---|----------------------|----------------------|--------|--------------------------|--------------------|
| | R to R | R & E to R or E to R | R to E or R to E & R | E to E | R to SP2 or R to SP2 & E | |
| 1 | | | 1 | | | 1 |
| 2 | 2 | | | | | 2 |
| 3 | 2 | | 2 | | 4 | 8 |
| 4 | 27 | | 5 | | | 32 |
| 5 | | | 1 | | | 1 |
| 6 | 1 | | | | | 1 |
| 7 | | 4 | | 1 | | 5 |
| 8 | | 3 | | | | 3 |
| 9 | 3 | | | | | 3 |
| 10 | 2 | 22 | | | | 24 |
| 11 | | 2 | | | | 2 |
| 12 | | 1 | | | | 1 |
| 13 | 1 | 4 | | | | 5 |
| 14 | 7 | | 1 | | | 8 |
| 15 | | 2 | | | | 2 |
| 16 | 13 | | | | | 13 |
| 17 | 18 | | 2 | | | 20 |
| 18 | 4 | | | | | 4 |
| 19 | 19 | 1 | | | | 20 |
| 20 | 14 | 7 | | | | 21 |
| 21 | 8 | | | | | 8 |

| Site | Proposed DM zone change categories (number of lots) | | | | | |
|---------------------------|---|----------------------|----------------------|--------|--------------------------|--------------------|
| | R to R | R & E to R or E to R | R to E or R to E & R | E to E | R to SP2 or R to SP2 & E | Total lots with DM |
| 22 | 3 | | | | | 3 |
| 23 | 12 | 3 | 3 | | | 18 |
| 24 | | 3 | | 1 | | 4 |
| Total lots with DM | 136 (65%) | 52 (25%) | 15 (7%) | 2 (1%) | 4 (2%) | 209 |

In addition to the 209 allotments described above three areas of undescribed riparian land in Broadwater, located between road reserves and a watercourse are proposed to change from an environmental protection zone under LEP 2000 to an environmental protection zone under LEP 2012.

An overview of all non-urban land that is proposed for environmental protection zoning is provided in Table 6 below.

Note 1. Abbreviations used in this table: Env't con – environmental conservation; Env't mngt – environmental management; & Infra – infrastructure (Rocky Creek Dam).

Note 2. Verified means subject to biodiversity field inspection and ground survey by an appropriately qualified person

Table 6 – Deferred Matter land proposed for E zones

| Address | Owner | Consistent with E2/E3 criteria | Primary use | DM existing zone | DM proposed zone | Area (ha) approx | | Ecological assessment |
|---|---------------------|--------------------------------|-------------------|------------------|--|------------------|--------|-----------------------|
| | | | | | | DM | E zone | |
| Site 1 | | | | | | | | |
| 1035 Blue Knob Road, Blue Knob 4/258958 | Private | Yes - verified | Envt con & mngt | 1(a) | E2 and E3 | 4.2 | 6.2 | Yes |
| Site 3 | | | | | | | | |
| 186 Rocky Creek Dam Road, Dunoon 1/1112836 | Rous County Council | Yes – not verified | Infra & envt mngt | 1(a) | SP2 and E3 | 35 | 28 | N/A |
| 229 Rocky Creek Dam Road, Dunoon 111/1234813 | Rous County Council | Yes – not verified | Infra & envt mngt | 1(b) & 5 | SP2 and E3. Also small area of RU1 to E3 | 5 | 3 | N/A |
| 229A Rocky Creek Dam Road, Dunoon 1/118970 | Rous County Council | Yes – not verified | Infra & envt mngt | 1(b) | SP2 and E3 | 16 | 13 | N/A |
| 131 Nightcap Range Road, Dorroughby 1/121383 | Rous County Council | Yes – not verified | Envt mngt | 1(a) | E3 | 38 | 38 | N/A |
| 108 Nightcap Range Road, Dorroughby 40/608509 | Private | Yes - verified | Envt mngt | 1(a) | E3 | 4.7 | 4.7 | Yes |
| Site 4 | | | | | | | | |
| 165 Fox Road, Rosebank 3/618351 | Private | Yes - verified | Envt mngt | 1(a) | RU1 and E3 | 4.8 | 2.6 | Yes |

| Address | Owner | Consistent with E2/E3 criteria | Primary use | DM existing zone | DM proposed zone | Area (ha) approx | | Ecological assessment |
|---|----------------------|----------------------------------|----------------------|------------------|-------------------|------------------|--------|--|
| | | | | | | DM | E zone | |
| 76 Maso Road, Repentance Creek 2/251294 | Private | Yes - verified | Envt mngt | 1(a) | RU1 and E3 | 4.5 | 3.5 | Yes |
| 93 Maso Road, Repentance Creek 5/615305 | Private | Yes - verified | Envt mngt | 1(a) | RU1 and E3 | 5 | 2 | Yes |
| 151 Maso Road, Repentance Creek 6/615305 | Private | Yes - verified | Envt mngt | 1(a) | RU1 and E3 | 26 | 21 | Yes |
| 234 Fox Road, Rosebank 1/604515 | Lismore City Council | Yes – not verified | Envt mngt | 1(a) | E3 | 3.7 | 3.7 | N/A |
| Site 5 | | | | | | | | |
| 387 Ridgewood Road, Rosebank 13/847265 | Private | Yes - verified | Envt con & mngt | 1(a) | E2 also RU1 to E3 | 5 | 6.8 | Yes |
| Site 7 | | | | | | | | |
| 67 Gray Road Eltham 2/619965 | Private | Yes - verified | Envt con | 7(a) | E2 | 2.4 | 2.4 | Yes |
| Site 14 | | | | | | | | |
| 941 Coraki Road, Ruthven 242/755728 | Crown | Yes – not verified | Recreational reserve | 1(r) | E3 | 3.4 | 3.4 | N/A |
| Site 17 | | | | | | | | |
| 6 Baxter Lane, Tuckurimba 124/755746 | Crown | Yes – not verified | Nature reserve | 1(a) | E3 | 0.75 | 0.75 | N/A |
| 1709 Wyrallah Road, Tuckurimba 11/136070 | Private | Yes – OEH conservation agreement | Envt mngt | 1(a) | E3 | 1 | 1 | Not needed |
| Site 23 | | | | | | | | |
| 650 Broadwater Road, Broadwater 1/171730 | Lismore City Council | Yes – not verified | Envt mngt | 1(a) | E3 | 1 | 1 | N/A |
| 708 Broadwater Road, Broadwater 31/627286 | Private | Yes - verified | Envt mngt | 1(a) & 1(r) | E3 | 6 | 6 | Yes |
| 84A Bagotville Road, Broadwater 2/717103 | Private | Yes - verified | Envt mngt | 1(a) & 1(r) | E3 & RU1 | 4 | 2.4 | Yes |
| Part Bagotville Road reserve and | Lismore City Council | Yes - Coastal Wetland (CM SEPP) | Envt con | 7(a) | E2 | 4 | 4 | Not needed – Coastal Wetland (CM SEPP) |

| Address | Owner | Consistent with E2/E3 criteria | Primary use | DM existing zone | DM proposed zone | Area (ha) approx | | Ecological assessment |
|--|---------------------------------------|---------------------------------|------------------------------|------------------|------------------|------------------|-------------------|--|
| | | | | | | DM | E zone | |
| adjacent undescribed land | | | | | | | | |
| Site 24 | | | | | | | | |
| 114 Plenkovich Road, Broadwater 253/755691 | Jali LALC | Yes - Coastal Wetland (CM SEPP) | Aboriginal cultural heritage | 7(a) | E2 | 7.6 | 7.6 | Not needed – Coastal Wetland (CM SEPP) |
| Part Plenkovich Road reserve and adjacent undescribed land | Crown | Yes - Coastal Wetland (CM SEPP) | Envt con | 1(r) & 7(a) | E2 | 58 | 58 | Not needed – Coastal Wetland (CM SEPP) |
| Part Broadwater Road reserve and adjacent undescribed land | Part Lismore City Council, part Crown | Yes - Coastal Wetland (CM SEPP) | Envt con | 7(a) | E2 | 5 | 5 | Not needed – Coastal Wetland (CM SEPP) |
| | | | | | | | Total: 224 | |

In accordance with the Northern Councils E Zone Review – Final Recommendations Report, all privately owned land proposed for an E zone has been subject to E zone criteria verification (biodiversity field assessment reports are located at Appendix 1), with the exception of two lots that did not require a field assessment including:

- Site 17 (1709 Wyrallah Road, Tuckurimba) – there is a Conservation Agreement in place on the land between the Minister administering the *National Parks and Wildlife Act 1974* and the landowner.
- Site 24 (114 Plenkovich Road, Broadwater) – mapped as Coastal Wetland under the CM SEPP.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

The planning proposal is a response to:

- Council resolution 9/17 of the 14 February 2017 as presented in the Background section of this report;
- The Northern Council's E Zone Review – Final Recommendations Report;
- S9.1 Directions by the Minister, *Environmental Planning and Assessment Act 1979*, in particular Direction 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.

