

# Rezoning Planning Proposal

## 1 and 3 FEDERATION DRIVE, ELTHAM

December 2016



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## EXECUTIVE SUMMARY

The planning proposal that forms the subject of this report was lodged with Council in combination with a development application for a three lot subdivision in accordance with Section 72J of the *Environmental Planning and Assessment Act 1979*. This report assesses the merits of the planning proposal in accordance with the Department of Planning & Environment's guide to preparing planning proposals. A Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is sought. The assessment of the development application is not dealt with in this report.

This rezoning planning proposal has been prepared in respect to land described as 3 Federation Drive, Eltham, (Lot 12 DP 870942). Consequential rezoning of adjoining road reserves and an adjoining narrow allotment owned by Council (1 Federation Drive, Eltham Lot 12 DP 865152) are also proposed (refer to Figure 1 for site plan).

The outcomes of the planning proposal will be:

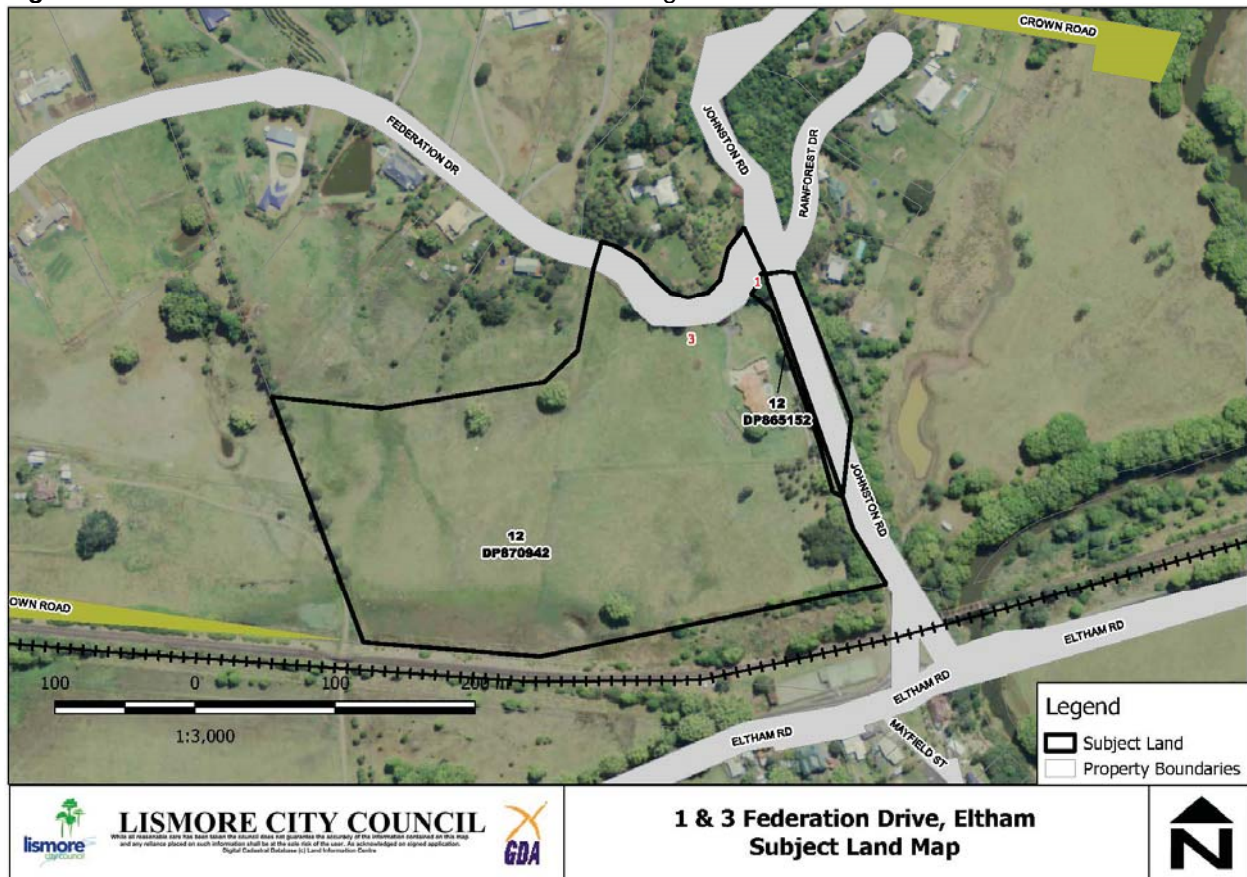
- Change the Zone of No. 1 and part No. 3 Federation Drive, Eltham and adjoining road reserves from RU1 Primary Production to R5 Large Lot Residential; and
- Apply a minimum lot size of 1ha to Zone R5 and 3ha to the residue Zone RU1; and
- Apply a maximum building height of 8.5m to Zone R5.

