

Planning Proposal

Deferred Matter - Stage 2 Urban

November 2020

Modified post public exhibition in response to referral comments from the Biodiversity and Conservation Division of the Environment, Energy and Science Group in the NSW Department of Planning, Industry and Environment (DPIE). This modification has been undertaken in accordance with advice from the DPIE and did not require an altered Gateway determination.



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EXECUTIVE SUMMARY

This planning proposal seeks to rezone urban Deferred Matter (DM) land under Lismore Local Environmental Plan (LEP) 2012 and is the second stage of Lismore City Council's proposed DM rezoning. The proposed rezoning of DM land also involves the consequential amendment of numerous other LEP maps.

The rezoning of urban DM land will assist in the simplification of the current complex circumstances using two LEPs and two Development Control Plans (DCPs).

The planning proposal involves a total of 70 urban allotments or part allotments with a total area of 138ha of DM. 54 lots (91ha of DM) are either owned by Lismore City Council or the Crown and have a DM area with a primary use of environmental conservation or environmental management. These lots are proposed for environmental protection zoning (E2 Environmental Conservation and E3 Environmental Management). Southern Cross University owns 7 lots which incorporate a total area of 23.5ha of DM. Council has consulted with the university to determine the primary use of the DM land and it has been agreed to propose a combination of Zone SP2 Infrastructure (Educational Establishment) and Zone E3 Environmental Management. Council also consulted with the remaining DM landholders (privately owned DM) involving 9 lots (24ha of DM) to determine the primary use of the land. 2 of these lots have been the subject of a 2012 residential rezoning and the DM areas totalling 18ha were part of a negotiated development outcome and are proposed for Zone E3. The remaining 7 privately owned lots incorporating approximately 5.2ha of DM are proposed for either Zone RU2 Rural Landscape or Zone R1 General Residential based on the primary use of the land.

This proposal requires the amendment of 18 LEP 2012 map sheets and involves the following maps: Drinking Water Catchment; Flood Planning; Height of Buildings; Land Application; Lot Size; Land Zoning; and Potential Rural Landsharing Community Development. The proposal also involves the addition of an objective to the Zone RU2 land use table.

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 and the relevant State Environmental Planning Policies. The proposal is also consistent with the relevant *Environmental Planning and Assessment Act 1979* (EP&A Act) Section 9.1 Directions by the Minister, or any inconsistencies are justified under the terms of the Directions.

A Gateway Determination under Section 3.33 was issued on 15 August 2019. The planning proposal has been publicly exhibited and amendments are proposed in response to public exhibition and agency consultation. An altered Gateway determination or re-exhibition is not required in accordance with advice received from the DPIE.

BACKGROUND

The preparation of a new Lismore Local Environmental Plan (LEP) to replace LEP 2000 commenced in October 2006, when Council resolved to prepare a new comprehensive LEP consistent with the standard instrument prescribed by the State Government.

Council resolved to forward its Draft LEP (DLEP) and Local Environmental Study to the (then) Department of Planning and Infrastructure (DPI) in August 2008 seeking authorisation for public exhibition.

The DPI issued authority to exhibit the DLEP and Council subsequently endorsed the public exhibition for DLEP 2010 at its April 2010 meeting. The DLEP 2010 was on public exhibition for

4 months from 29 April 2010 to 30 August 2010. 1417 submissions to the DLEP 2010 were received. The issues raised by the submissions to the DLEP 2010 and the analysis of these issues, including additional studies, were reported to an Extraordinary meeting of Council on 10 November 2011. At that meeting Council resolved to adopt a number of changes and to publicly exhibit the revised DLEP, which occurred from 17 November 2011 to 30 January 2012. 595 submissions were received.

Following an analysis of submissions to the second DLEP, at its Extraordinary meeting of 31 May 2012 Council adopted the Lismore LEP 2012 to forward to the (then) Minister of Planning and Infrastructure with a request that the Minister make the Draft Lismore LEP 2012 in accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulation. The Draft Lismore LEP 2012 included the E2 Environmental Conservation and E3 Environmental Management Zones (E Zones), along with a '*riparian land and waterways clause*'.

In September 2012, prior to making the Lismore LEP 2012, the Minister announced a review into the way environmental zones and overlays are applied to land on the Far North Coast (Lismore, Ballina, Byron, Kyogle and Tweed LGAs) and in December 2012 the Department engaged consultants Parson Brinckerhoff to undertake the review.

The Lismore LEP was made on 22 February 2013 with the Council adopted E zoned lands shown on the LEP maps as 'Deferred Matter'. Such lands are currently zoned in accordance with the LEP 2000. The Department advised that the *riparian land and waterways clause* had the effect of an environmental overlay and was also removed. Council has been operating under two LEPs and two Development Control Plans since 22 February 2013 which is an overly complex system of land use planning.

In May 2014 the Department of Planning & Environment (DP&E) released the consultants' Interim Report and in October 2015 the review was finalised with the release of the *Northern Councils E Zone Review Final Recommendation Report*. A Ministerial Planning Direction for the '*Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs*' was issued by the DP&E on 1 March 2016. The direction stipulates how E zones and environmental overlays are to be applied.

In September 2016 the DP&E advised that up to \$40,000 would be available to each Far North Coast Council to complete the review subject to completion of the necessary background work and lodgement of a planning proposal for a Gateway determination to rezone the Deferred Matter areas by no later 30 June 2017. Funding extensions were not available, and payment was dependent on the successful completion of the project within the specified timeframe.

The proposed LEP 2012 Deferred Matter review process was reported to Council at the Ordinary meeting of 14 February 2017. The resolution is provided below.

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.

The Deferred Matter rezoning planning proposal – Stage 1 Non-Urban was reported to Council on 14 August 2018. The proposal was submitted to the Department of Planning and Environment with a request for a Gateway determination on 22 August 2018. The Gateway determination was issued on 15 August 2019.

Lismore Local Environmental Study 2010 – zones applied to Council owned urban land

The urban DM planning proposal involves a total of 70 allotments or part allotments, 54 of which are owned by either Lismore City Council or the Crown. Council is the largest landholder with 44 lots or part lots involved in this proposal and the Lismore Environmental Study 2010 (LES) provides background as to how urban Council land was proposed for Zone E2 (Rotary Park only) or E3 (all other urban Council DM land).

An audit and inspection of all Council owned urban parks and reserves was undertaken in preparation of the LES in order to determine appropriate zones for each land parcel. A total of 365 land parcels were audited and information was recorded on land area, existing use, facilities provided (if any) and the like. These Council owned urban parks and reserves were predominantly within Zone 6(a) Recreation and Zone 7(b) Environmental Protection (Habitat), and to a lesser extent, Zone 1(a) General Rural and Zone 2(a) Residential.

The following is an extract from the LES, Section 2.4 *Recreation Zones*:

Each land parcel was placed within one of the following categories according to its size, existing land use and nature of existing facilities and other improvements:

- *Regional/City Wide Park*
- *Sporting Field*
- *Neighbourhood Park*
- *Urban Bushland*
- *Floodplain Management Reserve*

Lands categorised as regional/city wide parks, sporting fields and neighbourhood parks are proposed as RE1 Recreation Zone in the draft LEP. Neighbourhood parks are those parks that have a local rather than a regional function and are generally less than 3000m² in area.

Lands that have been categorised as Urban Bushland are those that have significant environmental attributes and which are not necessarily suitable for the development as neighbourhood or city wide/regional parks. In these cases land categorised as urban bushland is proposed to be included in the E3 Environmental Management Zone.

Floodplain reserves are those lands that are subject to a high level of flooding hazard and which have often been acquired by Council because of their high flood hazard. Where these areas have not been required for neighbourhood parks or for regional/city wide open space purposes, the proposed zoning is RU2 Rural Landscape.

Urban DM landholder pre-Gateway consultation overview

Urban DM landholders include Lismore City Council, the Crown, Southern Cross University (SCU) and private individuals. Council staff wrote to SCU and the 9 private 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. Council also consulted again with SCU after the issuance of the Gateway determination. 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	4	4	4	1	No	R1	400m ²
	Rural landscape	3	3	2	4.3	No	RU2	40ha
Private – negotiated outcome	Grazing	2	2	2	18.2	Negotiated rezoning outcome	E3	40ha
SCU	University bushland/ environmental management	7	1	1	23.4	No Yes	SP2 E3	N/A 40ha
Council (urban bushland) Crown (Rotary Pk & Currie Pk)	Environmental conservation/ management	54	2	N/A	91.1	N/A	E2, E3	40ha
		Total 70	Total 12	Total 90%	Total 138ha			

In accordance with the Gateway determination Council consulted with the nominated public authorities/organisations. Referrals were emailed on 20 December 2019 and a response was requested by 15 February 2020. An assessment of public authority/organisation comments is provided in Part 3 Section D of this report. The planning proposal has been modified in response to referral comments from the Biodiversity and Conservation Division.

The planning proposal was publicly exhibited from 26 February to 27 March 2020. Two public submissions were received. An assessment of the submissions is provided in Part 5 of this report. One minor amendment is proposed in response to the submissions.

Council received email correspondence from the DPIE on 29 June 2020. The correspondence confirmed that:

- Council’s approach to progressing the planning proposal was generally supported;
- An altered Gateway determination is not required; and
- Further public exhibition is not required.

Further detail of the DPIE correspondence is provided in Part 3 Section D of this report.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this proposal include:

- Simplify land use planning requirements for urban land in the Lismore Local Government Area with the provision a single LEP.
- Provide appropriate land use zones for 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 Deferred Matter in urban areas.
- Provide an opportunity for urban DM landholders to request an E zone where the “primary use” of the DM area is environmental conservation or environmental management.
- Minor housekeeping: assist in the rectification of a building encroachment at Site 5; adjust the zone boundary to more accurately reflect the vegetation on Site 14; provide

consistency with approved urban infrastructure associated with development consent for residential subdivision at Site 15.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal is Stage 2 of Lismore City Council's DM LEP 2012 amendment and involves urban DM land.

This proposal requires the amendment of 18 LEP 2012 map sheets and an additional objective for Zone RU2 Rural Landscape. A summary of the proposed mapping amendments is provided in Table 2. The proposed additional Zone RU2 objective follows:

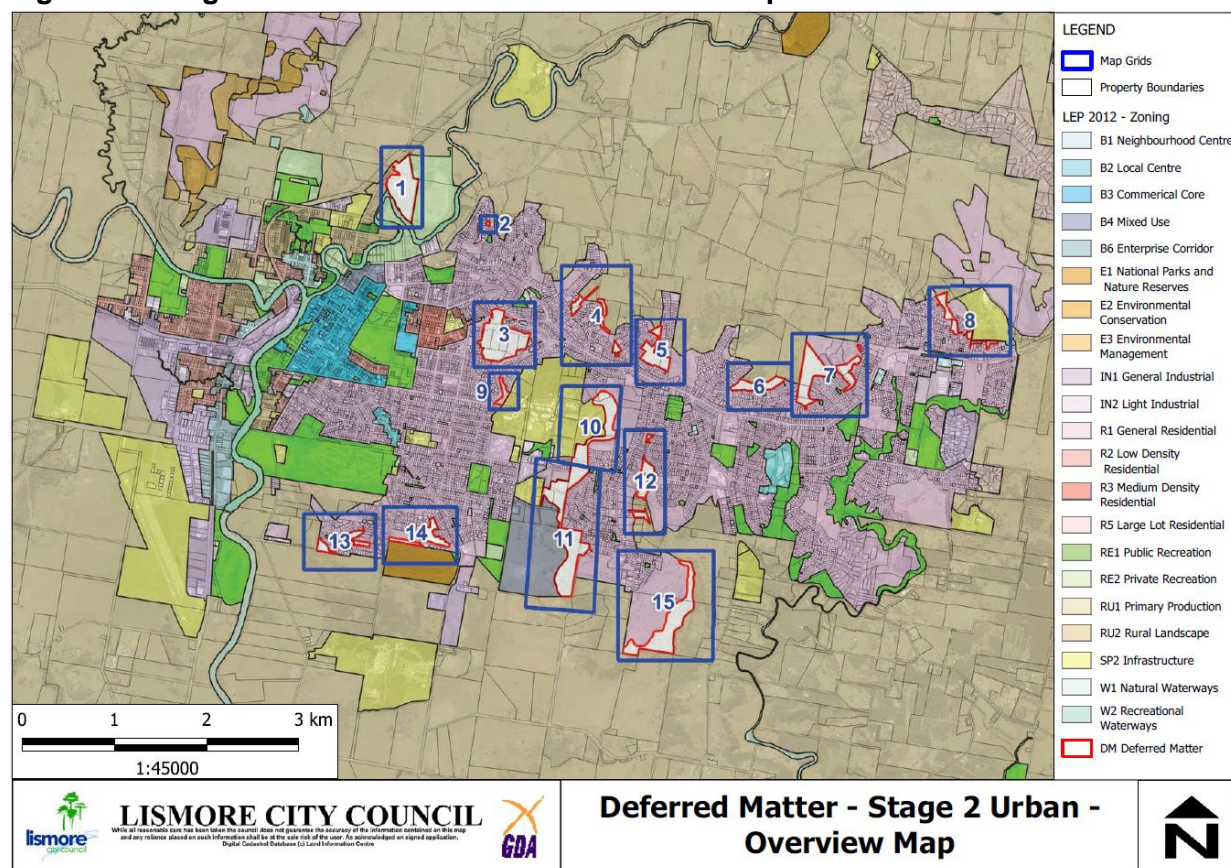
To provide for a limited range of development that does not have an adverse effect on areas with ecological values.