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

The planning proposal is the only means of achieving the intended outcomes listed in Part 1 of this report. The planning proposal will:

- Simplify land use planning requirements for all non-urban land in the Lismore Local Government Area with the provision a single Local Environmental Plan.
- Provide appropriate land use zones for non-urban DM land in accordance with the *Environmental Planning and Assessment Act 1979* Section 9.1 Directions by the Minister.
- Remove landholder concern and uncertainty associated with the application of E zones in non-urban areas.
- Provide an opportunity for non-urban DM landholders to request an E zone where the “primary use” of the DM area is environmental conservation or environmental management.

The selection of the suite of zones proposed for non-urban DM areas is based on the “primary use” test in accordance with the Northern Councils E Zone Review – Final Recommendations. Council wrote to all private DM landholders to consult with them with regards to the primary use of the land. A second letter was sent to landholders that did not respond to the first. A response rate of 75.5% was achieved. A desk top assessment was used to determine the primary use of the remaining 24.5% of landholders that did not respond. Environmental protection zones are not proposed on private land unless requested by the landholder in accordance with Council resolution 9/17. Table 7 below provides justification and explanation for the use of proposed zones RU1, E3, E2 and SP2.

Table 7 – Details and justification for proposed zones

| Proposed zones | Site (refer to figure 1) | Description | Justification |
|----------------|--------------------------------|--|---|
| SP2 | 3 | 4 Rous County Council lots including 186, 228, 229 & 229A Rocky Creek Dam Road, Dunoon (1/1112836; 2/117544; 111/1234813 & 1/118970) | <p><u>Rocky Creek Dam</u></p> <p>These four allotments form part of the land owned by Rous County Council used for Rocky Creek Dam, associated infrastructure and bushland catchment area. The majority of the Rous land in this location is within Zone SP2 Infrastructure and the remaining land is DM. This DM rezoning presents the opportunity to make some minor adjustments to the boundary of the SP2 so that it includes all of the dam and associated infrastructure. Some of the infrastructure on DM land includes part of the dam wall, part of the spillway, the entire water treatment facility and some of the road network. The remaining DM land in 186, 229 & 229A Rocky Creek Dam Road is bushland catchment and is proposed for Zone E3.</p> <p>SP2 is a prescribed zone under SEPP (Infrastructure) 2007 and E zones are not. The use of SP2 will enable development and ongoing maintenance of the dam and associated infrastructure as intended under the SEPP.</p> |
| E2 and E3 | 1, 3, 4, 5, 7, 14, 17, 23 & 24 | 11 private lots, 2 LCC lots, 2 Crown lots, 4 Rous lots, 1 Jali LALC lot and 3 areas of undescribed riparian land at Broadwater. Refer to Site Tables and Table 6 for detail. | <p><u>E Zone Review Final Recommendations</u></p> <p>Consistent with E Zone Review Final Recommendations including:</p> <ul style="list-style-type: none"> • Proposed Zone E2 or E3 ‘primary use’ – environmental protection; • Private DM land consistent with one or more E zone criteria; • Private DM land E zone criteria ‘verified’; • Public DM land not ‘verified’, however primary use is environmental protection; • Private land may be consistent with E2 criteria but in some cases proposed E3; or consistent with E3 but in some cases proposed E2 – negotiated development outcome with landowner. <p><u>Council resolution 9/17</u></p> <p>Consistent with Lismore City Council resolution 9/17.</p> |
| RU1 | All sites except 1 and 5 | 184 private lots, 10 Crown lots, 6 lots owned by various Aboriginal groups. Refer to | <p><u>Primary use - E Zone Review Final Recommendations</u></p> <p>Numerous areas of DM contain high conservation value vegetation, however, the ‘primary use’ test has been satisfied with community consultation and/or desk top assessment and Zone RU1 Primary Production is proposed for ‘primary uses’ such as agriculture</p> |

| Proposed zones | Site (refer to figure 1) | Description | Justification |
|----------------|--------------------------|-------------------------|---|
| | | Site Tables for detail. | <p>(commercial grazing, bee keeping, cropping or horticulture), hobby farms, rural residential, multiple occupancy and rural tourism.</p> <p>Part of Recommendation No. 4 of the Northern Councils E Zone Review follows: <i>"If council believes the primary use of the land does not warrant an E zone and the land meets the E zone criteria, then an LEP clause can be applied."</i></p> <p>Council consulted with all private DM landholders via mail to determine the primary use of their land. A second letter was sent to those landholders that did not respond to the first letter. A 75.5% response rate was achieved. The nominated land use was further subject to a desk top assessment. Private DM land without a landholder response (24.5%) was subject to a desk top assessment only.</p> <p>This approach is consistent with the E Zone Review Final Recommendations.</p> <p><u>Council resolution 9/17</u> Consistent with Council resolution 9/17.</p> <p><u>Ancillary use</u> Native vegetation, including woody vegetation is often ancillary to the primary use of the land, whether that is commercial agriculture, a hobby farm, rural residential, multiple occupancy or tourism. The following extracts are taken from the Department of Planning and Environment - Planning Circular PS 13-001. <i>An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.</i> <i>To put it simply:</i></p> <ul style="list-style-type: none"> <i>If a component serves the dominant purpose, it is ancillary to that dominant purpose.</i> <i>If a component serves its own purpose, it is not a component of the dominant purpose but an independent use of the same land. It is a dominant use in its own right.</i> <p><u>Native vegetation ancillary to agriculture/hobby farms</u> The ancillary use of native vegetation for the dominant purpose (primary use) of agriculture and hobby farms includes:</p> <ul style="list-style-type: none"> Shelter for stock; Provision of windbreak for stock or crops/horticulture; Soil stability and erosion mitigation; Reduction of water table levels in low lying areas; Dust mitigation for crops; Cyclic salt mitigation in areas close to the coast or tidal waterways such as Broadwater; Integrated pest management with the provision of habitat to maintain biodiversity. Higher order predators can assist with controlling pest insects and rodents. Maintaining native vascular plants and associated mycorrhizal fungi assist in the maintenance of soil health. Mycorrhizae play an important role in soil biology and soil chemistry which has the potential to enhance agricultural productivity. Erosion mitigation on the floodplain with the maintenance of some woody vegetation can potentially assist with the management of acid sulfate soils. Acid sulfate soils are formed under waterlogged conditions, high in iron sulfide or their oxidation products. When acid sulfate soils are left in an undisturbed state without exposure to oxygen potential negative impacts are minimised. When acid sulfate soils are exposed to oxygen, the iron sulfide oxidises to form sulfuric acid. This can have a negative environmental impact and may potentially reduce crop or pasture productivity. |

| Proposed zones | Site (refer to figure 1) | Description | Justification |
|----------------|--------------------------|-------------|--|
| | | | <ul style="list-style-type: none"> The provision of construction timber and/or firewood in accordance with 'Allowable activities clearing of native vegetation' Part 2, Schedule 5A of the <i>Local Land Services Act 2013</i>. <p><u>Native vegetation ancillary to rural residential, multiple occupancy and rural tourism</u></p> <p>The ancillary use of native vegetation for the dominant purpose rural residential, multiple occupancy and tourism includes:</p> <ul style="list-style-type: none"> Provision of amenity for residents / tourists A bush land retreat can enhance the wellbeing of residents / tourists Recreational use for residents / tourists Enhanced ecological knowledge and awareness of the natural environment for residents / tourists Soil stability and erosion mitigation Dust mitigation Sound mitigation Other ancillary uses listed for agriculture and hobby farms <p><u>Conservation and management definitions</u></p> <p>In assigning a primary use the dictionary definition for 'conservation' and 'management' (used in E2 Environmental Conservation and E3 Environmental Management) were considered. The relevant Collins definition follows:</p> <ul style="list-style-type: none"> 'Management' – handling, controlling, directing; and 'Conservation' – protection, preservation and careful management. <p>Both of these definitions imply that human intervention is required in order to satisfy a primary use of either environmental conservation or environmental management. Moreover, it is logical to argue that bushland that is not actively managed for environmental protection is likely to have a land use that is subordinate or ancillary to the dominant use of agriculture, hobby farm, rural residential, multiple occupancy or rural tourism.</p> |

Section B – Relationship to Strategic Planning Framework

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

The planning proposal is consistent with the actions contained within the North Coast Regional Plan 2036. A compliance table is provided at Appendix 3.