Part of the approximately 7ha 3 Federation Drive is identified in the Lismore Growth Management Strategy 2015 – 2035 as being suited for one or two additional large residential lots. The subject land is located adjacent to an existing large lot residential estate in Federation Drive; 430m to the Eltham tennis courts and Eltham Pub; and 2.7km from the Village of Clunes.

The constraints of the site as identified at this pre-Gateway stage include bush fire, flood and cattle dip site. Further constraints, if any, may become evident after the issuance of a Gateway determination and the submission of additional relevant studies; and the analysis of public submissions and agency/organisation comments.

The planning proposal is consistent with the relevant State Environmental Planning Policies and is consistent or justifiably inconsistent with the relevant section 117 Ministerial Directions.

**Figure 1.** No's 1 and 3 Federation Drive and surrounding road reserves



## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To amend the Lismore Local Environmental Plan 2012 to enable subdivision of 3 Federation Drive, Eltham (one lot) into two or three lots.

## PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome of the planning proposal will be achieved by:

- Amending the Lismore LEP 2012 Land Zoning Map (Sheet LZN\_005) for part 3 Federation Drive, Eltham (part Lot 12 DP 870942) with the application of Zone R5 Large Lot Residential in accordance with the proposed zoning map provided in Part 4 of this report. The consequential use of Zone R5 for the adjoining road reserve and an adjoining narrow allotment owned by Council (1 Federation Drive, Eltham, Lot 12 DP 865152) are also proposed.
- Amending the Lismore LEP 2012 Minimum Lot Size Map (Sheet LSZ\_005) for part 3 Federation Drive, Eltham (part Lot 12 DP 870942) with the application of a 1ha minimum lot size for the proposed Zone R5 Large Lot Residential and 3ha for the residue Zone RU1 Primary Production in accordance with the proposed Minimum Lot Size Map provided in Part 4 of this report. The use of a 1ha minimum lot size is also proposed for the adjoining

road reserve and an adjoining narrow allotment owned by Council (1 Federation Drive, Eltham, Lot 12 DP 865152).

- Amending the Lismore LEP 2012 Height of Buildings Map (HOB\_005) for part 3 Federation Drive, Eltham (part Lot 12 DP 870942) with the application of an 8.5m maximum building height for the proposed Zone R5 Large Lot Residential in accordance with the proposed Height of Buildings Map provided in Part 4 of this report. The use of an 8.5m maximum building height is also proposed for adjoining road reserves and an adjoining narrow allotment owned by Council (1 Federation Drive, Eltham, Lot 12 DP 865152).

## **PART 3 – JUSTIFICATION**

### *Section A – Need for the Planning Proposal*

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

Yes. Part of the land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as being suited for one or two additional large residential lots (subject to detailed assessment). Refer to Figure 2 for the identification of the site in the GMS. An extract from the GMS follows:

*A small area in Eltham is identified for further large lot residential subdivision, as shown on Map 25. The property at 3 Federation Drive is approximately seven (7) hectares in area and adjoins the existing large lot residential subdivision in Federation Drive, Eltham and is within walking distance of the tennis courts and the Eltham Hotel and close to Clunes. The land is mapped as regionally significant farmland although a submission by the landowners highlights the difficulties in achieving an income from farming the land due to its size and the proximity of other housing.*