Table 2 – Proposed amendments to maps involving Urban DM

LEP 2012 Map	LEP 2012 Map Sheets	Summary of proposed amendments
Drinking Water Catchment	DWC_005	Insert drinking water catchment mapping for relevant DM land.
Flood Planning	FLD_005AA & FLD_005AB	Insert flood mapping for relevant DM land.
Height of Buildings	HOB_005AB, HOB_006AA & HOB_006AB	Insert height of buildings mapping for relevant DM land.
Land Application	LAP_001	Omit DM land.
Lot Size	LSZ_005AA, LSZ_005AB, LSZ_005, LSZ_006AA, & LSZ_006AB	Insert minimum lot size for DM land – 40ha to apply to Zones E2, E3 and RU2; No minimum lot size applies to Zone SP2; 400m ² to apply to Zone R1.
Land Zoning	LZN_005AA, LZN_005AB, LZN_005, LZN_006AA, & LZN_006AB	Apply Zone E2, E3, R1, RU2 and SP2 (Educational Establishment). Zone SP2 to apply to Site 10 DM land owned by Southern Cross University.
Potential Rural Landsharing Community Development	RCD_006	Minor adjustments required to omit mapping from DM area (proposed Zone E3) at 224 and 226 Invercauld Road, Goonellabah (Lot 1 DP 1103669 & Lot 103 DP 709070 (RCD mapping only applies to Zone RU1).

The Lismore LGA urban DM areas have been divided into 15 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 the urban DM sites. Individual DM site maps are located at Appendix 1.

Figure 1 – Stage 2 Urban Deferred Matter Overview Map



Details of urban DM land including property address, lot and deposited plan, DM area, primary use, existing zone, proposed zone and consequential map amendments are provided for each of the 15 sites in the site tables below. DM areas owned by the Crown or Lismore City Council are proposed for Zones E2 or E3. DM areas owned by Southern Cross University are proposed for Zone SP2 (Educational Establishment) (Site 10) and Zone E3 Environmental Management (Site 11). The remaining privately owned DM areas are proposed for Zones R1 or RU2.

Note 1. Urban DM existing LEP 2000 zones include: 1(a) General Rural; 1(d) Investigation; 2(a) Residential; 5(b) Special Use (Technology Park); 6(a) Recreation; 7(a) Environmental Protection – Natural Vegetation and Wetlands; 7(b) Environmental Protection – Habitat. Urban DM proposed LEP 2012 zones include: E2 Environmental Conservation; E3 Environmental Management; R1 General Residential; RU2 Rural Landscape; SP2 Infrastructure (Educational Establishment).

Note 2. All private landholders and Southern Cross University were consulted regarding the primary use of their DM land. The primary use of this DM land was established using both landholder responses and Council's desk top assessment.

Note 3. Proposed zone changes post exhibition and consultation with agencies are highlighted in yellow.

Table 3 - Site 1 Description

Address & Lot/DP	DM Area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Currie Park, 91 Winton Parade, North Lismore (215/755729)	11.94ha	Environmental conservation	7(b)	E2	Subtropical rainforest Floodplain EEC Endangered flora and fauna	E2	Crown – LCC trustee
Part rail corridor part Winton Parade road reserve (Part 4714/1223346)	0.38ha	Road reserve	7(b)	E2	Part Subtropical rainforest Floodplain EEC	E2	State Rail

Address & Lot/DP	DM Area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Part Winton Parade road reserve	1.55ha	Road reserve	7(b)	E2	Part Subtropical rainforest Floodplain EEC	E2	LCC

Total lots/ part lots: 2
Total area: 13.87ha

Table 4 - Site 2 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
7 Pendar Crescent, Lismore Heights (17/262487)	0.17ha	Urban amenity, environmental management	7(b)	E3	Subtropical rainforest	E2	LCC

Total lots/ part lots: 1
Total area: 0.17ha

Table 5 – Site 3 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Rotary Park, 100 Uralba Street, Lismore (4/588418)	0.068ha	Urban amenity, environmental conservation	7(a)	E2	Primary koala habitat	E2	LCC
Claude Riley Memorial Park, 97 New Ballina Road, Lismore (569/729266)	1.4ha	Urban amenity, environmental conservation	7(a)	E2	Primary koala habitat	E2	Crown – LCC trustee
111B New Ballina Road, Lismore Heights (4/504858)	0.028ha	Drainage reserve/	7(a)	E2	Nil	E2	LCC
111A New Ballina Road, Lismore Heights (1/215922)	0.066ha	Drainage reserve/	7(a)	E2	Nil	E2	LCC
Part Uralba Street road reserve	0.092ha	Road reserve	7(a)	E2	Nil	E2	LCC
Claude Riley Memorial Park, 2 Rotary Drive, Lismore (450/755718)	0.68ha	Urban amenity, environmental conservation	7(a)	E2	Nil	E2	Crown – LCC trustee
Part Rotary Drive road reserve, Lismore	2.67ha	Road reserve/ Environmental conservation	7(a)	E2	Subtropical rainforest, endangered flora and fauna	E2	LCC
26 Gardner Avenue, Lismore (1/562321)	0.12ha	Drainage reserve	7(a)	E2	Nil	E2	LCC
Rotary Park, 1 Rotary Drive, Lismore (577/729282)	2.08ha	Urban amenity, environmental conservation	7(a)	E2	Subtropical rainforest, endangered flora and fauna	E2	Crown – LCC trustee
Rotary Park, 11 Rotary Drive, Lismore (291/755718)	2.01ha	Urban amenity, environmental conservation	7(a)	E2	Subtropical rainforest, endangered flora and fauna	E2	Crown – LCC trustee
Rotary Park, 21 Rotary Drive, Lismore (292/755718)	1.78ha	Urban amenity, environmental conservation	7(a)	E2	Subtropical rainforest, endangered flora and fauna	E2	Crown – LCC trustee

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Rotary Park, 31 Rotary Drive, Lismore (292/755718)	2.45ha	Urban amenity, environmental conservation	7(a)	E2	Subtropical rainforest, endangered flora and fauna	E2	Crown – LCC trustee
Rotary Park, 41 Rotary Drive, Lismore (387/755718)	1.48ha	Urban amenity, environmental conservation	7(a)	E2	Subtropical rainforest, endangered flora and fauna	E2	Crown – LCC trustee
Rotary Park, 41A Rotary Drive, Lismore (1/614086)	0.05ha	Urban amenity, environmental conservation	7(a)	E2	Some subtropical rainforest	E2	Crown – LCC trustee
Rotary Park, 106 McKenzie Street, Lismore (27/577175)	2.57ha	Urban amenity, environmental conservation	7(a)	E2	Endangered fauna	E2	LCC
Rotary Park, 260 Ballina Road, Lismore (C/389054)	0.46ha	Urban amenity, environmental conservation	7(a)	E2	Some subtropical rainforest	E2	LCC
Part McKenzie Street road reserve	0.18ha	Overhead powerlines/ road reserve	7(a)	E2	Nil	E2	LCC

Total lots/ part lots: 14
Total area
18.18ha

Table 6 - Site 4 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
17 Woodland Avenue, Lismore Heights (24/793142)	0.85ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC
16 Barr Scott Drive, Lismore Heights (34/805682)	0.57ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC
Millar Street, Lismore Heights (53/825613)	0.21ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC
37 Millar Street, Goonellabah (4/827364)	1.43ha	Urban amenity, environmental management	1(a)	E3	Nil other than 5% primary koala habitat	E3	LCC
52 Mountain View Drive, Goonellabah (13/252627)	0.11ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC
128 Mountain View Drive, Goonellabah (30/719128)	0.71ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC

Total lots/ part lots: 6
Total area
3.88ha

Table 7 - Site 5 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
15 Trinity Drive, Goonellabah (12/711765)	4.82ha	Urban amenity, environmental management	6(a)	North - E3 South – E3	North – Nil South – part Primary koala habitat	North – E3 South – E2/E3	LCC
23 Trinity Drive, Goonellabah (41/793412)	1.57ha	Urban amenity,	6(a)	E3 & minor R1	Primary koala habitat	E2/E3 & minor R1	LCC

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
		environmental management					

Total lots/ part lots: 2

Total area
6.39ha

Table 8 - Site 6 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
13A Carramar Drive, Goonellabah (75/730306)	5.0ha	Urban amenity, environmental management	7(b)	E3	Primary koala habitat, subtropical rainforest	E2	LCC

Total lots/ part lots: 1

Total area
5.0ha

Table 9 - Site 7 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
12A Gainsborough Way, Goonellabah (23/801930)	1.29ha	Urban amenity, environmental management	7(b)	E3	Less than 10% primary koala habitat	E2	LCC
14A Gainsborough Way, Goonellabah (91/262305)	1.69ha	Urban amenity, environmental management	7(b)	E3	Less than 10% primary koala habitat	E2	LCC
35 Camelot Road, Goonellabah (67/255159)	7.8ha	Urban amenity, environmental management	7(b)	E3	Less than 10% primary koala habitat	E2	LCC
Part 12 Windsor Court, Goonellabah (Part 4/1011607)	0.25ha	Urban amenity, environmental management	7(b)	E3	Primary koala habitat	E2	LCC
Part 10 Windsor Court, Goonellabah (Part 12/1038553)	2.03ha	Urban amenity, rural landscape, residential	1(a)	RU2	Primary koala habitat	RU2	Private
15 Crandon Court, Goonellabah (23/802125)	0.91ha	Urban amenity, environmental management	7(b)	E3	Primary koala habitat	E2	LCC
8 Koala Drive, Goonellabah (271/876842)	0.002ha or 20m ²	Urban amenity, environmental management	1(a)	E3	Nil	E2	LCC
24 Windsor Court, Goonellabah (6/715141)	0.62ha	Urban amenity, environmental management	7(b)	E3	Primary koala habitat	E2	LCC
Part Windsor Court road reserve	0.04ha	Road reserve	7(b)	E3	Primary koala habitat	E2	LCC

Total lots/ part lots: 8

Total area
14.63ha

Table 10 - Site 8 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
34 Palmvale Drive, Goonellabah (28/844751)	1.26ha	Urban amenity, environmental management	7(b)	E3	Part primary koala habitat, Part dry rainforest	E2	LCC
Part 27 Pineapple Road, Goonellabah (Part 63/1072352)	1.0ha	Rural landscape	1(a) (9,600m ²) & 2(a) (400m ²)	RU2 & R1	Part secondary koala habitat - RU2, Nil – R1	RU2 & R1	Private
13 Joel Place, Goonellabah (76/776232)	1.04ha	Urban amenity, environmental management	6(a)	E3	Subtropical rainforest	E2	LCC
20 Karissa Drive, Goonellabah (45/739123)	0.91ha	Urban amenity, environmental management	6(a)	E3	Subtropical rainforest	E2	LCC
20A Karissa Drive, Goonellabah (11/829464)	0.41ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC
44 Karissa Drive, Goonellabah (26/841501)	0.58ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC

Total lots/ part lots: 6

Total area
5.2ha

Table 11 - Site 9 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
10 Springwood Drive, Lismore (4/259065)	1.23ha	Urban amenity, environmental management	6(a)	E3	Nil	E3	LCC
73 Ross Street, Lismore (1/1031996)	0.48ha	Urban amenity, environmental management and road reserve	6(a)	E3	Nil	E3	LCC

Total lots/ part lots: 2

Total area
1.71ha

Table 12 - Site 10 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Part 13 Parkwalk Drive, Goonellabah (Part 1/1208812)	0.22ha	Urban amenity, university bushland	2(a)	SP2	Secondary koala habitat. Vegetation is over 50% Camphor Laurel canopy.	SP2	SCU
Part 41 William Blair Avenue, Goonellabah (Part 2/1221621)	1.03ha	Residential in waiting, urban bushland for future subdivision	2(a)	R1	Secondary koala habitat. Vegetation is over 50% Camphor Laurel canopy.	R1	Private
Part 50 Cynthia Wilson Drive, Goonellabah (Part 5/1084348)	5.6ha	Urban amenity, university bushland	2(a)	SP2	Nil other than 5% primary koala habitat	SP2	SCU

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
28A Highfield Terrace, Goonellabah (27/829442)	1.41ha	Urban amenity, environmental management	7(b)	E3	Nil other than 10% primary koala habitat	E2	LCC
52 Cynthia Wilson Drive, Goonellabah (3/625561)	2.65ha	Urban amenity, environmental management	7(b)	E3	Primary koala habitat	E2	LCC
Part Cynthia Wilson Drive road reserve	0.89ha	Environmental management and road reserve	6(a)	E3	Primary koala habitat northern verge area	E2	LCC