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

The planning proposal is consistent with the Lismore Growth Management Strategy 2015 – 2035. The proposed zones for non-urban DM land include RU1 Primary Production, E3 Environmental Management, E2 Environmental Conservation and SP2 Infrastructure. The selection of this suite of zones for non-urban DM land does not involve any land identified for potential greenfield residential or any other more intensive land use. Moreover, the planning proposal is consistent with the principles used to guide the preparation of the Lismore Growth Management Strategy listed in Table 12 of Chapter 4 of the strategy.

The planning proposal is consistent with Imagine Lismore (Community Strategic Plan) 2017 – 2027 as outlined in Table 8 below.

Table 8 – CSP Relevant Objectives, Strategies and Actions compliance table

| CSP Objectives, Strategies & Actions | Compliance comments |
|--|--|
| 10 Year Objectives | |
| D2 Our built environment is managed and enhanced to meet the needs of our growing community. | SP2 – proposed to assist with the management of infrastructure. E2 & E3 – proposed to assist with the management of biodiversity values. RU1 proposed to enable the agricultural use of rural land and to provide rural residential and rural tourism opportunities. |
| 4 Year Delivery Program Strategies and 1 Year Operational Plan Actions | |
| Strategy D3.2 – Ensure a diverse range of land use and development opportunities are available. Action D3.2.1 – Monitor the Local Environmental Plan and amend as required in response to community and development industry needs. | DM rezoning in response to Council resolution, representing the community. Also in response to Northern Councils E Zone Review – Final Recommendations Report. |

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Appendix 4.

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

The planning proposal is consistent with the applicable s9.1 Ministerial Directions. A Section 9.1 checklist for the planning proposal is provided at Appendix 5.

Section C – Environmental, Social and Economic Impact

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

All of the proposed DM zone changes are consistent with the “primary use” of the land, with the exception of 81 Fox Road, Rosebank. The primary use of this DM area, is environmental management and the owners have requested the application of Zone RU1 Primary Production in accordance with the Council resolution. This 55ha allotment is comprised of approximately 25ha of cleared land and 30ha of forest including areas of Camphor laurel; wet sclerophyll forest dominated with Blackbutt, Tallowood and Brush box; and sub-tropical rainforest. The proposed “like for like” zone change from 1(a) General Rural (LEP 2000) to Zone RU1 Primary Production is unlikely to adversely affect the biodiversity values of the land (refer to Table 10 “LEP 2000 rural zone to RU1” for detail). Council is not compelled to apply an E zone on land that meets E zone criteria in accordance with recommendation No. 4 of the Northern Councils E Zone Review.

A land use permissibility comparison for the proposed LEP 2012 zones is provided in Table 9 below. The proposed non-urban zones will only permit limited low scale development. The widest range of permissible land uses can occur in Zone RU1 and the most restrictive zone is E2. It is worth noting that the majority of the non-urban lots with DM areas also have cleared areas more potentially suited to some of the land uses listed in Table 8, thus limiting potential development pressure on DM areas. Notwithstanding land use permissibility, numerous local, state and federal requirements apply to development that requires consent including; LEP and DCP provisions; Council policies and strategies; *Biodiversity Conservation Act 2016*, *Local Land Services Act 2013*, *SEPP 44 – Koala Habitat Protection*, *SEPP Coastal Management 2018*, and the *Federal Environment Protection and Biodiversity Conservation Act 1999*. Permissibility alone does not determine the potential for development.

Note. The following abbreviations are used in the table: O – permissible without consent; C – permissible with consent; X – prohibited.

Table 9 – Lismore LEP 2012 land use permissibility comparison

| Zone | Land use | | | | |
|------|----------|----------------|--|------------------|---|
| | Dwelling | Dual occupancy | Rural accommodation | Tourist industry | Agriculture |
| RU1 | C | C | C B&B, farm stay, camping grounds, caravan parks, eco-tourist facility. | C | O grazing, bee keeping, dairy (pasture), horticulture, viticulture. C aquaculture, intensive livestock ag, turf farming. |
| E3 | C | X | C B&B, farm stay, camping grounds, caravan parks, eco-tourist facility. | X | O grazing, bee keeping. C dairy (pasture). X aquaculture, intensive livestock ag, turf farming, horticulture, viticulture. |
| E2 | X | X | X | X | C grazing, bee keeping, dairy (pasture) X aquaculture, intensive livestock ag, turf farming, horticulture, viticulture. |

The majority of the DM sites are just not suitable for further intensive development. Many of the DM areas are forested and located on infertile rhyolitic (Site 2 and 4) or sandstone soils (Site 23). Sites 12, 13, 14, 16, 17 (part) 18, 19, 20, 21, 22 and 24 are located on a flood plain. At best, some of the sites may be suitable for a dwelling or low scale rural tourism operation, while others will not be developed due to physical constraints or ecological attributes.

The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. Table 10 below provides a summary of potential ecological impacts for various zone change categories. There is no critical habitat in the Lismore LGA.

Table 10 - Assessment of ecological impacts

| General DM zone change category | Likelihood of negative ecological impacts |
|---|---|
| LEP 2000 rural zone to RU1 | 65% of all non-urban lots with DM are proposed to change from a rural zone under LEP 2000 to the equivalent Zone RU1 under LEP 2012. There are no likely negative ecological impacts associated with a proposed “like for like” change. Moreover, some of the land uses that are permissible in rural zones under LEP 2000 are no longer permissible under LEP 2012 including industries and motels. Biodiversity values are protected under LEP 2012, Lismore DCP, Council’s policies /strategies and state and federal legislation. |
| LEP 2000 environmental zone to RU1; or a combination of LEP 2000 environmental zone and rural zone to RU1 | 25% of all non-urban lots with DM are proposed to change from an environmental zone or part environmental zone under LEP 2000 to Zone RU1 under LEP 2012. All non-urban DM in LEP 2000 environmental zones have limited development potential. Sites 7, 8 and 11 DM areas are all heavily forested; Site 13 is a billabong used for watering stock; Sites 10, 12 and 15 are slightly more open koala habitat forest; and Sites 19, 20, 23 and 24 includes Coastal Wetland or are in the 100m proximity area for Coastal Wetlands under SEPP (Coastal Management) 2018. The biodiversity values of the land are significant. The development potential is low due to physical constraints and ecological attributes. Biodiversity values are protected under LEP 2012, Lismore DCP, Council’s policies /strategies and state and federal legislation. |
| LEP 2000 rural zone to E2 or E3; or LEP 2000 rural zone to a | 7% of all non-urban lots with DM are proposed to change from a rural zone under LEP 2000 to Zone E2 or E3 under LEP 2012. E2/E3 criteria for privately owned lots has been verified in accordance with the Northern Councils E Zone Review Final Recommendations. |

| General DM zone change category | Likelihood of negative ecological impacts |
|--|---|
| combination of E2/E3 and RU1 | Biodiversity values are protected under LEP 2012, Lismore DCP, Council's policies /strategies and state and federal legislation. |
| LEP 2000 environmental zone to E2/E3 | 1% of all non-urban lots with DM are proposed to change from an environmental zone under LEP 2000 to E2 under LEP 2012 (Sites 7 & 24). Additionally, 3 large undescribed riparian areas in Sites 23 & 24 totalling 67ha are proposed for Zone E2. The DM in Site 7 is subtropical rainforest and those in Sites 23 & 24 are Coastal Wetlands under SEPP Coastal Management 2018. The biodiversity values of these areas are protected under local, state and federal legislation. |
| LEP 2000 rural zone to SP2; or LEP 2000 rural zone to E3 and SP2 | 2% of all non-urban lots with DM, all located within Site 3, are proposed to change from a rural zone under LEP 2000 to E3 and SP2 under LEP 2012. All of this land is owned by Rous County Council and is used for Rocky Creek Dam and the associated bushland catchment. The provision of some Zone SP2 enables the maintenance and provision of dam infrastructure as intended pursuant to SEPP (Infrastructure) 2007. The biodiversity values of this area are protected under local, state and federal legislation. |

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

An overview of the natural hazards that apply to land proposed for rezoning is provided below in Table 11. There are no likely negative environmental effects associated with the planning proposal with regards to natural hazards.