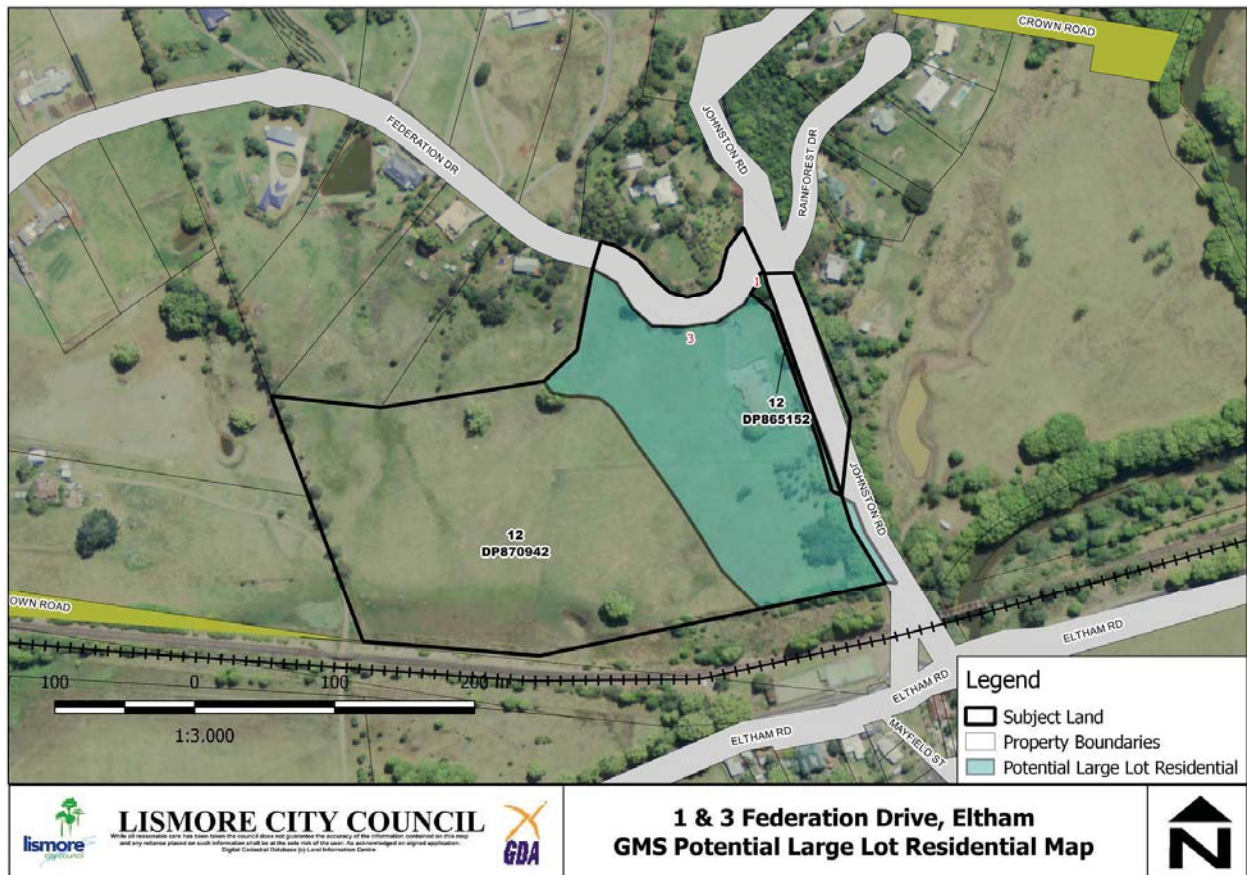
*The site falls to the south with grades up to 40% in parts and the lower parts of the land are flood prone and not suitable for housing. Therefore, it is likely that only 1-2 additional lots could be achieved that will be generally consistent with the lot sizes achieved in the adjoining subdivision in Federation Drive.*

*Access could be achieved from either Federation Drive or Johnston Road, although preferred and more practical access is from Federation Drive. Federation Drive has a curvilinear alignment, which fosters a lower speed environment.*

*There is a former dip site on the land that will need to be assessed and decommissioned and rehabilitated as required.*



**Figure 2. Identification of the site in the GMS**



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

Yes. In order for a Development Application to be considered for the subdivision and development of the land for large lot residential purposes it is necessary to first amend the planning framework applying to the land in particular zoning, minimum lot size and maximum building height.