Total lots/ part lots: 5

Total area
11.8ha

Table 13 - Site 11 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
61 Cynthia Wilson Drive, Goonellabah (74/248492)	3.45ha	Urban amenity, environmental management	7(b)	E3	Secondary koala habitat. Vegetation is over 50% Camphor Laurel canopy. Primary koala habitat 10%	E2	LCC
9C Air Force Road, East Lismore (2/715446)	1.86ha	Urban amenity, environmental management	6(a)	E3	Primary koala habitat	E2	LCC
Part Crown Road reserve	0.38ha	Urban amenity, environmental management	6(a)	E3	Primary koala habitat	E2	Crown
Part Crown Road reserve	0.42ha	Urban amenity, environmental management	5(b) (90%) & 7(b) (10%)	E3	Nil other than 10% primary koala habitat	E2	Crown
Part 30 Crawford Road, East Lismore (Part 471/755718)	1.34ha	University bushland / Environmental management	5(b) & 7(b)	E3	Primary koala habitat	E3	SCU
Part 30A Crawford Road, East Lismore (Part 472/755718)	2.2ha	University bushland / Environmental management	5(b) & 7(b)	E3	Primary koala habitat	E3	SCU
Part 31 Crawford Road, East Lismore (2/1027540)	0.1ha	University bushland / Environmental management	7(b)	E3	Primary koala habitat	E3	SCU
Part 32 Crawford Road, East Lismore (Part 473/755718)	0.83ha	University bushland / Environmental management	7(b)	E3	Primary koala habitat	E3	SCU
Part 52 Skyline Road, East Lismore (Part 1/772605)	13.1ha	University bushland / Environmental management	5(b) & 7(b)	E3	Primary koala habitat	E3	SCU
Part Crown Road reserve	0.29ha	Urban amenity, environmental management	7(b)	E3	30% primary koala habitat	E2	Crown
36 Newhaven Drive, Goonellabah (16/836236)	0.94ha	Urban amenity, environmental management	7(b)	E3	20% primary koala habitat Likely emergent rainforest	E2	LCC

Total lots/ part lots: 8

Total area
24.91ha

Table 14 - Site 12 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
21A Campbell Crescent, Goonellabah (47/811708)	0.3ha	Urban amenity, environmental management	7(b)	E3	Secondary koala habitat Endangered flora	E2	LCC
9A Watt Avenue, Goonellabah (111/811708)	1.8ha	Urban amenity, environmental management	7(b)	E3	50% primary koala habitat	E2	LCC
95 Elizabeth Avenue, Goonellabah (32/841587)	2.29ha	Urban amenity, environmental management	7(b)	E3	15% primary koala habitat	E2	LCC
39 Casuarina Drive, Goonellabah (33/841587)	0.38ha	Urban amenity, environmental management	7(b)	E3	Nil 85%, rainforest 15%	E3	LCC
37 Florence Street, Goonellabah (5/819250)	0.76ha	Urban amenity, environmental management	7(b)	E3	Nil	E3	LCC

Total lots/ part lots: 5

Total area
5.53ha

Table 15 - Site 13 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
28A Beaumont Drive, East Lismore (51/264039)	1.31ha	Urban amenity, environmental management	7(b)	E3	Secondary koala habitat	E2	LCC
22 Wanda Drive, East Lismore (64/853392)	0.8ha	Public recreation with playground equipment, Urban amenity, environmental management	6(a)	E3	Secondary koala habitat	E3	LCC
Part 27 Felicity Drive, East Lismore (Part 17/810811)	1.44ha	Power lines, bush fire buffer	1(d) & 2(a)	E3	Secondary koala habitat BioNet koala	E3	LCC
Part Felicity Drive road reserve	0.05ha	Road	1(d)	R1	Nil	R1	LCC

Total lots/ part lots: 3

Total area
3.6ha

Table 16 - Site 14 Description

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Part 37 City View Drive, East Lismore (Part 7/865421)	1.26ha	Urban amenity, rural landscape	2(a)	RU2	Rainforest	RU2 & R1	Private
28 City View Drive, East Lismore (6/865421)	3.51ha	Environmental management	6(a)	E3	Primary koala habitat	E2	LCC
Part 38 Conte Street, East Lismore	0.001ha (11m ²)	Residential	2(a)	R1	Nil	R1	Private

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
(Part 16/219599)							
Part 40 Conte Street, East Lismore (Part 10/1202885)	0.017ha (170m ²)	Residential	2(a)	R1	Nil	R1	Private
Part 42 Conte Street, East Lismore (Part 11/1202885)	0.001ha (12m ²)	Residential	2(a)	R1	Nil	R1	Private

Total lots/ part lots: 5

Total area
4.79ha

Table 17 - Site 15 Description

Note 1. Minor "housekeeping" correction of anomaly with map sheet RCD_006 so that the mapping is removed from DM area proposed for Zone E3. The criteria used for the application of RCD mapping throughout the LGA includes, but is not limited to, Zone RU1 Primary Production.

Address & Lot/DP	DM area	Primary use	DM current zone	DM exhibited zone	E zone criteria	DM proposed zone	Owner
Part 224 Invercauld Road, Goonellabah (Part 1/1103669)	3.2ha	Agriculture (cattle grazing)	1(a)	E3 & minor R1 (negotiated developer outcome)		E3 & minor R1	Private
Part 226 Invercauld Road, Goonellabah (Part 103/709070)	15ha	Agriculture (cattle grazing)	1(a)	E3 (negotiated developer outcome)		E3	Private

Total lots/ part lots: 2

Total area
18.2ha

Table 18 below uses the number of DM lots or part lots as a basis to describe the proposed zone changes. 87.2% of all DM allotments/part allotments are proposed for E2/E3. 40 urban DM lots/part lots are within Zone 7(a)/7(b) and 100% of these lots are proposed for Zone E2/E3. 35 of these lots are owned by Council or the Crown and are proposed for E2/E3. The remaining 5 DM lots within zone 7(a)/7(b) are owned by Southern Cross University and are proposed for Zone E3 Environmental Management. No privately owned DM land is within Zone 7(a)/7(b).

Table 18 – Summary of DM lots and proposed zone changes

Note 1: Road reserve areas are excluded as they are not allotments

Note 2: Asterisk (*) denotes proposed minor housekeeping zone boundary realignments at Sites 5, 14 & 15

Site	Proposed DM zone change (number of lots/part lots)										Total DM lots/part lots
	DM to E zone				DM to RU2, R1 or SP2						
	7(a)/7(b) to E2/E3	5(b)&7(b) to E2/E3	6(a) to E2/E3	1(a)/1(d) to E2/E3	1(a) to RU2	1(a) to R1	2(a) to R1	2(a) to RU2	2(a) to SP2	6(a) to R1	
1	2										2
2	1										1
3	14										14
4			5	1							6
5			2							*	2
6	1										1
7	6			1	1						8
8	1		4		1		*				6
9			2								2
10	2						1		2		5

11	4	3	1								8
12	5										5
13	1		1	1							3
14			1				3	*	1		5
15				2		*					2
Total DM lots	37	3	16	5	2		4	1	2		70
% DM lots	52.9%	4.3%	22.9%	7.1%	2.9%	N/A	5.8%	1.4%	2.9%	N/A	100%

Table 19 below uses DM land area as a basis to describe the proposed zone changes. 91.62% of the area of all urban DM land is proposed for E2/E3. A total area of 83.6ha of urban DM land (60.6% of all urban DM land) is currently within Zone 7(a)/7(b). 100% of this existing Zone 7(a)/7(b) is proposed for Zone E2/E3. 67ha (all owned by Council or the Crown) is proposed for E2/E3. The remaining 16.6ha of land within zone 7(a)/7(b) (all owned by Southern Cross University) is proposed for Zone E3. Two privately owned (18ha of DM land) are proposed for Zone E3 as a result of a negotiated developer outcome. No other privately owned urban DM land is proposed for Zone E2/E3.

Table 19 – Summary of DM areas and proposed zone changes

Note: Road reserve areas are included

Note. Road reserve areas are included

Site	Area of DM land for each zone change category											Total DM Area (ha)
	Area of DM to E zone (ha)					Area of DM to RU2, R1 or SP2						
	7(a)/7(b) to E2/E3	6(a) to E2/E3	1(a)/1(d) to E2/E3	5(b) to E2/E3	2(a) to E3	1(a) to RU2	1(a) to R1	2(a) to R1	2(a) to RU2	2(a) to SP2	6(a) to R1	
1	13.87											13.87
2	0.17											0.17
3	18.18											18.18
4		2.45	1.43									3.88
5		6.39									0.01	6.39
6	5.0											5.0
7	12.6		0.002			2.03						14.63
8	1.26	2.94				0.96			0.04			5.2
9		1.71										1.71
10	4.06	0.89						1.03		5.82		11.8
11	5.07	2.24		1.03								24.91
12	5.53											5.53
13	1.31	0.8	1.27		0.17							3.55
14		3.51						0.019	1.26			4.79
15			18.0				0.2					18.2
Total DM area	83.62	20.93	20.7	1.03	0.17	2.99	0.2	1.05	1.3	5.82	0.01	138ha
% DM area	60.6	15.2	15	0.72	0.1	2.2	0.1	0.8	0.9	4.2	>0.001	100%

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 urban land in the Lismore Local Government Area with the provision a single LEP.
- Provide appropriate land use zones for 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 Deferred Matter in urban areas.
- Provide an opportunity for urban DM landholders to request an E zone where the “primary use” of the DM area is environmental conservation or environmental management.
- Minor housekeeping: assist in the rectification of a building encroachment at Site 5; adjust the zone boundary to more accurately reflect the vegetation on Site 14; provide consistency with approved urban infrastructure associated with development consent for residential subdivision at Site 15.

The selection of the suite of zones proposed for urban DM areas is based on the “primary use” test for zones other than Zone 7(a) and 7(b), in accordance with the Northern Councils E Zone Review – Final Recommendations. The selection of zones for existing Zones 7(a) and 7(b) was based on the verification of attributes of the land against the E zone criteria and Lismore City Council resolution 9/17.

All existing Zones 7(a) and 7(b) are proposed for Zone E2 except for:

Council wrote to all private DM landholders and SCU 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 90% (9 out of 10) was achieved. The primary use of the DM land described in this report was determined through a combination of landholder consultation and staff desk top assessment. Environmental protection zones are not proposed on private land unless requested (SCU DM – Site 11) or as part of a negotiated developer outcome (Site 15) in accordance with Council resolution 9/17. Table 20 below provides justification and explanation for the use of proposed zones E2, E3, R1, RU2 and SP2.

Table 20 – Details and justification for proposed zones

Proposed zones	Site	Description	Justification
E2 and E3	All 15 sites	<p>All 54 LCC or Crown lots/ part lots within Sites 1 – 14 and various adjoining road reserves. Including Currie Park, North Lismore, Rotary Park, Lismore and numerous urban bushland reserves.</p> <p>Southern Cross University DM Site 11</p> <p>2 privately owned part lots in Site 15.</p>	<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"> • All land currently within Zones 7(a) & 7(b) assessed against the E zone criteria. All this DM land proposed for Zone E2 with the following exceptions: <p>Site 11 - SCU DM land: Council engaged in pre-exhibition consultation with SCU in accordance with Council resolution 9/17. The outcome of the consultation was the proposed application of Zone E3 for 100% of DM in this location. The attributes of approximately 80% of the DM land in this location have been verified as being consistent with E2 criteria. The remaining 20% is inconsistent with E zone criteria.</p> <p>Site 12 – 2 adjacent council owned lots (39 Casuarina Drive & 37 Florence Street, Goonellabah). 93% of the land area is inconsistent with E zone criteria. The remaining 7% is consistent with E2 criteria. Zone E3 is proposed for 100% of the DM in this location.</p> <ul style="list-style-type: none"> • All non 7(a) & 7(b) zones also assessed against E zone criteria. The selection of the proposed zones determined by the primary use test.