Table 11 Natural hazards

| Natural hazard | Assessment comments |
|--------------------|--|
| Flood | The following sites include flood prone land: 12, 13, 14, 16, 17 (part), 18, 19, 20, 21, 22, 23 (small part only) and 24. The zones that form the subject of this planning proposal do not enable subdivision beyond the minimum lot size of 40ha. There is no potential for more intensive development. There is no additional risk to life or property as a result of the planning proposal. |
| Landslip | No sites, except Site 10, include DM land mapped as mass movement. Two lots in Site 10 have some DM land that is constrained by landslip. The land in this location is proposed to change from Zones 1(a) and 7(b) to Zone RU1. The minimum lot size remains at 40ha and there is no additional potential for more intensive development in this location. No negative effects as a result of this constraint. |
| Bushfire | All sites except Site 13, which is a billabong, contain bushfire prone land. The planning proposal will be referred to the NSW Rural Fire Service in accordance with Ministerial Direction 4.4. |
| Contaminated land | In accordance with clause 6, SEPP 55 a planning authority does not need to consider whether the land is contaminated for this planning proposal. The land is not specified in subclause 6(4) of the SEPP. The proposed zone changes do not permit more intensive development for residential, educational, recreational or child care purposes or for the purposes of a hospital. No additional negative effects in relation to potential contaminated land. |
| Acid sulfate soils | Sites 12 to 24 inclusive are included in Lismore LEP 2012 Acid Sulfate Soils Map. The proposed zone changes do not permit more intensive development. No additional negative effects as a result of this constraint. |

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

Aboriginal and European cultural heritage

The DM areas of the 209 non-urban lots were assessed to determine Aboriginal and European cultural heritage values using the: Aboriginal Heritage Management Information System (AHIMS); and an unpublished report entitled "Wiy-abal Aboriginal Clan (Bundjalung Nation) Cultural Heritage & Values Relating to the Lismore City Council Local Government Area" prepared by Collins M and Heron R dated June 2000; and the Lismore LEP 2012 Heritage Map. Site 3 includes one allotment mapped as a heritage item. Sites 14 and 15 each include an AHIMS site (search completed 18/6/2018) within DM areas. An assessment of any potential effects on cultural heritage values is provided in Table 12.

Table 12 Aboriginal and European cultural heritage

| Site | Address | Assessment comments |
|-------------------------------------|--|---|
| Aboriginal cultural heritage | | |
| 14 | 940 Coraki Road, Ruthven (Lot 1 DP 125530) | The existing zone on the DM area within this lot is 1(r) Riverlands and the proposed zone is RU1 Primary Production. There is very little change in development potential for this flood prone grazing land. No known negative effects as a result of the planning proposal. The planning proposal will be referred to the Ngulingah LALC for comment. |
| 15 | 1511 Wyrallah Road, Tucki Tucki (Lot 131 DP 728195) | The existing zone on the DM area within this lot is 7(b) Environment Protection - Habitat and the proposed zone is RU1 Primary Production. This Crown lot is part of the Wyrallah stock flood refuge and is used by surrounding graziers in times of flood. There is a grazing lease/license over the land for grazing in non-flood periods. There is very little change in development potential for the land. No known negative effects as a result of the planning proposal. The planning proposal will be referred to the Ngulingah LALC for comment. |
| European cultural heritage | | |
| 3 | 143 Rocky Creek Dam Road, Dunoon (Lot 12 DP 1147676) | 143 Rocky Creek Dam Road, Dunoon is listed as a heritage item in LEP 2012 (I17 – “Wendela”). A boundary adjustment between this lot and adjoining Rous County Council land necessitates a minor realignment of zone boundaries. The small area of DM now within the lot was previously within the adjoining Rous land. The DM land is currently within Zone 1(a) General Rural and it is proposed for Zone RU1 Primary Production. No known negative effects as a result of the planning proposal. |

State and regionally significant farmland

In accordance with the Northern Councils E Zone Review Final Recommendations Report, State and regionally significant farmland (Northern Rivers Farmland Protection Project 2005) is to be considered along with primary use of the land before applying an E zone or a rural zone. The “Introduction” section of the Northern Rivers Farmland Protection Project Final Recommendations February 2005 highlights the importance of agriculture on the North Coast. The Introduction is provided below:

Agriculture is an important industry on the North Coast. It is the region’s third largest employer and exporter and fourth highest contributor to gross regional production.

Agricultural land is a finite resource and is under increasing development pressure. A great deal of agricultural land has been lost to production already. Population pressures have resulted in urban and rural residential encroachment onto farmland. This is having a significant impact on the economic and social value of agriculture in our region. In particular, the loss of critical mass of farms can make it difficult to maintain support services and infrastructure. Land use conflicts between farming and non-farming neighbours have increased, at times leading to farmers having to alter or even close their farming operations. Increasing land prices due to development pressures make it difficult for farmers to purchase additional land to ensure the ongoing viability of their business.

The planning proposal, based on the “primary use” of the land ensures that farms can continue to be operated as farms without having to rely on the nuisances of the existing use provisions of the *Environmental Planning and Assessment Act 1979* if the land were to be zoned for environmental protection. Moreover, this planning proposal enables the continuation of the positive social and economic benefits provided by the agricultural sector. All State significant farmland is proposed for Zone RU1 Primary Production, consistent with the “primary use” test. Regionally significant farmland is mainly proposed for Zone RU1, with smaller areas proposed for Zone E2 and E3, consistent with the “primary use” test. Table 13 lists the 24 DM sites and their status as State or regionally significant farmland.

Table 13 – State and regionally significant farmland

| Site | State/regionally significant farmland | Existing zones | Proposed zones |
|------|--|-------------------|----------------|
| 1 | Nil | 1(a) | E2 & E3 |
| 2 | Nil | 1(a) | RU1 |
| 3 | Majority DM regionally significant | 1(a) & 1(b) | RU1, E3, & SP2 |
| 4 | Minority DM regionally significant | 1(a) | RU1 & E3 |
| 5 | All DM regionally significant | 1(a) | E2 & E3 |
| 6 | All DM regionally significant | 1(a) | RU1 |
| 7 | All DM regionally significant | 7(a) | E2 & RU1 |
| 8 | All DM State significant | 7(a) & 1(b) | RU1 |
| 9 | All DM regionally significant | 1(r) | RU1 |
| 10 | Majority of DM combination of State and regionally significant | 1(a), 1(b) & 7(b) | RU1 |
| 11 | All DM State significant | 1(b) & 7(a) | RU1 |
| 12 | All DM regionally significant | 1(r) & 7(a) | RU1 |
| 13 | All DM regionally significant | 1(r) & 7(a) | RU1 |
| 14 | All DM regionally significant | 1(r) | RU1 & E3 |
| 15 | Half of DM regionally significant | 7(b) | RU1 |
| 16 | Nil | 1(a) & 1(r) | RU1 |
| 17 | Majority DM regionally significant | 1(a) & 1(r) | RU1 & E3 |
| 18 | Majority DM regionally significant | 1(a) & 1(r) | RU1 |
| 19 | Nil | 1(a), 1(r) & 7(a) | RU1 |
| 20 | Minority DM regionally significant | 1(r) & 7(a) | RU1 |
| 21 | Minority DM regionally significant | 1(r) | RU1 |
| 22 | Nil | 1(r) | RU1 |
| 23 | Nil | 1(a), 1(r) & 7(a) | E2, E3 & RU1 |
| 24 | Nil | 1(r) & 7(a) | E2 & RU1 |

Other social and economic effects

Notwithstanding the significant economic and social benefits of the agricultural sector, the proposed zone changes will generally provide a status quo with regards to development potential. The planning proposal will provide for the continuation of low scale development opportunities compatible with the agricultural and ecological values of the rural area.

The vast majority of the non-urban DM areas are too constrained to be suited to development other than the current “primary use”. The biodiversity values of these DM areas, protected by policy and legislative requirements at all levels of government, will further restrict the development potential for these locations.

The planning proposal does not involve any negative social or economic impacts. The positive impacts of the proposal are articulated in Part 1 of this report and include: the simplification of land use planning requirements for all non-urban land in the Lismore Local Government Area with the provision a single Local Environmental Plan; the removal of any landholder concern and uncertainty associated with the application of E zones in non-urban areas; and the provision of an opportunity for non-urban landholders to request an E zone where the primary use of the DM area is environmental conservation or environmental management.

Section D – State and Commonwealth Interests**10. Is there adequate public infrastructure for the Planning Proposal?**

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

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

Nearly all of the DM land involved in the planning proposal is bush fire prone and Council is required to consult with the NSW Rural Fire Service in accordance with s9.1 Ministerial Direction 4.4.

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

It is recommended that the planning proposal is referred to Ngulingah Local Aboriginal Land Council as two of the DM areas involved in the planning proposal are AHIMS sites.

Other government departments will be notified as a “landholder” during the public consultation process, without seeking their general comments regarding the entire planning proposal.

PART 4 - MAPPING

The mapping is located at Appendix 2. An overview map is provided which divides the Lismore LGA non-urban DM areas into 24 sites (also refer to Figure 1 in this report). A “Locality map” and a “Proposed zone map” is provided for each site.