The alternative to rezoning the land is the use of Schedule 1 – Additional permitted uses. Schedule 1 may be useful if the circumstances of the site warrant a particular land use that should not be carried out on surrounding and adjoining land. The subject planning proposal will result in land use that is consistent with surrounding land uses. Consequently, the use of Schedule 1 is not the preferred approach to achieving the outcomes of the planning proposal.

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

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy 2006-2031 (FNCRS). The purpose of the strategy is to provide land use planning policy guidance for the sustainable development of the Far North Coast region between 2006 and 2031.

The planning proposal is consistent with the FNCRS Chapter 7 Settlement and Housing Outcomes. The strategy identifies that:

*Rural residential development will continue as a housing choice for people in the region. In the future such development will be located close to existing centres, avoiding areas of significant environmental and landscape value, and significant natural resources (including high quality agricultural land). An adequate level of services will be provided to meet the community's needs.*

Council will not incur costs associated with the provision of reticulated water and sewerage infrastructure in this location. Water will be harvested on site and sewage and wastewater will be disposed on site.

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

Yes. The planning proposal is consistent with Imagine Lismore community's vision for growth as follows:

- The subject site is identified in the Lismore Growth Management Strategy 2015 - 2035;
- The proposal will result in a minor expansion of an existing large lot residential estate;
- The proposal is in close proximity to existing community facilities and services at Eltham and Clunes;
- The agricultural potential of the land is limited by its relatively small area for rural enterprises and the close proximity to existing large residential lots;
- Adequate flood free land is available for residential development;
- Adequate land is available to manage any potential future conflict with surrounding agricultural land uses;
- The land is not koala habitat;
- The land is not located on a ridgeline;

- No threatened species were located on the land at the time of the site inspection, however, it is recommended that a targeted Hairy Jointgrass (*Anthraxon hispidus* - a threatened species under the *Threatened Species Conservation Act 1995*) survey is prepared post Gateway determination to confirm the biodiversity survey of the site.

**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 Attachment 1.

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

The planning proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 checklist for the planning proposal is provided at Attachment 2.

**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?***

There is no registered critical habitat pursuant to Part 3 of the *Threatened Species Conservation Act 1995* within the Lismore Local Government Area.

Eltham was located in the centre of the historical subtropical rainforest known as the “Big Scrub” prior to the clearing of the forest over the last 100 years. Vegetation now occurring at the site mainly consists of exotic-dominated grassland (e.g. Buffalo Grass, Kikuyu Grass) and isolated small areas of Camphor Laurel regrowth.

The site contains marginal potential habitat for the threatened flora species Hairy Jointgrass, listed under the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*, within soaks associated with ephemeral drainage lines at the site. The planning proposal as submitted to Council was not accompanied by a targeted survey for Hairy Jointgrass.



A small area (approximately 600m<sup>2</sup>) of regenerating Acacia-dominated rainforest vegetation located in the south eastern portion of the site is not of sufficient structural development to be consistent with the characteristics of the endangered ecological community *Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion* listed under the TSC Act. This regrowth vegetation is located adjacent to the decommissioned Eltham dip site and is currently compromising the capping of the dip bath. Refer to Table 2, Item 1 for further detail.

There are no threatened species records (OEH BioNet Atlas of NSW Wildlife) or Koala habitat at or in close proximity to the site. Council's mapping indicates that there are no fauna corridors covering the site. However, the Clunes-McLeans Ridges Connector occurs approximately 300m to the north-east of the site. This corridor is fragmented and degraded at the edges.

There do not appear to be any significant ecological impediments to the proposal proceeding to the next stage of the Gateway process considering the limited biodiversity values of the site.

**It is recommended that the applicant provide a targeted Hairy Jointgrass survey post Gateway determination.** The survey will be required to identify potential or marginal habitat for this species within and around soaks and drainage lines. The survey should be undertaken at an appropriate time of the year in which this species is readily detectable (November to April).