Proposed zones	Site	Description	Justification
			<ul style="list-style-type: none"> Private DM part of a negotiated developer outcome associated with a rezoning (Site 15 – 224 and 226 Invercauld Road). The land was rezoned R1 and E3 as part of the Lismore Standard Instrument LEP process. The E3 area was agreed upon by Council and landholders at the time. 224 Invercauld Road has since been issued development consent for a residential subdivision. Approximately 2000m² of the 3.2ha of DM area is proposed for R1 as a housekeeping measure to more accurately reflect approved urban structures including part of the stormwater infrastructure and part of the road network. Current primary use is grazing. Private land may be zoned E2 or E3 despite being inconsistent with the criteria only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner. <p><u>Verification of E zone criteria</u> In 2010 Council engaged Landmark Ecological Services to undertake biodiversity field inspections at 56 non-urban Deferred Matter (DM) sites. Comprehensive ecological assessment reports were prepared for each of these sites. In October 2011 Landmark Ecological Services prepared the “Vegetation Mapping for the Lismore Local Government Area”. This was a fine scaled vegetation mapping exercise for the entire LGA. Bushland areas were mapped, and vegetation was classified to the community level. Vegetation condition was described. The following high conservation value vegetation was also mapped: Koala habitat, Endangered Ecological Communities (under the now repealed <i>Threatened Species Conservation Act 1995</i>) and the location of various grasslands in and around the Big Scrub, known locally as ‘Grasses’.</p> <p>This large-scale mapping exercise was conducted in three “zones” which involved either intensive field checking; moderate levels of field checking; and limited fieldwork. All the urban DM land was subject to intensive levels of field checking. Council staff have utilised the Landmark field inspections and mapping along with high quality aerial photography from 2009-2018 to determine if there has been any change in the vegetation during that time. This has allowed Council to assess the DM vegetation against the E2 or E3 criteria with a high degree of certainty. This vegetation assessment methodology has been undertaken for all urban DM land i.e. zones 7(a) & 7(b) and all other non – 7 zones.</p> <p>Such an approach is consistent with E Zone Review Recommendation 5 with the exception of exceeding the 5-year age limit. For the purposes of Ministerial Direction 2.5 (5) it is contended that the age of the mapping is of minor significance when considered in conjunction with the aerial photography from 2009-2018.</p> <p><u>Council resolution 9/17</u> Consistent with Lismore City Council resolution 9/17. No privately owned land proposed for E2/E3 without the request of the landholder.</p>
R1	5, 10, 14 & 15	<p>Site 5 – involves a small “housekeeping” area (100m²) of the DM 23 Trinity Drive, Goonellabah.</p> <p>Site 10 - DM at 41 William Blair Drive, Goonellabah has an area of 1.03ha and is currently within Zone 2(a) Residential.</p>	<p><u>E Zone Review Final Recommendations</u> Consistent with E Zone Review Final Recommendations including:</p> <p>Proposed zone in accordance with primary use of the land. Verification of the presence of E2/E3 attributes was undertaken although not required.</p> <p><u>Site 5 – 23 Trinity Drive, Goonellabah (“housekeeping” amendment)</u> Site 15 DM has an area of 6.39ha, 1.57ha of which is located at 23 Trinity Drive, Goonellabah. An unauthorised shed has been constructed in an adjoining residential lot that encroaches onto 23 Trinity Drive. Therefore, the primary use is residential. The proposed use of Zone R1 and future part lot reclassification from Community to Operational (separate future planning proposal) for an approximate</p>

Proposed zones	Site	Description	Justification
		<p>Site 14 - DM at the rear of 3 R1 General Residential Lots. The area of the DM is as follows: 38 Conte St – 11m²; 40 Conte St – 170m²; and 42 Conte St – 12m².</p> <p>Site 14 – 37 City View Drive, East Lismore. The cleared 20% of the 1.26ha DM area of the lot.</p> <p>Site 15 – involves a small “housekeeping” area (2000m²) of the 18.2ha of DM at Site 15 (224 & 226 Invercauld Road, Goonellabah).</p>	<p>100m² of the DM area would enable Council to lease or boundary adjust in this location which would rectify the encroachment issue.</p> <p><u>Site 10 - 41 William Blair Drive, Goonellabah</u></p> <ul style="list-style-type: none"> Primary use – residential in waiting. The land is currently set aside for future stages of a residential subdivision. The land is currently Zoned 2(a) Residential and the translation to R1 General Residential represents a “like for like” zone change. Any future residential subdivision of this allotment and the area of DM contained within will be subject to the provisions of Part 7 of the <i>Biodiversity Conservation Act 2016</i>. Landholder consultation – request to maintain the development potential of the land currently zoned 2(a) Residential. No E zone requested. <p><u>Site 14 - 38, 40 and 42 Conte St, East Lismore</u></p> <ul style="list-style-type: none"> The primary use is residential. DM in this area is a mapping error and should have been Zone R1. The DM is currently within Zone 2(a) (38 Conte St - 11m²; 40 Conte St – 170m²; and 42 Conte St – 12m²). Landholder consultation – Residential use. <p><u>Site 14 – 37 City View Drive, East Lismore</u></p> <ul style="list-style-type: none"> The primary use of this part of the DM is residential. The eastern 20% of the DM area is cleared and occupied by residential structures. In accordance with the primary use test Zone R1 is proposed for this area. The proposed zone change from 2(a) to R1 is a like for like zone change. <p><u>Site 15 - 224 Invercauld Road, Goonellabah (“housekeeping” amendment)</u></p> <ul style="list-style-type: none"> Private DM part of a negotiated developer outcome associated with a rezoning (Site 15 – 224 and 226 Invercauld Road). DM in this location has an area of 18.2ha, 3.3ha of which is located at 224 Invercauld Road. 224 and 226 Invercauld Road were rezoned R1 and E3 as part of the Lismore Standard Instrument LEP process. The E3 area was agreed upon by Council and landholders at the time. 224 Invercauld Road has since been issued development consent for a residential subdivision. Approximately 2000m² of the 3.2ha of DM area in this lot is proposed for R1 as a “housekeeping” measure to more accurately reflect approved urban structures including part of the stormwater infrastructure and part of the road network. The proposed change to the DM boundary is minor and of little significance. <p><u>Council resolution 9/17</u> Consistent with Lismore City Council resolution 9/17. No privately owned land proposed for E2/E3 without the request of the landholder.</p>
RU2	7, 8 & 14	<p>DM in Site 7 (Part 10 Windsor Court, Goonellabah) has an area of 2.03ha and is currently within Zone 1(a) General Rural.</p> <p>DM in Site 8 (Part 27 Pineapple Road, Goonellabah) has an area of 1.0ha and is currently within Zone 1(a) General</p>	<p><u>E Zone Review Final Recommendations</u> Consistent with E Zone Review Final Recommendations including:</p> <p><u>Part 10 Windsor Court, Goonellabah</u></p> <ul style="list-style-type: none"> The primary use for this DM area is rural landscape, residential and urban amenity. The DM area in this location is currently within Zone 1(a) General Rural. The proposed zone change from 1(a) General Rural to Zone RU2 Rural Landscape is a “like for like” zone change. The DM area at Part 10 Windsor Court is mapped as predominantly mature Forest Red Gum/Tallowood forest (primary koala habitat). The DM land in this location is on the Biodiversity Values Map under Section 7.3 of the <i>Biodiversity Conservation Regulation 2017</i>. Clearing on this site would trigger

Proposed zones	Site	Description	Justification
		<p>Rural (9,600m²) and 2(a) Residential (400m²).</p> <p>DM in Site 14 (Part 37 City View Drive, East Lismore) has an area of 1.26ha and is currently within Zone 2(a) Residential.</p>	<p>the Biodiversity Offset Scheme under the <i>Biodiversity Conservation Act 2016</i>. This legislative regime provides a high level of protection for the vegetation on the site.</p> <ul style="list-style-type: none"> The vegetation is consistent with E2 criteria, however, the owner has stated that the primary use of the land is residential. In accordance with the Final Recommendations, council is not compelled to use an E zone if the use of the land does not warrant an E zone and the land meets the E zone criteria. Moreover, consistency is also sought with Council resolution 9/17 i.e. no privately owned land is to be proposed for E2/E3 without the request of the landholder. <p><u>Part 27 Pineapple Road, Goonellabah</u></p> <ul style="list-style-type: none"> The primary use is rural landscape. The 1ha of DM area in this location is currently within Zone 1(a) (9,600m²) and Zone 2(a) (400m²). The proposed zone change from 1(a) General Rural to Zone RU2 Rural Landscape is a "like for like" zone change. The DM area at Part 27 Pineapple Road is mapped as predominantly Camphor Laurel and secondary koala habitat. The DM land in this location is not on the Biodiversity Values Map under Section 7.3 of the <i>Biodiversity Conservation Regulation 2017</i>. The primary use of the DM land is rural landscape, which was confirmed by the landholder. The 400m² of Zone 2(a) is part of a planned future stage of an urban subdivision so its primary use is "residential in waiting". This area is proposed for Zone R1. <p><u>Part 37 City View Drive, East Lismore</u></p> <ul style="list-style-type: none"> The DM area in this location is currently within Zone 2(a) Residential. The proposed zone change from 2(a) Residential with a minimum lot size of 400m² to Zone RU2 Rural Landscape with a minimum of size of 40ha for 80% of this DM area reflects the very limited development potential of this DM site. The remaining 20% of DM area is cleared and is proposed for Zone R1. 80% of the DM area is mapped as rainforest. Lowland Rainforest on the NSW North Coast is an endangered ecological community. The vegetation on the DM area is consistent with E2 criteria. The vegetation is contiguous with mapped rainforest in the adjoining Wilsons Nature Reserve. The DM land in this location is on the Biodiversity Values Map under Section 7.3 of the <i>Biodiversity Conservation Regulation 2017</i>. Clearing on this site is regulated under the <i>Biodiversity Conservation Act 2016</i>. This legislative regime provides a high level of protection for the vegetation on the site. The primary use of the site is rural landscape. Council is not compelled to use an E zone even if the land meets E zone criteria. Moreover, Council resolved not to apply an E Zone unless requested by the owner. <p><u>Council resolution 9/17</u> Consistent with Council resolution 9/17.</p>
SP2	10	<p>Southern Cross University DM - Site 10: Part 13 Parkwalk Drive (0.22ha) & part 50 Cynthia Wilson Drive, Goonellabah (5.6ha).</p>	<p><u>E Zone Review Final Recommendations</u> Consistent with E Zone Review Final Recommendations including:</p> <p><u>Southern Cross University</u></p> <p>Site 10: Part 13 Parkwalk Drive (0.22ha) & part 50 Cynthia Wilson Drive, Goonellabah (5.6ha).</p> <ul style="list-style-type: none"> SCU offers various degrees in science and applied science including environmental science and forestry. Field work in university bushland areas is an integral component of the academic offerings at the university. The primary use of the area is university bushland.

Proposed zones	Site	Description	Justification
			<ul style="list-style-type: none"> The DM area in this location is currently within Zone 2(a) Residential. The proposed zone change from 2(a) Residential to SP2 Infrastructure (Educational Establishment) will not impact on the operation of the university. Both Zone 2(a) Residential (SI equivalent – Zone R1) and Zone SP2 are prescribed zones. In accordance with SEPP (Educational Establishments and Child Care Facilities) 2017 clause 45, development for the purpose of a university is “development permitted with consent” in a prescribed zone. “Exempt development” and “development permitted without consent” for the purposes of an existing university are permissible regardless of the zone in accordance with clause 46 & 48 of the SEPP. Consequently, the proposed zone change from 2(a) to SP2 will not change the development potential for a university at the site. Notwithstanding the proposed use of Zone SP2, the site is very steep and it is unlikely to be developed for university expansion. Most of the DM on these 2 part lots is not consistent with E zone criteria. A relatively small portion (0.2ha of 5.82ha) of the DM land is mapped as koala habitat. The DM land is not on the Biodiversity Values Map under Section 7.3 of the <i>Biodiversity Conservation Regulation 2017</i>. The SCU's Director of Property Services was consulted with regards to the primary use and the desired zone. SCU have requested Zone SP2 to support the teaching and research functions of the university. <p><u>Council resolution 9/17</u> Consistent with Council resolution 9/17.</p>

Justification for the inclusion of an additional objective in Land Use Table for Zone RU2

Three part allotments at Sites 7, 8 & 14 are proposed for Zone RU2 Rural Landscape as detailed in Table 20. Two of these part lots have vegetation with high ecological value and the inclusion of the additional Zone RU2 objective will assist in the management of these values when development applications for the land are assessed.

The proposed additional Zone RU2 objective follows:

To provide for a limited range of development that does not have an adverse effect on areas with ecological values.

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 City Council Biodiversity Management Strategy 2015-2035 (BMS). The BMS required the preparation of an Urban Green Corridors Plan with an aim to build and protect biodiversity values in the Lismore urban environment through effective planning for, and implementation of, connectivity of habitat. The mapping component of the Urban Green Corridors Plan incorporates the vast majority of the urban DM sites. The zones proposed for the urban DM sites are consistent with the aim of the Urban Green Corridors Plan.

The planning proposal is consistent with the Lismore Growth Management Strategy 2015 – 2035. The proposed zones for urban DM land are predominantly E3 Environmental Management and

E2 Environmental Conservation. Other zones proposed include SP2 Infrastructure, RU2 Rural Landscape and R1 General Residential. The small area of DM land proposed for R1 is currently within Zone 2(a) Residential. 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 21 below.

Table 21 – 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. RU2 - proposed to maintain some areas of privately owned urban bushland for its rural landscape values. R1 – proposed to permit residential development on land that is currently within Zone 2(a) and is suited for that purpose.
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 3.

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

The planning proposal is consistent or justifiably inconsistent with the applicable s9.1 Ministerial Directions. A Section 9.1 checklist for the planning proposal is provided at Appendix 4.

Section C – Environmental, Social and Economic Impact

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

The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. The majority of this planning proposal involves a “like for like” zone change, i.e. 7(a)/7(b) to E2/E3; 2(a) to R1, 1(a)/1(d) to RU2. Where “like for like” zone changes are not proposed, the selected zone does not afford more intensive land uses. Several Council owned lots are proposed to change from 6(a) to E2/E3. The proposed E zone more closely aligns with the primary use of these Council owned urban bushland parks. Southern Cross University DM land is proposed to change from Zone 2(a) to Zone SP2; and Zones 5(b) & 7(b) to Zone E3. The limited development potential of this DM land remains unchanged under the Education SEPP (refer to Table 20 for detail).

Table 22 below provides a summary of potential ecological impacts for various zone change categories. There is no critical habitat in the Lismore LGA.