PART 5 – COMMUNITY CONSULTATION

Council staff have already undertaken pre-Gateway consultation with private DM landholders in accordance with resolution 9/17. Refer to the Background section of this report for details.

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

Notification of the exhibited planning proposal will include:

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

The written notice:

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

Exhibition material:

- The planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment.
- The Gateway determination.

PART 6 – PROJECT TIMELINE

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

| Estimated Completion | Plan Making Steps |
|------------------------|--|
| August 2018 | Report planning proposal to Council |
| September 2018 | Gateway determination issued by Department of Planning and Environment. |
| October 2018 | Government agency consultation |
| November/December 2018 | Public consultation |
| January/February 2019 | Analysis of public submissions & public agency comments Preparation of Council report |
| April 2019 | Report to Council Preparation of LEP maps |
| May 2019 | Preparation of LEP maps |
| June 2019 | Submission to DPE for plan making |
| July 2019 | Making of the LEP. Notification of the LEP |

PART 7– LEP DELEGATIONS

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

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

The delegations only extend to routine LEPs as listed below:

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

The delegations do not extend to Council in this instance and consequently, Council does not seek to exercise delegations for plan making.

APPENDIX 3

NORTH COAST REGIONAL PLAN 2036 - COMPLIANCE TABLE

| Action | Requirement | Compliance |
|--|--|--|
| Direction 1: Deliver environmentally sustainable growth | | |
| 1.1 | Urban development in mapped areas. | N/A |
| 1.2 | Review mapped areas for high environmental value. | N/A |
| 1.3 | Identify residential, commercial or industrial uses in GMS. | N/A |
| 1.4 | Prepare land release criteria to assess appropriate locations for future urban growth. | N/A |
| Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments | | |
| 2.1 | Implement the 'avoid, minimise, offset' hierarchy to biodiversity. | Consistent DM areas are of high biodiversity value. Proposed zones RU1, E3, E2 and some SP2 are selected on the basis of "primary use". These zones are low development potential. Biodiversity values are protected by local, state and federal policies and legislation. |
| 2.2 | Ensure local plans manage marine environments, water catchment areas and groundwater sources. | Consistent Existing clauses in LEP for protection of drinking water catchment and coastal zone. |
| Direction 3: Manage natural hazards and climate change | | |
| 3.1 | Reduce the risk from natural hazards by identifying, avoiding and managing. | Consistent There is no additional risk to life or property as a result of the planning proposal. A natural hazard risk assessment is provided in Table 11 of the planning proposal report. |
| 3.2 | Review flood risk, bushfire and coastal management mapping. | N/A |
| 3.3 | Use latest knowledge on regional climate projections for new urban development. | N/A The planning proposal does not involve rezoning for new urban development. |
| Direction 4: Promote renewable energy opportunities | | |
| 4.1 | Identifying renewable energy resource precincts and infrastructure corridors. | N/A |
| 4.2 | Enable appropriate smaller-scale renewable energy projects | N/A |
| 4.3 | Promote appropriate smaller and community-scale renewable energy projects. | N/A |
| Direction 5: Strengthen communities of interest and cross-regional relationships | | |
| 5.1 | Collaborate on regional and intra-regional housing and employment land delivery, and industry development. | N/A |
| 5.2 | Integrate cross-border land use planning between NSW and SE Qld. | N/A |
| 5.3 | Cooperation and land use planning between the City of Gold Coast and Tweed Shire Council. | N/A |
| 5.4 | Prepare a regional economic development strategy. | N/A |
| Direction 6: Develop successful centres of employment | | |
| 6.1 | Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity. | N/A |
| 6.2 | Flexible planning controls, business park development opportunities and opportunities for start-up industries. | N/A |
| 6.3 | Reinforce centres through LGMS and LEP as primary mixed-use locations | N/A |
| 6.4 | Focus commercial activities in existing centres; place-making focused planning | N/A |
| 6.5 | Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land | N/A |
| 6.6 | Deliver employment land through LGMS and LEP | N/A |

| Action | Requirement | Compliance |
|---|---|--|
| 6.7 | Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor. | N/A |
| Direction 7: Coordinate the growth of regional cities | | |
| 7.1 | Prepare action plans for regional cities | N/A |
| Direction 8: Promote the growth of tourism | | |
| 8.1 | Facilitate appropriate large-scale tourism developments in prime tourism development areas. | N/A |
| 8.2 | Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through LGMS and LEP. | Consistent Zones RU1 and E3 enable a broad range of low scale rural tourist development. |
| 8.3 | Prepare destination management plans or other tourism focused strategies. | N/A |
| 8.4 | Promote opportunities to expand visitation to regionally significant nature-based tourism places. | N/A |
| 8.5 | Preserve the region's existing tourist and visitor accommodation. | N/A |
| Direction 9: Strengthen regionally significant transport corridors | | |
| 9.1 | Encouraging business and employment activities that leverage major transport connections. | N/A |
| 9.2 | Minimise impact of development on regionally significant transport infrastructure. | N/A |
| 9.3 | Ensure the effective management of the State and regional road network. | N/A |
| Direction 10: Facilitate air, rail and public transport infrastructure | | |
| 10.1 | Deliver airport precinct plans that maximise potential of value-adding industries close to airports. | N/A |
| 10.2 | Consider airport-related employment/precincts that capitalise on future expanded Gold Coast Airport. | N/A |
| 10.3 | Protect the North Coast Rail Line and high-speed rail corridor. | Consistent The planning proposal does not compromise North Coast Rail Line network opportunities. |
| 10.4 | Provide public transport where urban area has potential to generate sufficient demand. | N/A |
| 10.5 | Deliver a safe and efficient transport network to serve future release areas. | N/A |
| Direction 11: Protect and enhance productive agricultural lands | | |
| 11.1 | Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production. | Consistent The proposal does not involve the expansion of urban or large lot residential land into important farmland. |
| 11.2 | Update the Northern Rivers Farmland Protection Project (2005). | N/A |
| 11.3 | Identify and protect intensive agriculture clusters in local plans. | Consistent The proposal does not involve residential and rural residential expansion. |
| 11.4 | Encourage commercial/tourist/recreation that complements/promotes agricultural sector. | Consistent Existing LEP provisions and land use permissibility. |
| 11.5 | Address sector-specific considerations for agricultural industries through local plans. | N/A |
| Direction 12: Grow agribusiness across the region | | |
| 12.1 | Promote the expansion of agribusiness in LGMS and LEPs. | Consistent Current provisions in LEP enable expansion of agribusiness. |
| 12.2 | Encourage the co-location of intensive primary industries and compatible processing activities. | Consistent Rural industries are already permissible in Zone RU1. |
| 12.3 | Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness. | N/A |
| 12.4 | Facilitate investment in the agricultural supply chain. | N/A |
| Direction 13: Sustainably manage natural resources | | |

| Action | Requirement | Compliance |
|---|---|--|
| 13.1 | Locate sensitive development e.g. residential away from region's natural mineral and forestry resources. | Consistent The planning proposal does not involve urban expansion. |
| 13.2 | Plan for the ongoing use of lands with regionally significant construction material resources. | Consistent Existing construction material resources are not compromised by the planning proposal. |
| Direction 14: Provide great places to live and work | | |
| 14.1 | Prepare precinct plans in growth areas or centres bypassed by the Pacific Highway. Establish appropriate zoning, development standards & S94. | N/A |
| 14.2 | Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C). | N/A |
| Direction 15: Develop healthy, safe, socially engaged and well-connected communities | | |
| 15.1 | Deliver guidelines for healthy built environments. | N/A |
| 15.2 | Facilitate more recreational walking and cycling paths. | N/A |
| 15.3 | Implement actions and invest in boating infrastructure priorities. | N/A |
| 15.4 | Create socially inclusive communities. | Consistent Council's social impact assessment policies do not apply to this planning proposal. |
| 15.5 | Deliver CPTED. | Consistent The proposals do not compromise Council's CPTED controls. |
| Direction 16: Collaborate and partner with Aboriginal communities | | |
| 16.1 | Develop partnerships with Aboriginal communities to facilitate engagement during the planning process. | Consistent Engagement protocols used with LALC in conjunction with Councils Environmental Contractor (Environmental and cultural heritage management). |
| 16.2 | Engage with Aboriginal communities with preparation of LGMS and LEP. | Consistent The planning proposal will be referred to Ngulingah LALC. |
| Direction 17: Increase the economic self-determination of Aboriginal communities | | |
| 17.1 | Deliver opportunities to increase the economic independence of Aboriginal communities. | N/A |
| 17.2 | Foster closer cooperation with LALC. | N/A |
| 17.3 | Identify priority sites with economic development potential that LALC may wish to investigate. | N/A |
| Direction 18: Respect and protect the North Coast's Aboriginal Heritage | | |
| 18.1 | Ensure Aboriginal objects and places are protected, managed and respected. | Consistent The planning proposal involves two AHIMS sites. The proposal will be referred to LALC for comment. |
| 18.2 | Undertake Aboriginal cultural heritage assessments to inform planning and development proposals. | Consistent Table 12 of the planning proposal report concludes that the proposed zone change will not impact negatively on the cultural heritage values of the AHIMS sites. |
| 18.3 | Adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage. | N/A |
| 18.4 | Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas to protect Aboriginal heritage. | N/A |
| Direction 19: Protect historic heritage | | |
| 19.1 | Ensure best-practice guidelines are considered when assessing heritage significance. | N/A |
| 19.2 | Prepare, review and update heritage studies and include appropriate local planning controls. | N/A |
| 19.3 | Deliver the adaptive or sympathetic use of heritage items and assets. | Consistent Site 3 includes a heritage item. Amendment limited to minor mapping amendments to accommodate recent boundary adjustment. |