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

**Flooding**

2.34ha of the 7.1ha 3 Federation Drive site is located within the LEP flood planning area. This portion of the site is excluded from the proposed Zone RU5 Large Lot Residential. The proposed minimum lot sizes of 3ha for the residue Zone RU1 Primary Production and 1ha for the Zone RU5 will restrict future development to a maximum of two additional lots. Contingent upon the assessment of post Gateway reporting, the flood free locations appear to be adequate for an additional one or two allotments. **No additional flood reporting required.**

**Land use capability assessment – on site sewerage and wastewater management**

The preliminary On-site Wastewater Management technical report submitted with the planning proposal is generally in accordance with Council's On-site Sewage and Wastewater Management Strategy. The report concludes that the subject site can accommodate on-site sewage management (OSSM) systems to service future large lot residential development. The southern portion of the site, adjacent to the railway line, is water logged. A separation distance

of 40m can be achieved from this part of the site for OSSM infrastructure. **No further technical reporting is required for this matter.**

### **Land Contamination**

The preliminary contaminated land report submitted with the planning proposal is limited to an historical assessment only. Although the report concludes the development site is unlikely to be impacted upon by residual chemicals from previous agricultural use (excluding the existing decommissioned dip site) it does not effectively address the precautionary principle adopted within Council's *'Regional Policy for the Management of Contaminated Land'*. Therefore it is recommended that soil sampling be undertaken post Gateway in accordance with Council's Policy to demonstrate that the proposed lots are suitable for the intended residential use.

The technical report also identifies the previous capping and decommissioning works undertaken as an interim management strategy for the former Eltham dip site. These works were undertaken in association with the original subdivision development consent DA 1995/134. Council's records indicate that the capping & decommissioning works were completed in accordance with an adopted management plan at the time. However, the recent site inspection identified that maintenance works are required to ensure the objectives of the adopted management plan are maintained. Furthermore, it would be appropriate that as part of any subsequent subdivision DA that a restriction be placed upon the title to ensure the future on-going maintenance of the former dip site.

**It is recommended that the applicant provide an amended contaminated land report post Gateway determination.** The report is to be prepared in accordance with the NSW EPA Guidelines and is required to demonstrate that the subject site is suitable for the proposed use. The report is also required to include details of maintenance works required for the decommissioned Eltham dip site involving security fencing, signage, dip bath capping and vegetation removal (refer to Table 2 Item 1 for more detail).

### **Land Use Conflict**

The planning proposal will result in the creation of an interface between existing large lot residential, rural, former rail corridor and road corridor land uses. There are no critical land use conflicts that would require consideration at this stage or prevent progression of the planning proposal. Ongoing management of the Eltham dip site is discussed in the "Land Contamination" section of this report. **No further technical reporting is required for this matter.**

### **Bush Fire**

The site has been identified as being bushfire prone land. A bush fire threat assessment report was submitted to Council as part of the planning proposal.

Council is required under Section 117 of the *EP&A Act 1979*, Ministerial Direction 4.4, to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments received.

It is likely that the requirements of Planning for Bush Fire Protection 2006 can be satisfied with minimal environmental impact.

### **Geotechnical**

The site falls steeply (< 20%) from Federation Drive in a southerly direction to a relatively flat area adjacent the unused railway line. No areas of mass soil movement are recorded on this site. However, significant areas of seepage were observed during the site inspection which may restrict the location of future dwellings and the potential lot yield.

**It is recommended that a geotechnical report is submitted post Gateway determination.**

The report will need to include a slope stability analysis, risk assessment and a constraints map indicating areas of seepage, uncompacted fill and other related matters.

### **Drinking Water Catchment**

The site is located within the Wilsons River Drinking Water Catchment. Any future large lot residential subdivision will be required to comply with LEP clause 6.4 Drinking Water Catchments and DCP Chapter 22 Water Sensitive Design.

The OSMS technical reporting demonstrates that future dwellings can be serviced by a system that satisfies the performance objectives of Council's On-site Sewage and Wastewater Management Strategy affording necessary protection to the drinking water catchment.

The land area is large enough to manage stormwater runoff associated with a future potential one or two additional allotments. Future development of the area is capable of satisfying the performance objectives of Lismore DCP Chapter 22 – Water Sensitive Design and affording appropriate protection to the drinking water catchment. **No further technical reporting is required for this matter**

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

### **Aboriginal and European cultural heritage**

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the site on 13 October 2016. No Aboriginal sites or places were recorded or declared on that date.

The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.

The site is located within 100m of the Wilsons River. The land does not contain any of the high bank of the river that may have been used for pre-settlement Aboriginal campsites. Moreover, the site is unlikely to contain Aboriginal artefacts due to its hillslope and floodplain location and post-settlement land use history including 100 years of clear felling, rock picking and rural land use practices.