Table 22 - Assessment of ecological impacts

Proposed Zone	Assessment of ecological impacts
E2/E3	<p>All 54 of the Council owned or Crown lots with DM are proposed for E2/E3 zones. 5 Southern Cross University DM part lots and 2 privately owned DM part lots are also proposed for E3. This represents 87.2% of all urban lots that contain DM (refer to Table 18) or 91.62% of all urban DM land area (refer to Table 19) proposed for an E zone. Most of the Council owned or Crown lots are proposed for a “like to like” zone change with all 7(a)/7(b) proposed for E2/E3 (mostly E2). All the Zone 6(a) is proposed for Zone E2/E3. There is no change of land use proposed for any of the publicly owned lots.</p> <p>5 Southern Cross University (SCU) DM part lots (Site 11) are proposed for Zone E3 at the request of SCU. This is in accordance with Council resolution 9/17. The DM land in this location is on the Biodiversity Values Map under Section 7.3 of the <i>Biodiversity Conservation Regulation 2017</i>. Clearing on this site is regulated under the <i>Biodiversity Conservation Act 2016</i>. This legislative regime provides a high level of protection for the vegetation on the site. SCU offers various degrees in science and applied science including environmental science and forestry. Field work in university bushland areas is an integral component of the academic offerings at the university. The high value of this educational asset, existing legislative protective mechanisms, the steep topography of the site and the proposed Zone E3 will ensure the preservation of this urban university bushland.</p> <p>The 2 privately owned lots with DM land (site 15) are part of a negotiated developer outcome associated with a previous residential rezoning. The primary use of this DM land is grazing. The future primary use will be environmental management when the adjoining land is subdivided and the DM area becomes the residue lot with requirements for vegetation management/restoration works.</p> <p>There are no likely negative ecological impacts associated with DM land proposed for E2/E3. Biodiversity values are protected under the Lismore LEP and DCP, and state and federal legislation.</p>
R1	<p>5.8% of lots with DM are proposed for R1 General Residential (4 part lots in total – refer to Table 18). This represents 0.9% of all urban DM land area (refer to Table 19). All these lots with DM are currently within Zone 2(a) Residential under LEP 2000. The proposed zone change is “like to like”. The zone change proposed for 3 of these 4 lots is to correct a very minor mapping mistake. Small areas of these 3 lots were erroneously adopted as E3 during the comprehensive standard instrument process (refer to Table 20 for detail). The remaining 1 lot with 1ha of DM area is not consistent with E zone criteria. Moreover, the landholder was resolute in their opposition to the application of an E zone on existing 2(a) land.</p> <p>No negative ecological impacts associated with the proposed minor housekeeping zone boundary realignment associated with Sites 5, 14 & 15. It is proposed to expand Zone R1 in this area which accounts for 0.002% of the entire DM area of this planning proposal.</p> <p>There are no likely negative ecological impacts associated with DM land proposed for R1. Biodiversity values are protected under the Lismore LEP and DCP, and state and federal legislation.</p>
RU2	<p>4.3% of lots with DM are proposed for RU2 Rural Landscape (3 part lots in total – refer to Table 18). This represents 3.1% of all urban DM land area (refer to Table 19). 2 of these lots with DM are currently within Zone 1(a) General Rural under LEP 2000 (10 Windsor Court – Site 7; and 27 Pineapple Road – Site 8). The proposed zone change is “like for like”. The remaining 1 part lot is within 2(a) Residential under LEP 2000 (37 City View Drive – Site 14).</p> <p>DM at 10 Windsor Court is mapped as primary koala habitat and also occurs on the Biodiversity Values (BV) Map under the <i>Biodiversity Conservation Act 2016</i>. DM at 27 Pineapple Road is mapped as secondary koala habit and is not included on the BV Map. 37 City View Drive is mapped as rainforest and also occurs on the BV Map. Future development of this DM land is unlikely due to the steep topography and the high biodiversity values. The proposed zone change to RU2 with 40ha minimum lot size will not permit further more intensive development of this DM land.</p> <p>The proposed zone changes are not likely to negatively impact ecological values of the DM land. Biodiversity values are protected under the Lismore LEP and DCP, and state and federal legislation.</p>
SP2	<p>2.9% of lots with DM are proposed for SP2 Infrastructure – Educational Establishment (2 part lots in total – refer to Table 18). This represents 4.2% of all urban DM land by area (refer to Table 19). These 2 DM parts lots are currently within Zone 2(a) Residential under LEP 2000. Future development of this land is extremely unlikely due to the steep topography. Refer to Table 20 for detail.</p> <p>The majority of this DM land is mapped as over 50% Camphor Laurel. Any high conservation value vegetation on the site is protected under the <i>Biodiversity Conservation Act 2016</i>. There are no likely negative ecological impacts associated with the proposed Zone SP2 Infrastructure.</p>

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 23. There are no likely negative environmental effects associated with the planning proposal with regards to natural hazards.

Table 23 Natural hazards

Natural hazard	Assessment comments
Flood	Site 1 (Currie Park, North Lismore) is the only flood prone site. There is no potential for more intensive development with the application of Zone E2. The proposed minimum lot size of 40ha will not enable subdivision of the site. There is no additional risk to life or property as a result of the planning proposal.
Landslip	None of the sites are mapped as mass movement. No negative effects as a result of this constraint.
Bushfire	All 15 sites contain bushfire prone land. The planning proposal was referred to the NSW Rural Fire Service in accordance with Ministerial Direction 4.4. No objection was raised.
Contaminated land	<p>In accordance with clause 6, SEPP 55 a planning authority does not need to consider whether the land is contaminated for this planning proposal with the exception of Site 11 (discussed below). The urban DM 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.</p> <p><u>Site 5:</u> An unauthorised shed has been constructed in an adjoining residential lot that encroaches onto 23 Trinity Drive. Zone R1 is proposed for approximately 100m² of the DM on this site which would assist in the rectification of the encroachment issue. The subject land is not listed on Council's potential contaminated land register. The land is currently within Zone 6(a)(Recreation). The proposed rezoning involves a zone change from one zone listed in SEPP 55 clause 6(4)(c) to another zone listed in clause 6(4)(c). There is no potential for increased risk of harm to human health or any other aspect of the environment. No contaminated land reporting is required.</p> <p><u>Site 10:</u> DM at 41 William Blair Avenue is proposed for Zone R1. This land is already within Zone 2(a) Residential. No contaminated land reporting is required.</p> <p><u>Site 10:</u> SCU DM is proposed for Zone SP2. Development for the purposes of an existing university at Sites 10 & 11 is permissible as "Exempt development" and "Development without consent" regardless of the zone pursuant to Part 5 of SEPP (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Site 10 is currently in a prescribed zone (Zone 2(a)) under the Education SEPP and it is proposed for another prescribed zone (Zone SP2). This means that there is the same development potential for a university in both the existing and proposed zones for "development permitted with consent". No contaminated land reporting required.</p> <p><u>Site 11:</u> SCU DM is proposed to change from Zone 7(b) to Zone E3 and a smaller area of Zone 5(b) to Zone E3. There is no change in development potential under the Education SEPP. No contaminated land reporting is required.</p> <p><u>Site 14:</u> DM at 37 City View Drive East Lismore and 38, 40 & 42 Conte Street, East Lismore is proposed for Zone R1. This land is already within Zone 2(a) Residential. No contaminated land reporting is required.</p> <p><u>Site 15:</u> Development consent was issued at 224 Invercauld Road Goonellabah for a residential subdivision. Approximately 2000m² of the 3.2ha of DM area in this lot is proposed for R1 to more accurately reflect approved urban structures including part of the stormwater infrastructure and part of the road network. Contaminated land reporting was addressed at DA stage. No contaminated land reporting is required.</p> <p>No additional negative effects in relation to potential contaminated land.</p>
Acid sulfate soils	None of the sites are included in Lismore LEP 2012 Acid Sulfate Soils Map.

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

Aboriginal and European cultural heritage

The DM areas of the 70 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 Schedule 1 – Heritage Items of Lismore LEP 2000. Sites 3 & 15 include AHIMS sites. None of the sites are listed in Schedule 1 – Heritage Items of Lismore LEP 2000. An assessment of the potential effects on cultural heritage values is provided in Table 24.

Table 24 Aboriginal and European cultural heritage

Site	Address	Assessment comments
Aboriginal cultural heritage		
3	Rotary Park, Lismore	<p>Rotary Park includes an AHIMS site (fig tree with birthing/fertility significance). The land is currently within Zone 7(a) Environmental Protection – Natural Vegetation and Wetlands and is proposed for Zone E2 Environmental Protection. The proposed “like for like” zone change will afford the highest possible level of zoning protection available. Moreover, the outcome of the zone change will mean absolutely no change to the current primary use of the land, i.e. environmental protection.</p> <p>The planning proposal was referred to the Nulingah Local Aboriginal Land Council as part of the consultation process. No response received to the initial consultation or follow up reminder consultation.</p>
15	224 & 226 Invercauld Road, Goonellabah	<p>A cultural heritage assessment (CHA) was undertaken in November 2010 in preparation for the construction of the southern trunk sewer main which now traverses through Goonellabah, Chilcotts Grass and Monaltrie. The trunk main passes through the eastern part of 224 and 226 Invercauld Road. The CHA identified Aboriginal objects including grinding stones, stone flakes and scar trees in an around these two DM areas. These are listed on the AHIMS. The proposed DM zone change from 1(a) General Rural to Zone E3 Environmental Management with the maintenance of a 40ha minimum lot size will ensure that there will be no increased development pressure in this location.</p> <p>The planning proposal was referred to the Nulingah Local Aboriginal Land Council as part of the consultation process. No response received to the initial consultation or follow up reminder consultation.</p>

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 only urban DM site captured under the Northern Rivers Farmland Protection Project 2005 is Site 1. The land is classified as Regionally Significant Farmland. Site 1, Currie Park is vegetated with floodplain lowland rainforest, an endangered ecological community under the *Biodiversity Conservation Act 2016*. The primary use of the land is environmental protection and the most appropriate zone is E2.

All other urban DM lots/part lots are classified as “excluded areas” (page 12, Northern Rivers Farmland Protection Project, Final Recommendations, February 2005) and are not captured in the mapping project.

Other social and economic effects

The planning proposal does not involve any negative social or economic impacts. The urban DM planning proposal is generally a “like for like” rezoning. All of the Council owned and Crown land is proposed for E2 or E3, in accordance with E zone review recommendations. In preparation of the LEP 2012, this DM land was deemed to have significant environmental attributes and not necessarily suitable for development as neighbourhood or city wide/regional parks. The land was categorised as Urban Bushland and proposed for environmental protection zoning. The provision of this urban bushland will contribute to the amenity of the urban area and represents a positive social impact.

Two privately owned part lots (Site 15) are proposed for E3 as part of a negotiated developer outcome. This riparian land has a total area of 18ha with a proposed minimum lot size of 40ha. The provision of this urban bushland will enhance the amenity of the area for new residents and represents a positive social impact.

Four privately owned part lots (Sites 10 & 14) are proposed to change from 2(a) to R1. The DM area at Site 10 is not consistent with E zone criteria. A small area of DM at Site 14 involving three part lots was the result of a minor mapping error and the proposed application of R1 will rectify this anomaly. The application of Zone R1 will promote the orderly and economic use and development of this land.

Three privately owned part lots are proposed for Zone RU2 Rural Landscape. Two of these part lots are proposed for a “like for like” rezoning including: DM at part 10 Windsor Court, Goonellabah (Site 7); and DM at part 27 Pineapple Road, Goonellabah (Site 8) which are both currently within Zone 1(a) General Rural. DM at part 37 City View Drive, East Lismore (Site 14) is currently within Zone 2(a) Residential. The proposed application of Zone RU2 with a minimum lot size of 40ha will better reflect the very limited development potential of this steep DM area that is vegetated with lowland rainforest. The maintenance of urban bushland, assisted with the application of an appropriate zone, will maintain the amenity of the area for residents and represents a positive social impact.

Southern Cross University provides significant social and economic benefits for the region. Two part lots owned by the University (Sites 10) are proposed for Zone SP2 Infrastructure (Educational Establishment) and five part lots are proposed for Zone E3 at the request of SCU. The very low development potential of this DM area, in particular Site 11 which has a forest cover of primary koala habitat, will mean that this land will continue to function for environmental management as well as providing valuable on campus teaching and research opportunities. This is especially significant considering that SCU Lismore campus offers degrees in science, environmental science and forest science and 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?

Gateway determination

The Gateway determination was issued on 13 August 2019. An alteration of the Gateway determination was issued on 13 November 2019. All the Gateway conditions have been satisfied. Council proposes several changes to the proposal after consultation with the Biodiversity and Conservation Division. The DPIE confirmed in writing on 20 June 2020 that a further alteration to the Gateway determination was not required. This correspondence included three requests that are addressed in Table 25 below.

Table 25 – DPIE correspondence dated 29 June 2020

DPIE request	LCC comment
Crown Lands is to be consulted regarding the outcome of further 7 zone E zone assessment and that their agreement is obtained for any zone changes.	Government agencies and organisations were consulted in accordance with the Gateway determination on the 20 December 2020. The DPIE made this request as Crown Lands had not provided referral comments by June 2020 when LCC was in discussions with the DPIE about changes to the proposal to reflect comments made by the BCD. Crown Lands have since provided LCC with their referral comments and they raise no objections to the proposal.