| Action | Requirement | Compliance |
|---|--|------------|
| Direction 20: Maintain the region's distinctive built character | | |
| 20.1 | Development consistent with the North Coast Urban Design Guidelines (2009). | N/A |
| 20.2 | Review the North Coast Urban Design Guidelines (2009). | N/A |
| Direction 21: Coordinate local infrastructure delivery | | |
| 21.1 | Undertake detailed infrastructure service planning to support proposals for new major release areas. | N/A |
| 21.2 | Maximise the cost-effective and efficient use of infrastructure. | N/A |
| Direction 22: Deliver greater housing supply | | |
| 22.1 | Deliver an appropriate supply of residential land within LGMS and local plans. | N/A |
| 22.2 | Facilitate housing and accommodation options for temporary residents. | N/A |
| 22.3 | Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor. | N/A |
| Direction 23: Increase housing diversity and choice | | |
| 23.1 | Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m ² , by 2036. | N/A |
| 23.2 | Develop LGMS to respond to changing housing needs and support initiatives for ageing in place. | N/A |
| Direction 24: Deliver well-planned rural residential housing areas | | |
| 24.1 | Facilitate the delivery of well-planned rural residential housing areas. | N/A |
| 24.2 | Enable sustainable use of the region's sensitive coastal strip - new rural residential areas located outside the coastal strip, unless in LGMS | N/A |
| Direction 25: Deliver more opportunities for affordable housing | | |
| 25.1 | Deliver more opportunities for affordable housing. | N/A |
| 25.2 | Prepare guidelines for local housing strategies to plan for local affordable housing needs. | N/A |

APPENDIX 4

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

| State Environmental Planning Policy | Requirements | Compliance |
|---|---|---|
| SEPP No. 21 – Caravan Parks | N/A | N/A |
| SEPP No. 30 – Intensive Agriculture | N/A | N/A |
| SEPP No. 33 – Hazardous and Offensive Development | N/A | N/A |
| SEPP No. 36 – Manufactured Home Estates | N/A | N/A |
| SEPP No. 44 – Koala Habitat Protection | 3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones. | Consistent <ul style="list-style-type: none"> Many of the sites have some lots with DM containing koala habitat including Sites 2, 3, 4, 8, 9, 10, 12, 14, 15, 16, 17, 19, 20, 23 & 24. The planning proposal involves rural and environmental protection zones only, all with minimum lot sizes of 40ha. There will be little change in development potential, especially considering that the DM areas are highly constrained (refer to Table 11 – Natural Hazards). Private landholders have the opportunity to have their land placed in an environmental protection zone (free of charge), so landholders were provided with encouragement to include areas of koala habitat in E zones. SEPP 44 and the CKPoM for south east Lismore provide requirements for development involving koala habitat. |
| SEPP No. 50 – Canal Estate Development | N/A | N/A |
| SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas | N/A | N/A |
| SEPP No. 55 – Remediation of Land | 6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal | Consistent In accordance with clause 6, SEPP 55 a planning authority does not need to consider whether the land is contaminated for this planning proposal. The land is not specified in subclause (4) of the SEPP. The proposed zone changes do not permit more intensive development for residential, educational, recreational or child care purposes or for the purposes of a hospital. No contaminated land reporting required. |
| SEPP No. 62 – Sustainable Aquaculture | N/A | N/A |
| SEPP No. 64 – Advertising and Signage | N/A | N/A |
| SEPP No. 65 – Design Quality of Residential Flat Development | N/A | N/A |
| SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>) | N/A | N/A |

| State Environmental Planning Policy | Requirements | Compliance |
|--|---|--|
| SEPP (Affordable Rental Housing) 2009 | N/A | N/A |
| SEPP (Building Sustainability Index: BASIX) 2004 | N/A | N/A |
| SEPP (Coastal Management) 2018 | <p>3 Aim of Policy The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p> | <p>Consistent <i>Description of non-urban DM land within the coastal zone</i></p> <ul style="list-style-type: none"> • Sites with DM within the Coastal Environment Area and/or the Coastal Use Area: 12, 13, 14, 17, 19, 20, 21, 22, 23 & 24 • Sites with DM within the Coastal Wetlands Area: 19, 20, 23, 24 <p><i>Assessment comments</i> The proposed zones including rural and environmental protection do not compromise the aims of the SEPP. Agriculture in this area has been a land use spanning several decades. Some agriculture also occurs in the fringes of the coastal wetland area under Division 4.11 – Existing uses of the <i>Environmental Planning and Assessment Act 1979</i>.</p> |
| SEPP (Educational Establishments and Child Care Facilities) 2017 | N/A | N/A |
| SEPP (Housing for Seniors or People with a Disability) 2004 | N/A | N/A |
| SEPP (Infrastructure) 2007 | <p>2 Aim of Policy</p> <p>The aim of this policy is to facilitate the effective delivery of infrastructure across the State</p> | <p>Consistent</p> <p>The DM rezoning planning proposal does not compromise the aim of the SEPP.</p> |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | N/A | N/A |
| SEPP (Rural Lands) 2008 | <p>Consistency with the following:</p> <p>7 Rural Planning Principles 8 Rural Subdivision Principles</p> | <p>Consistent</p> <ul style="list-style-type: none"> • Current and potential rural land uses protected with the use of the proposed zones; • Selection of the proposed zones recognises the significance of rural land uses; • Selection of the proposed zones affords protection for biodiversity values; • The maintenance of the current minimum lot size of 40ha, (20ha for two lots with DM at Site 3) minimises fragmentation of rural land; and minimises land use conflict. |
| SEPP (State and Regional Development) 2011 | Not applicable | N/A |
| SEPP (Urban Renewal) 2010 | Not applicable | N/A |
| SEPP (Vegetation in Non-Rural Areas) 2017 | <p>3 Aims of Policy The aims of this Policy are:</p> | <p>Consistent This SEPP applies to non-rural areas. However, in accordance with clause 5 of the SEPP, Zones E2, E3 and SP2 are</p> |

| State Environmental Planning Policy | Requirements | Compliance |
|-------------------------------------|--|---|
| | <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation</p> | <p>considered “non-rural”. Vegetation removal in these zones will be controlled by the SEPP.</p> <p>Vegetation removal within Zone RU1 is controlled under the <i>Local Land Services Act 2013</i>.</p> |

APPENDIX 5

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

| Ministerial Directions | Requirements | Compliance |
|---|--|---|
| 1. Employment and Resources | | |
| 1.1 Business and Industrial Zones | <p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Retain existing business and industrial zones. Not reduce floor space for employment areas and related public services in business zones. Not reduce potential floor space for industrial uses in industrial zones. New employment areas in accordance with strategy approved by Director General DP&E. | N/A |
| 1.2 Rural Zones | <p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). | <p>Consistent</p> <ul style="list-style-type: none"> The planning proposal does not rezone land to residential, business, industrial, village or tourist The planning proposal does not contain provisions that will increase the permissible density of land within a rural zone. |
| 1.3 Mining Petroleum Production and Extractive Industries | <p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources | N/A |
| 1.4 Oyster Aquaculture | N/A | N/A |
| 1.5 Rural Lands | <p>This direction applies when:</p> <ul style="list-style-type: none"> The planning proposal effects land within an existing or proposed rural or environmental protection zone; When changes are proposed to minimum lot size in a rural or environmental protection zone. <p>The Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.</p> | <p>Consistent</p> <p><i>The direction applies due to the following:</i></p> <ul style="list-style-type: none"> The planning proposal does affect land in existing and proposed rural and environmental protection zones. <p><i>Description of minimum lot size (MLS) proposal</i></p> <ul style="list-style-type: none"> Existing 40ha MLS under LEP 2000 is maintained for new zones under LEP 2012 (the exception is some DM land in site 3 which is explained separately below); Existing environmental protection zones do not have MLS under LEP 2000. These DM areas are proposed for 40ha MLS in Zones RU1, E2 or E3 <p><i>Site 3 description of MLS proposal</i></p> <ul style="list-style-type: none"> 20ha MLS applies to land within 1(b) Agricultural Zone under LEP 2000. Site 3 is the only site where some of the DM areas in 5 lots are within |