**It is recommended that the planning proposal be referred to Ngulingah Local Aboriginal Land Council and the Office of Environment and Heritage** to demonstrate consistency with Section 117 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation.

### **Social Impact**

A formal social impact assessment is only required where the rezoning results in a significant change in land use e.g. 20 or more dwellings or lots (Section 5.3 LCC Social Impact Assessment Guidelines). The planning proposal will only result in one or two additional lots. **No further reporting is required.**

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

### ***10. Is there adequate public infrastructure for the Planning Proposal?***

#### **Water**

Water supply will be harvested on site and stored in rainwater tanks. This matter can be addressed at development application stage. No public infrastructure is required for the provision of water. **No further reporting is required.**

#### **Sewer**

Sewage and wastewater will be managed on site. No public sewerage infrastructure is required. **No further reporting is required for the planning proposal.**

#### **Traffic**

The proposed development area is bounded to the north (140m site frontage) by Federation Drive and to the east by Johnston Road. Federation Drive is a 6.5m wide bitumen sealed rural local road that services 19 lots. It is estimated that Federation Drive carries 80 vehicles per day. The proposed development seeks two additional lots which are likely to add a further 9 vehicles

per day to the Federation Drive traffic. Federation Drive currently provides a high level of service to residents and other road users.

Traffic from this site has the option of traveling north east to Bangalow or south west to Lismore. It is reasonable to assume a 20:80 split thereby directing an additional 7 vehicles per day through the roundabout at the intersection Johnston Road and Eltham Road. The impact to the operation of the roundabout is considered negligible. The additional traffic likely to be generated from this development will have no significant impact on the level of service or the carrying capacity of the external road network. **No further traffic assessment is warranted.**

### **Stormwater**

Stormwater drainage from Federation Drive discharges onto the site from an underground stormwater drainage pipe. An appropriate easement can be created for this stormwater overland flow path at development application stage. Further discussion of stormwater is provided in section 8 of this report under the heading of "Drinking Water Catchment". **No further reporting is required for the planning proposal.**

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

The proposed agency consultation will be confirmed with the Gateway determination. The outcomes of the consultation will be reported back to Council post public consultation.

Table 1 provides a summary of the relevant public authorities/organisations, which in the opinion of Council, should be consulted in accordance with the Gateway determination.

**Table 1 – Recommended referral organisations**

| <b>Public Authority/Stakeholder</b>     | <b>Issue Requiring Comment</b>                                                                                                          |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| NSW Rural Fire Service                  | Section 117 of the <i>EP&amp;A Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service. |
| Ngulingah Local Aboriginal Land Council | Aboriginal Heritage                                                                                                                     |
| Office of Environment and Heritage      | Environment and Cultural Heritage                                                                                                       |

The planning proposal was referred to the Office of Environment and Heritage pre-Gateway determination after a request from that agency for early referrals. Preliminary agency comments and a staff assessment are provided in Table 2.