Consideration is given to delaying the introduction of Zone R1 to part 37 City View Drive to a future housekeeping amendment.	<p>Council have considered the request and decided to continue with the minor realignment of the zone boundary at 37 City View Drive East Lismore. The following justification is provided for the decision:</p> <ul style="list-style-type: none"> • Minor zone boundary realignments of DM to Zone R1 are also proposed at Sites 5, 8, 14 (3 other part allotments other than 37 City View Drive) and 15. The DPIE did not raise any issue with the progression of these zone boundary realignments. • The primary use of this part of the DM is residential. • The eastern 20% of the DM area is cleared and occupied by residential structures. • The proposed zone change from 2(a) to R1 is a like for like zone change.
Further consideration is given to the introduction of an LEP map and associated clauses for the land that is not considered to warrant an E Zone in accordance with point 4 of the E zone recommendations.	<p>Council have considered the request and do not propose to introduce a biodiversity LEP Map and associated clauses at this stage. This planning proposal is prepared in accordance with Council resolution 9/17 (14 February 2017) and is limited to the rezoning of DM land.</p> <p>This DM rezoning planning proposal is a large project for LCC and further complication of the proposal at this stage is not warranted. LCC will consider the use of an LEP biodiversity LEP map and associated clauses as part of a future stand-alone planning proposal.</p>

Lismore City Council consulted with government agencies and organisations in accordance with the Gateway determination. The consultation period commenced on 20 December 2019 and concluded on 15 February 2020. Additional correspondence was sent to Crown Lands, Ngulingah LALC, Jali LALC and Bunjum Aboriginal Co-Op in order to elicit a response. Table 26 provides an assessment of the referral comments.

Table 26 - Government agency and organisation referral comments

Agency/organisation comments	LCC comments
Rural Fire Service No objection	Noted
Crown Lands No objection	Noted
Rous County Council Not opposed	Noted
Lismore Airport No objection	Noted
Biodiversity and Conservation division Land zoned 7(a) or 7(b) and proposed for Zone E2 - supported	Noted
Biodiversity and Conservation division Land zoned 7(a) or 7(b) and proposed for Zone E3 – vegetation to be assessed against E zone criteria and zoned E2 or E3.	<p>Planning proposal amended after assessment of BCD comments. All zone changes in response to BCD comments are highlighted in yellow in Tables 3 – 17.</p> <p>LCC Assessment comments All DM vegetation in all zones has been verified and assessed against the E zone criteria (verification and E zone assessment details located in Table 20).</p> <p>BCD provided a list of allotments containing DM within Zones 7(a) or 7 (b) containing known or potential E2 criteria (Table 1). LCC agree with most of these assessments and most of these DM lots/part lots are now proposed for Zone E2. The exceptions are detailed below:</p> <ul style="list-style-type: none"> • Site 11 Southern Cross University DM land is proposed for Zone E3. Justification is provided in Tables 20 & 22. This DM land includes part 30 Crawford Road, Part 30A Crawford Road, part 31 Crawford Road, part 32 Crawford Road & part 52 Skyline Road all at East Lismore. • Site 12 – 37 Florence Street Goonellabah vegetation inconsistent with E zone criteria. E3 is proposed in accordance with Recommendation 7 of the E zone review. The adjacent 39 Casuarina Drive Goonellabah vegetation inconsistent with

Agency/organisation comments	LCC comments
	E zone criteria for 85% of the DM area. E3 is proposed in accordance with Recommendation 7 of the E zone review.
<p>Biodiversity and Conservation division Land not zoned 7(a) or 7(b) and proposed for Zone E3 – apply the primary use test. Where the primary use is environmental management or conservation, vegetation to be assessed against E zone criteria and zoned E2 or E3 accordingly.</p>	<p>Planning proposal amended after assessment of BCD comments. All zone changes in response to BCD comments are highlighted in yellow in Tables 3 – 17.</p> <p>LCC Assessment comments Primary use test applied to all DM land not zoned 7(a) or 7(b). Primary use also listed, but not applied, for all other DM land (refer to Tables 3 – 17 for primary use).</p> <ul style="list-style-type: none"> No privately owned land, including SCU, has a primary use of environmental management or conservation. A primary use of environmental management has been assigned to all LCC and Crown non 7 zones. The justification for this primary use is that none of this land is actively managed for conservation. Vegetation was assessed against the E zone criteria for all LCC and Crown non 7 zones and E2 was applied in accordance with the criteria. If DM land was inconsistent with criteria Zone E3 is proposed. BCD provided a list (Table 2) of non 7 zones where E2 criteria are known or likely to be present. LCC verified E zone criteria to be present on half of these DM lots and E2 is proposed. The remainder of Table 2 list is inconsistent with E zone criteria and zone E3 is proposed. BCD Table 2 land that LCC verified inconsistent with E zone criteria and other discrepancies follow: <u>Site 4</u> 17 Woodland Ave, 16 Barr Scott Drive & 37 Millar Street Lismore Heights inconsistent with E zone criteria; <u>Site 5</u> part 15 Trinity Drive & very small area 23 Trinity Drive Goonellabah inconsistent with E zone criteria; <u>Site 7</u> 10 Windsor Court Goonellabah is consistent with E2, however, it does not pass primary use test, 8 Koala Drive Goonellabah is inconsistent with E zone criteria, however, E2 is proposed as all other adjoining LCC land is proposed for E2 in that location; <u>Site 8</u> 44 Karissa Drive Goonellabah inconsistent with E zone criteria; <u>Site 9</u> 10 Springwood Drive & 73 Ross Street Lismore inconsistent with E zone criteria; <u>Site 14</u> 37 City View Drive consistent with E2, however, it does not pass primary use test.
<p>Biodiversity and Conservation division Land not zoned 7(a) or 7(b) where primary use is not environmental conservation or management and the E2 or E3 criteria are present and the landholder does not agree to E2/E3 then mapped planning controls should be applied to the land.</p>	<p>No changes to planning proposal after assessment of BCD comments.</p> <p>LCC Assessment comments</p> <ul style="list-style-type: none"> The E zone review recommendation 4 includes: “If a council believes the primary use of the land does not warrant an E zone, and the land meets the E zone criteria, then a LEP Map and associated clause <u>can</u> be applied”. BCD comments include “mapped planning controls <u>should</u> be applied”. Common dictionary definition for “can” – <i>permitted to; you are able to if you want to</i>. The word “can” provides for discretion or the freedom to decide. Common dictionary definition of “should” – <i>used to indicate obligation, duty or correctness, typically when criticising someone’s actions</i>. LCC is not proposing mapped planning controls for land not within 7(a) or 7(b) zone that does have E2 or E3 criteria. This is in accordance with E zone review recommendation 4. BCD comment applies only to private landholders as all LCC and Crown DM is proposed for Zones E2/E3. LCC resolution 9/17 does not include mapping planning controls. LCC may consider a future stand-alone planning proposal for mapped LEP biodiversity planning controls.
<p>Biodiversity and Conservation division Primary use of certain parcels at Site 10 (listed in Table 3) BCD is of the view that primary use of urban bushland is equivalent to environmental conservation or management. Therefore, vegetation to be verified and E2/E3 to be applied accordingly.</p>	<p>No changes to planning proposal after assessment of BCD comments.</p> <p>LCC Assessment comments Each of the three lots listed in BCD Table 3 are addressed below. The exhibited zones for Site 10 land are consistent with Council resolution 9/17 and the primary use test requirements. No changes are proposed.</p> <p><u>Site 10</u></p> <ul style="list-style-type: none"> Part 13 Parkwalk Drive Goonellabah – vegetation marginally consistent with E2 criteria, however, it does not pass the primary use test and is inconsistent with Council resolution 9/17. The primary use is urban amenity and university bushland. SCU offers various degrees in science and applied science including environmental science and forestry. Field work in university bushland areas is an integral component of the academic offerings at the university. University bushland is used by the university for teaching purposes. Refer to Tables 20 & 22 for more detail. DM in this location is proposed for Zone SP2 as exhibited. Part 41 William Blair Avenue Goonellabah - Primary use – residential in waiting/urban bushland. The land is currently set aside for future stages of a residential subdivision. The land is currently Zoned 2(a) Residential and the

Agency/organisation comments	LCC comments
	<p>translation to R1 General Residential represents a “like for like” zone change. Back zoning existing residential land to an E zone because vegetation is consistent with E zone criteria is not a rational approach to land use planning. Following this flawed logic, it would not be possible to have any undeveloped residential land with vegetation consistent with E2 or E3 criteria. DM in this location is proposed for Zone R1 as exhibited.</p> <ul style="list-style-type: none"> Part 50 Cynthia Wilson Drive Goonellabah – The use of the exhibited SP2 (Educational Establishment) is consistent with the primary use and Council resolution 9/17. The primary use is urban amenity and university bushland. SCU offers various degrees in science and applied science including environmental science and forestry. Field work in university bushland areas is an integral component of the academic offerings at the university. University bushland is used by the university for teaching purposes. Notwithstanding the primary use, 95% of the DM area contains vegetation inconsistent with E zone criteria. Refer to Tables 20 & 22 for more detail. DM in this location is proposed for Zone SP2 as exhibited.
<p>Biodiversity and Conservation division Minimum Lot size (MLS) applied to Zone E3 is to be based on the following:</p> <ul style="list-style-type: none"> Lot area < 1ha – 9,000m² MLS 1ha ≤ lot area < 5ha – 5ha MLS 5ha ≤ lot area < 15ha – 15ha MLS 15ha ≤ lot area ≤ 25ha – MLS 25ha 	<p>No changes to planning proposal after assessment of BCD comments. MLS for Zones E2, E3 & RU2 proposed to remain 40ha</p> <p>LCC Assessment comments LCC acknowledges BCD concerns and agrees that in some circumstances this approach may be warranted. In the case of LCC Urban DM PP this approach is not warranted for the following reasons:</p> <ul style="list-style-type: none"> Many of the exhibited Zone E3 DM areas are now proposed for Zone E2. Tighter land use restrictions technically diminish the development potential, thus negating BCD concerns. All proposed Zone E3 either owned by LCC or SCU. Under this ownership there is a very low risk of development on any of this land. Notwithstanding the ownership, all this DM land is steep and most of it is heavily vegetated which means all this DM land has a very low development potential. Privately owned DM proposed for Zones E3 or RU2 with a 40ha MLS includes: Site 7 – 10 Windsor Court Goonellabah (split zoned with Zones R1 and RU2); Site 8 – 27 Pineapple Road Goonellabah (split zoned with Zone R1, RU2 & SP2); Site 14 – 37 City View Drive East Lismore (split zoned with Zones R1 & RU2); & Site 15 – 224 & 226 Invercauld Road Goonellabah (split zoned with Zones R1 & E3). Under the Biodiversity Offset Scheme (BOS) area clearing thresholds for split zoned lots are based on the smallest of the MLS. All the above split zoned lots include Zone R1 with an MLS of 400m² which will provide the smallest clearing threshold i.e. the BOS would be triggered for clearing of 0.25ha or more. The fact that all the aforementioned DM is split zoned negates the BCD concern regarding clearing. BCD request for multiple MLS for E3 (BCD probably meant to include RU2 as well) would complicate the LEP MLS Maps for no benefit.
<p>Nglingah LALC No comments</p>	<p>Referral sent to LALC on two occasions and no comments received.</p>
<p>Jali LALC No comments</p>	<p>Referral sent to LALC on two occasions and no comments received.</p>
<p>Bunjum Aboriginal Co-Op No comments</p>	<p>Referral sent to Bunjun on two occasions and no comments received.</p>

PART 4 - MAPPING

The mapping is located at Appendix 1. An overview map is provided which divides the Lismore LGA urban DM areas into 15 sites (also refer to Figure 1 in this report). A “Locality map” and all other proposed amended maps are provided for each site.

PART 5 – COMMUNITY CONSULTATION

Council staff undertook pre-Gateway consultation with private DM landholders in accordance with resolution 9/17. Refer to the Background section of this report and Table 27 below for details.