| Ministerial Directions | Requirements | Compliance |
|------------------------------------|---|--|
| | | <p>zone 1(b). 2 lots are privately owned and proposed for 20ha MLS in proposed Zone RU1. The remaining 3 lots are owned by Rous County Council where the land is either proposed for Zone SP2 or E3. No MLS is proposed for SP2. 40ha is proposed for E3.</p> <p><i>Assessment of consistency with Rural Planning Principles and the Rural Subdivision Principles</i></p> <ul style="list-style-type: none"> • Current and potential rural land uses protected with the use of the proposed zones; • Selection of the proposed zones recognises the significance of rural land uses; • Selection of the proposed zones affords protection for biodiversity values; • The maintenance of the current minimum lot size of 40ha, (20ha for two lots with DM at Site 3) minimises fragmentation of rural land; and minimises land use conflict. |
| 2. Environment and Heritage | | |
| 2.1 Environment Protection Zones | <p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p> <p>Must not reduce protection standards for environmental protection zones.</p> | <p>Consistent</p> <p><i>Description of the planning proposal</i></p> <ul style="list-style-type: none"> • The planning proposal does involve <i>environmentally sensitive areas</i> listed in Clause 3.3 of the LEP 2012 including Coastal Wetlands under the <i>Coastal Management Act 2016</i> and land within 100m of the Coastal Wetlands (some DM in Sites 19, 20, 23 and 24 – refer to Site tables in part 2 of this report and Appendix 2 Mapping). • The following sites include some DM areas proposed to change from environmental protection zoning under LEP 2000 to Zone RU1 under LEP 2012: 7, 8, 10, 11, 12, 13, 15, 19, 20, 23 & 24. • The following sites include some DM areas proposed to change from a rural or environmental protection zone under LEP 2000 to an environmental protection zone under LEP 2012: 1, 3, 4, 5, 7, 14, 17, 23 & 24 <p><i>Assessment of consistency:</i></p> <p><i>Environmentally sensitive areas</i></p> <ul style="list-style-type: none"> • DM Coastal Wetland areas and DM land within 100m of Coastal Wetlands are protected by the provisions of SEPP (Coastal Management) 2018. Very limited development is permitted with consent in these areas and it is <i>designated development</i> regardless of the land use zone. • The proposed zones for environmentally sensitive areas are nominated on the basis of the “primary use” in accordance with the Northern Councils E Zone Review – Final Recommendations Report. <p><i>Other sites</i></p> <ul style="list-style-type: none"> • The proposed zones have been selected on the basis of the “primary use” in accordance with the Northern Councils E Zone Review – Final Recommendations Report. • One exception is located at Site 3 (81 Fox Road, Rosebank) where the DM area has a “primary use” of environmental management and the proposed |

| Ministerial Directions | Requirements | Compliance |
|---------------------------|---|--|
| | | <p>zone is RU1 Primary Production. The proposal at this location is a "like for like" zone change i.e. 1(a) General Rural to RU1 Primary Production. There is no negative impact associated with the proposal.</p> <ul style="list-style-type: none"> Council is not compelled to apply an E zone where the land is consistent with E zone criteria in accordance with the Northern Councils E zone Review (rule No. 4). |
| 2.2 Coastal Protection | <p>3 When this direction applies</p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p> <p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management Plan.</p> | <p>Consistent</p> <p><i>Description of non-urban DM land within the coastal zone</i></p> <ul style="list-style-type: none"> Sites with DM within the Coastal Environment Area and/or the Coastal Use Area: 12, 13, 14, 17, 19, 20, 21, 22, 23 & 24 Sites with DM within the Coastal Wetlands Area: 19, 20, 23, 24 <p><i>Assessment comments</i></p> <ul style="list-style-type: none"> The planning proposal is consistent with the objects of the <i>Coastal Management Act 2016</i>. The DM areas within the coastal zone are highly constrained with flood, acid sulfate soils and bushfire. Additionally, coastal wetland areas are of significant biodiversity value and play an important role in coastal ecosystem functions. The land has very limited development potential. The proposed zones, including RU1, E2 or E3, are based on the "primary use" and reflect the very limited development potential of the land. Some agriculture occurs in the fringes of the coastal wetland area under Division 4.11 – Existing uses of the <i>Environmental Planning and Assessment Act 1979</i>. The NSW Coastal Management Manual provides guidance to assist local councils when preparing and implementing Coastal Management Programs (CMP) under the <i>Coastal Management Act 2016</i>, which replaced the <i>Coastal Protection Act 1979</i>. The coastal zone in Lismore City Council LGA and adjoining council areas operates under a Coastal Zone Management Plan (CZMP) prepared under the <i>Coastal Protection Act 1979</i>. The CZMP currently operates under the savings and transitional provisions of the <i>Coastal Management Act 2016</i> until such time that a CMP is adopted. The Coastal Management Manual and associated Toolkit would be used to prepare a future CMP. The planning proposal is consistent with the NSW Coastal Design Guidelines 2003. Many of the DM areas within the southern part of the LGA are located in the area covered by the Coastal Zone Management Plan (CZMP) for the Richmond River Estuary 2011. The proposed suite of zones is consistent with the management strategies of the CZMP. |
| 2.3 Heritage Conservation | <p>Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.</p> | <p>Consistent</p> <ul style="list-style-type: none"> Site 3: 143 Rocky Creek Dam Road, Dunoon - minor adjustment of heritage map and update Schedule 5 with new lot and DP. Site 14: 940 Coraki Road, Ruthven – AHIMS listed - the existing zone on the DM area within this lot is 1(r) Riverlands and the proposed zone is RU1 Primary Production. There is very little |

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| | | <p>change in development potential for this flood prone grazing land. No known negative effects as a result of the planning proposal. The planning proposal will be referred to the Ngulingah LALC for comment.</p> <ul style="list-style-type: none"> Site 15: 1511 Wyrallah Road, Tucki Tucki – AHIMS listed - The existing zone on the DM area within this lot is 7(b) Environment Protection - Habitat and the proposed zone is RU1 Primary Production. This Crown lot is part of the Wyrallah stock flood refuge and is used by surrounding graziers in times of flood. There is a grazing lease/license over the land for grazing in non-flood periods. There is very little change in development potential for the land. No known negative effects as a result of the planning proposal. The planning proposal will be referred to the Ngulingah LALC for comment. LEP Clause 5.10 Heritage Conservation applies. |
| 2.4 Recreation Vehicle Areas | N/A | N/A |
| 2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs | The DM planning proposal must be consistent with the Northern Councils E Zone Review Final Recommendations. | <p>Consistent</p> <p>1) When will E zones be applied?</p> <p>E2 & E3 only applied in accordance with the primary use of the land (refer to site tables for detail);</p> <p>2) How will the primary use of the land be determined?</p> <p>The primary use of the non-urban DM land has been identified. Refer to the Background section of this report for detail.</p> <p>3) What are the E zone criteria?</p> <p>Private land proposed for E zone has been verified to contain one or more of the criteria listed in Tables 1 and 2 of the final recommendations.</p> <p>4) What is the procedure for applying an E2 or E3 zone to land?</p> <p>Suitably qualified council officers visited the DM sites to verify one or more of the criteria listed in Tables 1 and 2 of the final recommendations. The privately owned DM lot owners nominated the primary use of either environmental management or environmental conservation (details of the landowner consultation located within the Background section of this report). In some instances small buffer areas were used, only at the request of the land owner.</p> <p>5) How is the E zone criteria verified?</p> <p>Privately owned DM land proposed for an E zone was verified with a biodiversity field inspection and ground survey conducted by an appropriately qualified person (Refer to Appendix 1 for biodiversity field inspection reports). The two exceptions to this include:</p> <ul style="list-style-type: none"> Site 17 (1709 Wyrallah Road, Tuckurimba) – there is a Conservation Agreement in place on the land between the Minister administering the NPW Act 1974 and the landowner. Site 24 (114 Plenkovich Road, Broadwater) – mapped as Coastal Wetland under the CM SEPP. |