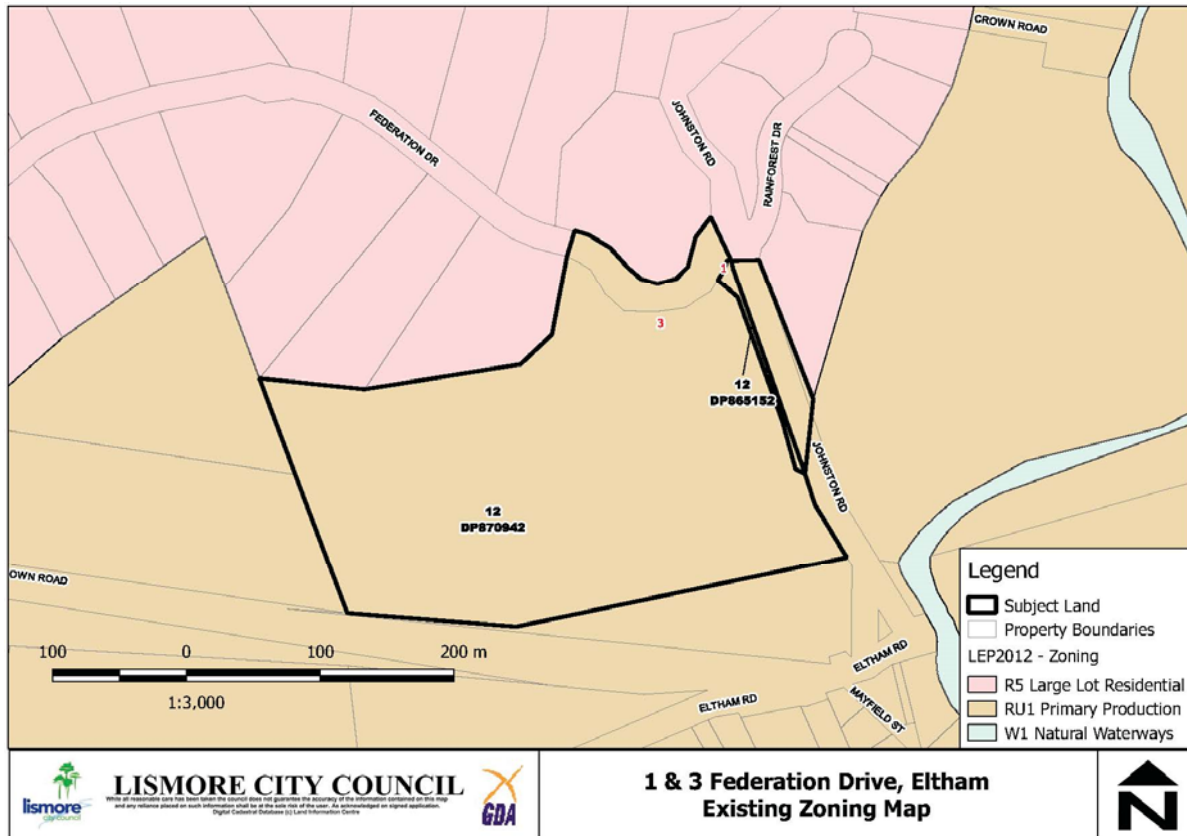
**Table 2 – Preliminary OEH referral**

| OEH comments                                                                                                                                                                                                                                                                                  | Council staff assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Lowland Rainforest<br/>A small area of vegetation in the south eastern portion of 3 Federation Drive is likely to be Lowland Rainforest Endangered Ecological Community (EEC). Recommendation that this area be actively managed and restored.</p>                                      | <p>The area of vegetation described by OEH has a canopy area of approximately 600m<sup>2</sup> and is located within and around the Eltham Dip site in the south eastern section of 3 Federation Drive. The vegetation has regrown after the decommissioning of the dip site in the mid 1990's.</p> <p>The dip bath has been capped with concrete, however, the growth of the trees is compromising the effectiveness of this capping. Council's Compliance Coordinator (Environmental Health Officer) has recommended, amongst other things, the submission of a maintenance plan for this decommissioned dip site which could require the removal of the vegetation. Arsenic and DDT (an organochlorine) were previously used as tickicides up until 1955 and 1962 respectively. These toxic chemicals are very persistent and can still be found in high levels in soil beside many dip baths (<i>NSW DPI primefact 2014</i>). The primary objective for this portion of the site is to contain these persistent chemicals in a manner that will minimise the public health risk. Fencing repair/reconstruction and maintenance around the dip site will also be required which will exclude grazing from this small area of vegetation.</p> <p>The vegetation is defined as "regrowth" pursuant to section 9 of the Native Vegetation Act 2003 (NV Act). Removal of this vegetation does not require development consent as it is "permitted clearing" pursuant to section 19 of the NV Act. Council's Ecologist has described the vegetation as "<i>regenerating Acacia-dominated rainforest</i>". <i>Acacia melanoxylon</i> (Blackwood Wattle), the species described by the Ecologist, is not included in the core assemblage of Lowland Rainforest species as listed in the NSW Scientific Committee final determination (NSW OEH).</p> |
| <p>2. Hairy Jointgrass<br/>OEH supports the recommendation for a targeted Hairy Jointgrass survey to inform the proposal. The survey should be undertaken prior to the rezoning and not at DA stage.</p>                                                                                      | <p>It is noted that OEH supports the recommendations of Council's Ecologist.</p> <p>Council's Ecologist states that "<i>The site contains marginal potential habitat for the threatened flora species Hairy Jointgrass, listed under the Threatened Species Conservation Act 1995....</i>"</p> <p>Council's Ecologist has recommended that a targeted Hairy Jointgrass survey be undertaken post Gateway determination which will provide the requisite information for the planning proposal.</p> <p>Various options are open to Council if the survey does reveal the presence of this species including changes to the planning proposal; and/or appropriate conditions of development consent for the subdivision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>3. Aboriginal cultural heritage<br/>OEH supports the proposed consultation that will be undertaken to confirm the findings of the preliminary Aboriginal cultural heritage assessment. OEH welcomes the opportunity to review the documentation outlining the results of that process.</p> | <p>It is noted that OEH supports the recommendations of Council's Environmental Contractor (Cultural Heritage Management). It is recommended that the planning proposal is referred to Ngulingah Local Aboriginal Land Council post-Gateway determination. OEH will be informed of the outcome of this consultation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