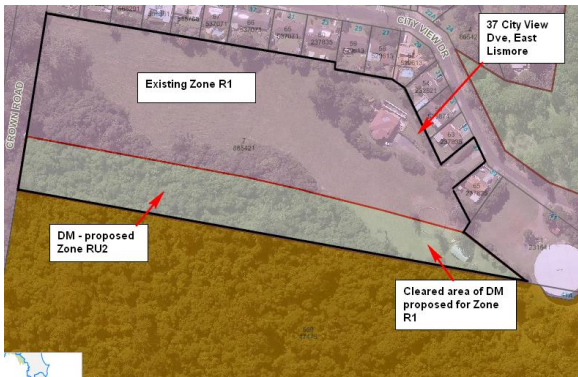
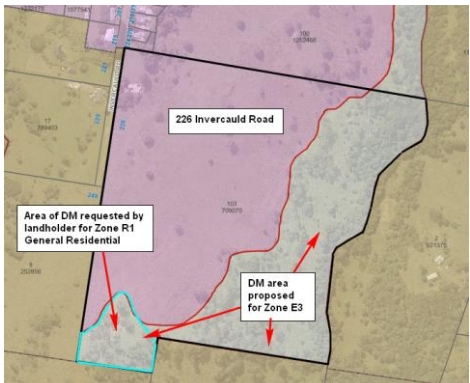
Table 27 – Private landholder submissions

Site	Address	Landholder comments, Nominated primary use	E zone request	Staff comments
7	Part 10 Windsor Court, Goonellabah	Residential	No	Primary use – Urban amenity, rural landscape, residential. Proposed Zone RU2.
8	Part 27 Pineapple Road, Goonellabah (part 63/1072352)	Rural landscape	No	Primary use - rural landscape. Proposed Zone RU2. The DM part of the lot is steep and contains a first order water course. Requested increase of Zone R1 on the lot is not supported, with the exception of a small area of existing residential zone. 400m2 of the 1ha DM is within Zone 2(a) Residential and is proposed for Zone R1 General residential.
10	Part 13 Parkwalk Drive & part 50 Cynthia Wilson Drive, Goonellabah (SCU)	Teaching & research and mixed use.	No, SP2 requested	Meeting with SCU Director of Property Services. Primary use - University bushland (teaching and research) & urban amenity. Zone SP2 proposed.
	41 William Blair Avenue, Goonellabah	Already zoned residential 2(a), vegetation inconsistent with E zone criteria	No	Primary use – Residential in waiting, urban bushland for future subdivision. Currently within Zone 2(a) and proposed for Zone R1. Vegetation is inconsistent with E zone criteria.
11	Part 30, 30A, 31, 32 Crawford Road and part 52 Skyline Road, East Lismore (SCU)	Environmental management & teaching / research.	Yes, E3 requested.	Meeting with SCU Director of Property Services. Existing 7 zone. Vegetation consistent with E2 criteria. In accordance with Council resolution 9/17 discussions held with SCU property manager. University board met and agreed on Zone E3 proposal. Primary use - University bushland (teaching and research) & Environmental management. Zone E3 proposed.
14	38, 40 & 42 Conte Street, East Lismore	Residential	No	Primary use – residential. Correction of mapping error. Zone R1 proposed.
	37 City View Drive, East Lismore	No response to 2 letters		No response to this pre-Gateway consultation. Desk top assessment and viewing site from lot boundary indicated that the land was used for domestic scale grazing (horses). The vegetation on part of the DM is consistent with E2 criteria. Primary use grazing, urban amenity and rural landscape. Proposed Zone RU2.
15	224 Invercauld Road, Goonellabah (part 1/1103669)	Grazing	Negotiated developer outcome	E3 proposed – negotiated developer outcome as part of a residential rezoning in 2012. Minor DM boundary amendments are proposed at 224 Invercauld Road so that R1 zone applies to approved residential subdivision infrastructure (DA 15/165).

	226 Invercauld Road, Goonellabah (part 103/709070)	Grazing Request for extension of Zone R1	Negotiated developer outcome	E3 proposed – negotiated developer outcome as part of a residential rezoning in 2012. Requested increase of R1 zone not supported as the area in question includes over 20 Preferred Koala food trees (CKPoM). The area is mapped as primary koala habitat.
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Public consultation was also undertaken in accordance with the Gateway determination from 26 February 2020 to 27 March 2020. Council received two submissions both requesting minor variations in the proposed Zone boundaries. An overview of the submissions and Council's assessment is provided in Table 28 below.

Table 28 – Public Exhibition submissions

Site	Address	Landholder comments	Staff comments
14	37 City View Drive, East Lismore	Concur with use of proposed Zone RU2 Rural Landscape. Request to adjust the proposed zone boundaries so that the eastern part (cleared area) of the DM is zoned R1.	<p>The DM area in this location is entirely within Zone 2(a) Residential. The remainder of the allotment is within Zone R1 General Residential. The proposed zone change from 2(a) Residential with a minimum lot size of 400m² to Zone RU2 Rural Landscape with a minimum of size of 40ha for 80% of this DM area reflects the very limited development potential of this DM site. The remaining 20% of DM area is cleared and is proposed for Zone R1 (a like for like zone change). Refer to Table 20 and the figure below for more detail about the proposed zone change.</p> 
15	226 Invercauld Road, Goonellabah	Agree with 86% of the proposed E3 area. Request that the remaining 14% of the proposed DM area is changed from Zone E3 Environmental Management to Zone R1 General Residential.	<p>Private DM part of a negotiated developer outcome associated with a rezoning (Site 15 – 224 and 226 Invercauld Road). The land was rezoned R1 and E3 as part of the Lismore Standard Instrument LEP process. The E3 area was agreed upon by Council and landholders at the time.</p> <p>The area of DM requested by the landholder for Zone R1 General Residential is primary koala habitat. On this basis the request is not supported and this area is still proposed for Zone E3.</p> 

PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
June 2019	Report planning proposal to Council
August 2019	Gateway Determination issued by the DPIE
November 2019	Alteration of Gateway Determination issued by the DPIE
November/December 2019	Government agency consultation
February/March 2020	Public consultation
April - May	Analysis of public submissions and public agency comments
June 2020	Confirmation from the DPIE that amendments to planning proposal do not require further alteration to Gateway. The amendments are made in response to consultation comments from BCD.
July - September 2020	Amendments to planning proposal Preparation of non-standard maps
October 2020	Preparation of Council report
November 2020	Report to Council
November 2020	Extension of time issued for finalisation of planning proposal
November - December 2020	Preparation of standard technical LEP map sheets
February 2021	Submission to DPIE for plan making
February – April 2021	Making and Notification of the LEP

PART 7– LEP DELEGATIONS

The Department of Planning and Environment wrote to Council on 1 March 2016 stating that Councils will not be issued authorisation to use the Minister's plan making functions for planning proposals which seek to apply an E zone.

APPENDIX 2

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 The proposed E2, E3, RU2 will effectively exclude most development within the DM areas with high biodiversity values. The proposed minor use of R1 involves existing Zone 2(a) that is inconsistent with E zone criteria.
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 23 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
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A

Action	Requirement	Compliance
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 The proposed use of Zones E2, E3, RU2 and SP2 will reinforce the conservation significance of most of these sites by restricting the development potential of the land. The maintenance of urban bushland sites enhances visitor experience.
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.	N/A
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A
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.	N/A Council's social impact assessment policies do not apply to this planning proposal.
15.5	Deliver CPTED.	Consistent The proposal does 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 was referred to Ngulingah LALC, Jali LALC and Bunjum Aboriginal Co-Op.
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 sites listed within the AHIMS. The proposed use of E2/E3 for these sites is consistent with E zone criteria.
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	Consistent The nature of the planning proposal (generally "like for like" rezoning) does not warrant an ACH assessment as it does not permit more intensive development of any of the sites compared with the existing zoning regime.
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.	Consistent The nature of the planning proposal (generally "like for like"

Action	Requirement	Compliance
		rezoning) does not permit more intensive development of any of the sites compared with the existing zoning regime.
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.	N/A
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 3

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	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. 50 – Canal Estate Development	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.
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
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	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 <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area, by: (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i> .	Consistent <i>Description of urban DM land within the Coastal Environment Area and/or the Coastal Use Area</i> <ul style="list-style-type: none">• Sites with DM within the Coastal Environment Area and/or the Coastal Use Area include 1 & 2.• There are no urban DM sites within the Coastal Wetlands Area. <i>Assessment comments</i> Sites 1 & 2 are proposed for E2. The proposed zone does not compromise the aims of the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	3 Aims of Policy The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by	Consistent The planning proposal is consistent with the aims of the SEPP. The proposed suite of zones generally replace existing zones with an equivalent standard instrument zone. Consequently there is little change in development potential under SEPP (Educational Establishments and Child Care Facilities) 2017. The only exception being Southern Cross University DM land within Zone 2(a) proposed for Zone SP2 (Site 10). The existing zone and proposed zone at this site are both “prescribed zones” under the SEPP and the development potential of the land for the purpose of a university remains unaltered.
SEPP (Exempt and Complying Development Codes) 2008	1.3 Aims of Policy	Consistent

State Environmental Planning Policy	Requirements	Compliance
	The Policy aims to provide streamlines assessment processes for development that complies with specific development standards	The DM rezoning planning proposal does not compromise the aims of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	2 Aim of Policy The aim of this policy is to facilitate the effective delivery of infrastructure across the State	Consistent The DM rezoning planning proposal does not compromise the aim of the SEPP. The proposed suite of zones generally replaces existing zones with an equivalent standard instrument zone. Consequently, there is little change in development potential under the SEPP.
SEPP (Koala Habitat Protection) 2019	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 3, 5, 6, 7, 8, 10, 11, 12, 13, 14 & 15. The planning proposal involves predominantly E2, E3 & RU2 all with minimum lot sizes of 40ha. There will be no change in development potential. Zone E3 is proposed for Site 11 for SCU DM land at the University's request. This land is mapped as primary koala habitat. The SEPP and the CKPoM for south east Lismore provide requirements for development involving koala habitat.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	3 Aims of Policy (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land (c) to identify State significant agricultural land (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to consider effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development.	N/A The DM rezoning planning proposal involves urban land. Sites 7, 8 and 14 include some land proposed for Zone RU2. These are privately owned heavily vegetated DM areas that do not have potential for agricultural land uses.
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	3 Aims of Policy The aims of this Policy are:	Consistent This planning proposal involves 138ha of urban DM land. 134ha of this land is

State Environmental Planning Policy	Requirements	Compliance
	(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	<p>proposed for Zones E2, E3, R1 or SP2. Vegetation removal in these zones will be controlled by the SEPP.</p> <p>The remaining 4ha of urban DM land is proposed for Zone RU2. Vegetation removal within this zone is controlled under the <i>Local Land Services Act 2013</i>.</p>

APPENDIX 4

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	(4) A planning proposal must: <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	(4) A planning proposal must: <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). 	Consistent <ul style="list-style-type: none"> • This planning proposal includes some land that is within an existing and/or proposed rural zone, including some land located at Sites 4, 7, 8, 13, 14 & 15. • The planning proposal does not rezone land from rural 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	This direction applies when the planning proposal: <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	This direction applies when: <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. The Planning Proposal must: <ul style="list-style-type: none"> • Be consistent with any applicable strategic plan; • Consider the significance of agriculture; • Identify and protect environmental values; • Consider the natural and physical constraints of the land; 	Consistent <i>The direction applies due to the following:</i> <ul style="list-style-type: none"> • The planning proposal does affect land in existing and proposed rural and environmental protection zones. • Changes are not proposed to minimum lot sizes in rural or environmental protection zones. <i>Assessment of consistency:</i> <ul style="list-style-type: none"> • The planning proposal does not rezone land from rural to residential, business, industrial, village or tourist. The majority of the DM land is not within a rural zone. Rural zones are limited to Sites 4, 7, 8, 13, 14 & 15. Any urban DM land within a rural zone is either proposed for Zone RU2 or E3 with a proposed minimum lot size of 40ha. • None of the urban DM land within an existing or proposed rural zone is significant agricultural or primary production land. • 4.25ha (three part lots), out of the total 138ha of urban DM land, is proposed for a rural zone (Zone RU2). All of this land is privately owned and of

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities; Support farmers in exercising their right to farm; Minimise fragmentation of rural land & reduce the risk of land use conflict; Consider State significant agricultural land identified in Rural SEPP 2019; Consider the social, economic & environmental interests of the community. 	<p>moderate to high biodiversity significance. None of the owners have requested an E zone and in accordance with point 2 of Lismore City Council's Deferred Matter resolution of 14 February 2017, Zone RU2 (refer to Background section of this report) has been proposed to protect the biodiversity values of the land.</p> <ul style="list-style-type: none"> All three of the aforementioned part lots proposed for Zone RU2 are steep urban bushland areas and the proposed Rural Landscape Zone is considered the most appropriate. None of the urban DM land is suitable for rural economic activities. This planning proposal involves urban land, therefore the requirements to promote opportunities for rural economic activity or support farmer's rights to farm are not relevant. All three of the aforementioned part lots proposed for Zone RU2 are steep urban bushland areas not suited to primary production. Two of these part lots are within Zone 1(a) General Rural. The proposed use of the rural zone will not fragment rural land as the 40ha minimum lot size is maintained. The planning proposal does not increase the risk of land use conflict. No land is yet listed as State significant agricultural land under the Rural SEPP 2019. None of the existing or proposed rural zoned DM land is mapped as State or Regionally significant farmland under the Farmland Protection Project 2005 as urban land was excluded from the mapping project. Consideration has been given to the social, economic & environmental interests of the community.
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 <i>Description of the planning proposal</i> The following sites include DM within an environmental protection zone under Lismore LEP 2000 (either Zone 7(a) or 7(b)): 1, 2, 3, 6, 7, 8, 10, 11, 12 & 13. All the sites with existing environmental protection zoning are proposed for either Zone E2 with the following exceptions:</p> <ul style="list-style-type: none"> Site 11 - SCU DM land proposed for Zone E3 for consistency with LCC resolution 9/17. Extensive consultation undertaken with SCU. Site 12 – 39 Casuarina Drive and 37 Florence Street proposed for Zone E3. This land is not consistent with either E2 or E3 criteria.
2.2 Coastal Protection	<p>3 When this direction applies 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>Consistent <i>Description of urban DM land within the Coastal Environment Area and/or the Coastal Use Area</i></p> <ul style="list-style-type: none"> Sites with DM within the Coastal Environment Area and/or the Coastal Use Area include 1 & 2. There are no urban DM sites within the Coastal Wetlands Area. <p><i>Assessment comments</i> The planning proposal is consistent with the objects of the <i>Coastal Management Act 2016</i>. Sites 1 & 2 are proposed for E2 and E3 respectively. The proposed zones do not compromise the objects of the <i>Coastal Management Act 2016</i>.</p>