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| | | <p>6) Transferring environmental zones</p> <p>DM areas within existing environmental protection zones were subject to the primary use test. Those areas used for environmental conservation or environmental management were verified with a biodiversity field inspection and ground survey conducted by an appropriately qualified person.</p> <p>7) Public and private land inconsistent with the criteria</p> <p>The primary use test was applied to public land. Consistency with the E2/E3 criteria was not verified with a field survey, however, a desk top assessment was used to assess the ecological values of the site.</p> <p>The primary use test was applied to private land. The application of E zones on privately owned land was proposed at the request of the landowner. Consistency with E2/E3 criteria was verified as described in requirement No. 5. In two instances (Site 1 & 5) the proposed E zone extends beyond the vegetation that is consistent with the criteria, again, at the request of the landowner.</p> <p>8) Voluntary revegetated land</p> <p>No land that was voluntarily revegetated is proposed for an E zone unless requested by the landowner.</p> <p>9) Zoning of State and regionally significant farmland</p> <p>The planning proposal, based on the “primary use” of the land ensures that farms can continue to be operated as farms without having to rely on the nuisances of the existing use provisions of the <i>Environmental Planning and Assessment Act 1979</i> if the land were to be zoned for environmental protection. Moreover, this planning proposal enables the continuation of the positive social and economic benefits provided by the agricultural sector. All State significant farmland is proposed for Zone RU1 Primary Production, consistent with the “primary use” test. Regionally significant farmland is mainly proposed for Zone RU1, with smaller areas of Zone E2 and E3, consistent with the “primary use” test (refer to Table 13 for detail).</p> <p>10) Application of multiple zones to a single property (split zoned lots)</p> <p>The DM areas follow the vegetation rather than the cadastre. Consequently, some split zoning is proposed involving E zones. The majority of the DM is proposed for Zone RU1 which eliminates the use of a split zones at the majority of sites.</p> <p>11) Application of E4 zone in Byron Council</p> <p>N/A</p> <p>12) Application of additional mapped planning controls</p> <ul style="list-style-type: none"> The planning proposal seeks to amend all maps associated with non-urban DM areas, including areas of risk and hazard such as the Acid Sulfate Soils and Flood Planning Maps (refer to Part 2 of this report for detail). The planning proposal does not involve mapping areas specifically on the basis of scenic protection or aesthetic values. |

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| | | <ul style="list-style-type: none"> The planning proposal does not involve environmental mapping and associated planning controls. <p>13) Aesthetic values</p> <p>The planning proposal does not use scenic values as an attribute for the application of E2 or E3.</p> <p>14) Permissibility of agriculture in E zones</p> <p>Extensive agriculture is permissible with consent in E2 and permissible without consent in E3</p> <p>15) Coastal zone management</p> <p>No DM land in the Lismore LGA is affected by coastal hazards.</p> <p>16) Section 117 Direction</p> <p>This planning proposal has been prepared in accordance with Section 9.1 Ministerial Direction 2.5.</p> |
| 3. Housing, Infrastructure and Urban Development | | |
| 3.1 Residential Zones | <p>The planning proposal must:</p> <ul style="list-style-type: none"> Broaden the choice of housing types and locations. Make efficient use of existing infrastructure and services. Reduce consumption of land. Housing of good design. Residential development not permitted until land is adequately serviced. Not contain provisions that will reduce residential density. | N/A |
| 3.2 Caravan Parks and Manufactured Home Estates | <ul style="list-style-type: none"> Retain provisions that permit development of caravan park. Appropriate zone for existing caravan parks. | <p>Consistent</p> <p>Caravan parks are permissible with development consent in Zones E3 and RU1. However, all of the DM land that forms the subject of this planning proposal is not likely to be suitable for this land use due to the high conservation value vegetation and constraints.</p> |
| 3.3 Home Occupations | <p>The Planning Proposal must permit home occupations in dwelling houses without development consent.</p> | <p>Consistent</p> <p>SEPP (Exempt and Complying Development Codes) 2008 provides for home occupations as Exempt Development. Development. Consent is not required for home occupations under LEP 2012 in the following zones: rural, residential, business, industrial and E3.</p> |
| 3.4 Integrating Land Use and Transport | <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) | N/A |
| 3.5 Development Near Licensed Aerodromes | <p>A planning proposal in the vicinity of a licensed aerodrome is to be:</p> | <p>N/A</p> <p>None of the non-urban DM is located in the vicinity of a licenced aerodrome.</p> |

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| | <ul style="list-style-type: none"> Referred to Civil Aviation Safety Authority and the lessee of the aerodrome. Take into consideration the Obstacle Limitation Surface (OLS). Prepare standards such as height if land is affected by OLS. Obtain permission from CASA where the planning proposal allows, as permissible with consent, development that encroaches above the OLS. Permission must be obtained prior to public exhibition. Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds. | |
| 3.6 Shooting Ranges | N/A | N/A |
| 4. Hazard and Risk | | |
| 4.1 Acid Sulfate Soils | (6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. | <p>Consistent</p> <p>Sites 12 – 24 inclusive include DM land on the Acid Sulfate Soils Map (refer to Site Tables in Part 2 of this report for detail).</p> <ul style="list-style-type: none"> The planning proposal has taken into consideration the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning. The proposed zone changes are mainly “like for like” with no zones that will enable more intensive land use. No additional negative effects as a result of this constraint. LEP 2012 clause 6.1 Acid Sulfate Soils provides relevant controls. |
| 4.2 Mine Subsidence and Unstable Land | <ul style="list-style-type: none"> Applies to mine subsidence areas. Applies to areas identified as unstable. | <p>Consistent</p> <ul style="list-style-type: none"> The land proposed for rezoning is not within a mine subsidence area. No sites other than Site 10 include some land mapped as mass movement. Two lots in Site 10 have some DM land that is constrained by landslip. The land in this location is proposed to change from Zones 1(a) and 7(b) to Zone RU1. The minimum lot size remains at 40ha and there is no additional potential for more intensive development in this location. No negative effects as a result of this constraint. |
| 4.3 Flood Prone Land | (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. | <p>Consistent</p> <ul style="list-style-type: none"> The following sites include flood prone land: 12, 13, 14, 16, 17 (part), 18, 19, 20, 21, 22, 23 (small part only) and 24. The planning proposal seeks to amend the Flood Planning Map to include the relevant DM areas within each of these sites. The planning proposal is consistent with the NSW Flood Prone Land Policy and the Principles of the Floodplain Development Manual 2005. |

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| | <p>(6) A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> | <ul style="list-style-type: none"> The planning proposal does not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. The planning proposal does not involve flood related development controls. The zones that form the subject of this planning proposal do not enable subdivision beyond the minimum lot size of 40ha. There is no potential for more intensive development. There is no additional risk to life or property as a result of the planning proposal. Lismore LEP 2012 existing clause 6.3 provides controls for development in the flood planning area. |
| 4.4 Planning for Bushfire Protection | <p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. Have regard to 'Planning for Bush Fire Protection 2006'. Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ. | <p>Consistent</p> <ul style="list-style-type: none"> All sites except Site 13, which is a billabong, contain bushfire prone land. Council is required under section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent. Planning for Bushfire Protection 2006 has been considered in the preparation of this planning proposal. |
| 5. Regional Planning | | |
| 5.1 Regional Strategies | Revoked 17 October 2017 | Revoked |
| 5.2 Sydney Drinking Water Catchments | N/A | N/A |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | <ul style="list-style-type: none"> The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. | <p>Consistent</p> <ul style="list-style-type: none"> The following Sites include State significant farmland: 8, 10 & 11 The following Sites include regionally significant farmland: 3, 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 17, 18, 20 & 21 The planning proposal does not rezone State or regionally significant farmland for urban or rural residential purposes. |
| 5.4 Commercial and Retail Development along the Pacific | N/A | N/A |

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| Highway, North Coast | | |
| 5.8 Second Sydney Airport: Badgerys Creek | N/A | N/A |
| 5.9 North West Rail Link Corridor Strategy | N/A | N/A |
| 5.10 Implementation of Regional Plans | <ul style="list-style-type: none"> The planning proposal must be consistent with the North Coast Regional Plan 2036. | Consistent (refer to Appendix 3) |
| 6. Local Plan Making | | |
| 6.1 Approval and Referral Requirements | <ul style="list-style-type: none"> 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 the Department of Planning & Environment. Not identify development as designated development unless justified. | Consistent There are no referral or concurrence requirements in the planning proposal. The proposal does not identify development as designated development. |
| 6.2 Reserving Land for Public Purposes | <ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E. | Consistent The planning proposal does not reduce existing zonings or reservations of land for public purposes. |
| 6.3 Site Specific Provisions | <ul style="list-style-type: none"> A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone. | N/A |
| 7. Metropolitan Planning | | |
| N/A | N/A | N/A |