Ministerial Directions	Requirements	Compliance
	<p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management Plan.</p>	<ul style="list-style-type: none"> 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. The proposed suite of zones is consistent with the management strategies of the Coastal Zone Management Plan (CZMP) for the Richmond River Estuary 2011.
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<p>Consistent</p> <p>There are no European and Aboriginal heritage items or places located at any urban DM site that are listed under Schedule 1 – Heritage Items in Lismore LEP 2000.</p> <p>Site 3 & 15 include Aboriginal Heritage Items/Places listed in the AHIMS.</p> <p><u>Site 3 – Rotary Park, Lismore</u></p> <p>Rotary Park includes an AHIMS site (fig tree with birthing/fertility significance). The land is currently within Zone 7(a) Environmental Protection – Natural Vegetation and Wetlands and is proposed for Zone E2 Environmental Protection. The proposed “like for like” zone change will afford the highest possible level of zoning protection available. Moreover, the outcome of the zone change will mean absolutely no change to the current primary use of the land, i.e. environmental protection.</p> <p><u>Site 15 - 224 and 226 Invercauld Road, Goonellabah</u></p> <p>A cultural heritage assessment (CHA) was undertaken in November 2010 in preparation for the construction of the southern trunk sewer main which now traverses through Goonellabah, Chilcotts Grass and Monaltrie. The trunk main passes through the eastern part of 224 and 226 Invercauld Road. The CHA identified Aboriginal objects including grinding stones, stone flakes and scar trees in an around these two DM areas. These are listed on the AHIMS. The proposed DM zone change from 1(a) General Rural to Zone E3 Environmental Management with the maintenance of a 40ha minimum lot size will ensure that there will be no increased development pressure in this location. The planning proposal was referred to the Nulungah Local Aboriginal Land Council as part of the consultation process.</p>
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? Primary use test used for non 7 zones.</p> <p>2) How will the primary use of the land be determined? The planning proposal incorporates 70 lots/part lots. 54 of these lots are Council owned or Crown owned. In accordance with point 7 of the recommendations, E</p>

Ministerial Directions	Requirements	Compliance
		<p>zones can be applied to public land despite being inconsistent with E zone criteria. This public land has a primary use of either environmental management or environmental conservation.</p> <p>There are 10 other urban DM land holders, other than Council or Crown, with a total of 16 lots involved in this planning proposal. 9 lots with DM are privately owned. 7 lots with DM are owned by Southern Cross University. Council staff consulted with these 10 land holders in accordance with Council resolution 9/17 of 14 February 2017. 9 of the 10 land holders confirmed the primary use. Extensive desktop assessment was also undertaken by Council staff to determine the primary use.</p> <p>3) What are the E zone criteria? Listed in final Recommendations Report</p> <p>4) What is the procedure for applying an E2 or E3 zone to land?</p> <p><u>Non 7 zones</u> Primary use did not warrant the application of an E zone.</p> <p><u>Negotiated development outcome</u> Site 15 - The primary use of this DM is grazing. The application of E3 is part of the negotiated development outcome associated with a residential rezoning of this land as part of Lismore LEP 2012.</p> <p><u>7 zones</u> All land currently within Zones 7(a) & 7(b) assessed against the E zone criteria. All this DM land proposed for Zone E2 with the following exceptions: Site 11 - SCU DM land: Council engaged in pre-exhibition consultation with SCU in accordance with Council resolution 9/17. The outcome of the consultation was the proposed application of Zone E3 for 100% of DM in this location. The attributes of approximately 80% of the DM land in this location have been verified as being consistent with E2 criteria. The remaining 20% is inconsistent with E zone criteria. Site 12 – 2 adjacent council owned lots (39 Casuarina Drive & 37 Florence Street, Goonellabah). 93% of the land area is inconsistent with E zone criteria. The remaining 7% is consistent with E2 criteria. Zone E3 is proposed for 100% of the DM in this location.</p> <p>5) How is the E zone criteria verified? Refer to Table 20 for detail</p> <p>6) Transferring environmental zones Existing 7 zones were verified in accordance with the recommendations report. All the existing 7 zones are either owned by LCC or the Crown with the exception of some DM at Site 11 (SCU DM). The majority of the existing 7 zones are proposed for Zone E2 in accordance with the recommendations report. The only exception is Site 11 where Zone E3 is proposed when majority of the DM is consistent with E2 criteria. The application of E3 is consistent with LCC resolution 9/17.</p> <p>7) Public and private land inconsistent with the criteria Site 15 was the subject of a residential rezoning during the preparation of the Lismore Standard Instrument LEP. The DM in this location was an agreed outcome by Council the landholder and the then Department of Planning.</p> <p>All LCC or Crown land is proposed E2 or E3. The DM was validated and where an allotment was partially consistent with E2 or E3 criteria, E2 was generally</p>

Ministerial Directions	Requirements	Compliance
		<p>applied so as to minimise the use of split zoned allotments.</p> <p>8) Voluntary revegetated land No land that was voluntarily revegetated is proposed for an E zone.</p> <p>9) Zoning of State and regionally significant farmland The only urban DM site captured under the Northern Rivers Farmland Protection Project 2005 is Site 1. The land is classified as Regionally Significant Farmland. All other urban DM lots/part lots are classified as "excluded areas" (page 12, Northern Rivers Farmland Protection Project, Final Recommendations, February 2005) and are not captured in the mapping project.</p> <p>Site 1, Currie Park is vegetated with floodplain lowland rainforest, an endangered ecological community under the <i>Biodiversity Conservation Act 2016</i>. The primary use of the land is environmental protection and the most appropriate zone is E2.</p> <p>10) Application of multiple zones to a single property (split zoned lots) In accordance with the recommendations report the use of multiple zones on a property has been minimised as far as possible.</p> <p>11) Application of E4 zone in Byron Council N/A</p> <p>12) Application of additional mapped planning controls This planning proposal does not include a mapped planning control for vegetation in accordance with LCC resolution 9/17. The recommendations report does not compel the use of such an overlay map with the use of the word 'may'. LCC has devoted significant resources over many years to finalise the DM issue and the additional inclusion of a vegetation overlay map is a matter that could potentially 'derail' the entire planning proposal. The consideration of a vegetation overlay map is a matter more suited to a future potential stand-alone planning proposal.</p> <p>13) Aesthetic values 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 Extensive agriculture is permissible with consent in E2 and permissible without consent in E3.</p> <p>15) Coastal zone management No DM land in the Lismore LGA is affected by coastal hazards.</p> <p>16) Section 117 Direction 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. 	<p>Consistent <i>Description of the urban DM planning proposal involving residential zones 2(a) and R1</i> <u>Site 8:</u></p> <ul style="list-style-type: none"> • Part 27 Pineapple Road, Goonellabah – Zone 1(a) (9,600m²) and Zone 2(a) (400m²) proposed for Zone RU2. As part of the Lismore Standard LEP process, Zone R1 was increased in this lot by approximately 2.5ha. All of the existing 2(a), except for the above mentioned 400m², was also translated to Zone R1. The excluded 400m² is very steep land. <p><u>Site 10:</u></p>

Ministerial Directions	Requirements	Compliance
		<ul style="list-style-type: none"> Part 41 William Blair Drive, Goonellabah – 1.03ha of Zone 2(a) is proposed for Zone R1. SCU land - Part 13 Parkwalk Drive, Goonellabah – 0.22ha of Zone 2(a) proposed for SP2 (Educational Establishment); Part 50 Cynthia Wilson Drive, Goonellabah – 5.6ha of Zone 2(a) proposed for SP2 (Educational Establishment). Very steep land in this location unsuited to residential zone. SCU requested the application of Zone SP2 for all DM land at Site 10. <p><u>Site 13:</u></p> <ul style="list-style-type: none"> Part 27 Felicity Drive, East Lismore – 0.18ha Zone 2(a) and 1.26ha Zone 1(d) proposed for Zone E3. Very steep land in this location unsuited to residential zone. <p><u>Site 14:</u></p> <ul style="list-style-type: none"> Part 37 City View Drive, East Lismore – 1.25ha Zone 2(a) proposed for Zone RU2. Very steep land in this location and vegetated with subtropical rainforest unsuited to residential zone. Part 38 Conte Street, East Lismore – 11m² Zone 2(a) proposed for Zone R1. Correction of mapping error. Part 40 Conte Street, East Lismore – 170m² Zone 2(a) proposed for Zone R1. Correction of mapping error. Part 12 Conte Street, East Lismore – 11m² Zone 2(a) proposed for Zone R1. Correction of mapping error. <p><i>Assessment of compliance</i> This Ministerial Direction is generally not applicable to this planning proposal as it is not a residential rezoning. There are some small areas of DM that are currently Zone 2(a) proposed for Zone R1. Other small areas of Zone 2(a) are proposed for a more suitable zone. The planning proposal is consistent with this direction.</p>
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 Caravan parks are permissible with development consent in Zones E3. However, all 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 slope constraints.</p>
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	<p>Consistent 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 Regulated Airports and Defence Airfields	Lismore Airport is a regulated airport but not a core regulated airport under the <i>Federal Airports Act 1996</i> .	<p>Consistent The planning proposal involves some sites that are within the Lismore Airport Obstacle Limitation Surfaces. On this basis it has been determined that some of the sites are “near” the Lismore Airport.</p>

Ministerial Directions	Requirements	Compliance
	<p>In preparing a planning proposal for land near a regulated airport, the planning authority must:</p> <ul style="list-style-type: none"> Consult with operator of the airport. Take into consideration the operational airspace. Prepare standards such as height limits if land is affected by operational airspace. Not allow development types that are incompatible with the current and future operation of the airport. 	<p>The proposal seeks to transfer land from a zone under Lismore LEP 2000 to a zone under Lismore LEP 2012. The proposed zone changes are generally “like for like” i.e. an old rural zone for a new rural zone etc. The proposal does not permit more intensive development. The planning proposal was referred to the Lismore Airport operator for comment. The Lismore Airport Manager had no objections to the rezoning.</p>
3.6 Shooting Ranges	N/A	<p>N/A</p> <p>None of the urban DM land is adjacent to and/or adjoining an existing shooting range. Moreover, the closest DM land to an existing shooting range is in excess of 6km.</p>
3.7 Reduction in non-hosted short-term rental accommodation period	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	<p>N/A</p> <p>None of the urban DM land that forms the subject of this planning proposal is located within the Acid Sulfate Soils Planning Map.</p>
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. Council's mapping indicates that none of the sites are mapped as mass movement.
4.3 Flood Prone Land	<p>(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> <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</p>	<p>Consistent</p> <ul style="list-style-type: none"> Site 1 (Currie Park and adjoining road reserve) is the only site within the flood planning area. The planning proposal seeks to amend the Flood Planning Map to include this DM site. The map sheets proposed for amendment for Site 1 include FLD_005AA & FLD_005AB. Site 1 is not located in a floodway. The proposed rezoning at this Site 1 is “like for like”. The existing Zone 7(b) is proposed for Zone E2. No additional development will be permitted as a result of the proposal. There will be no additional flood impacts on other properties as a result of the proposal. The proposed rezoning will not result in a requirement for government spending on flood mitigation measures, infrastructure or services. The proposal does not permit additional development to be carried out without development consent.

Ministerial Directions	Requirements	Compliance
	dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	
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 15 urban DM sites contain bushfire prone land. Council is required under section 9.1 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 consider any comments made. The RFS were consulted has no objection to the planning proposal. 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	N/A	N/A
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 only urban DM site captured under the Northern Rivers Farmland Protection Project 2005 is Site 1. The land is classified as Regionally Significant Farmland. All other urban DM lots/part lots are classified as "excluded areas" (page 12, Northern Rivers Farmland Protection Project, Final Recommendations, February 2005) and are not captured in the mapping project. Site 1, Currie Park is vegetated with floodplain lowland rainforest, an endangered ecological community under the <i>Biodiversity Conservation Act 2016</i>. The primary use of the land is environmental protection and the most appropriate zone is E2. 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 Highway, North Coast	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. 	<p>Consistent (refer to Appendix 2)</p>
5.11 Development of Aboriginal Land council Land	N/A	N/A
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 	<p>Consistent</p> <p>There are no referral or concurrence requirements in the planning proposal.</p>

Ministerial Directions	Requirements	Compliance
	<p>Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment.</p> <ul style="list-style-type: none"> Not identify development as designated development unless justified. 	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. 	<p>Consistent</p> <p>The planning proposal does not reduce existing zonings or reservations of land for public purposes.</p>
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