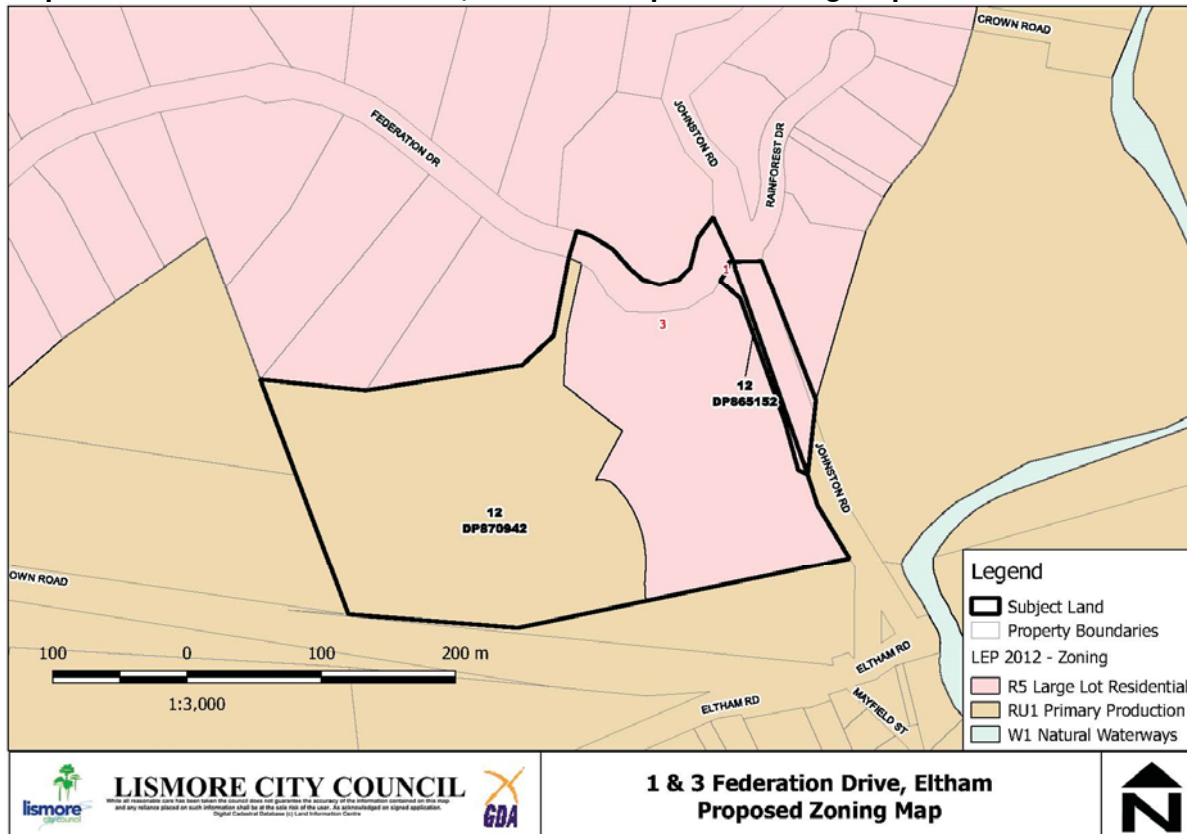


## PART 4 - MAPPING

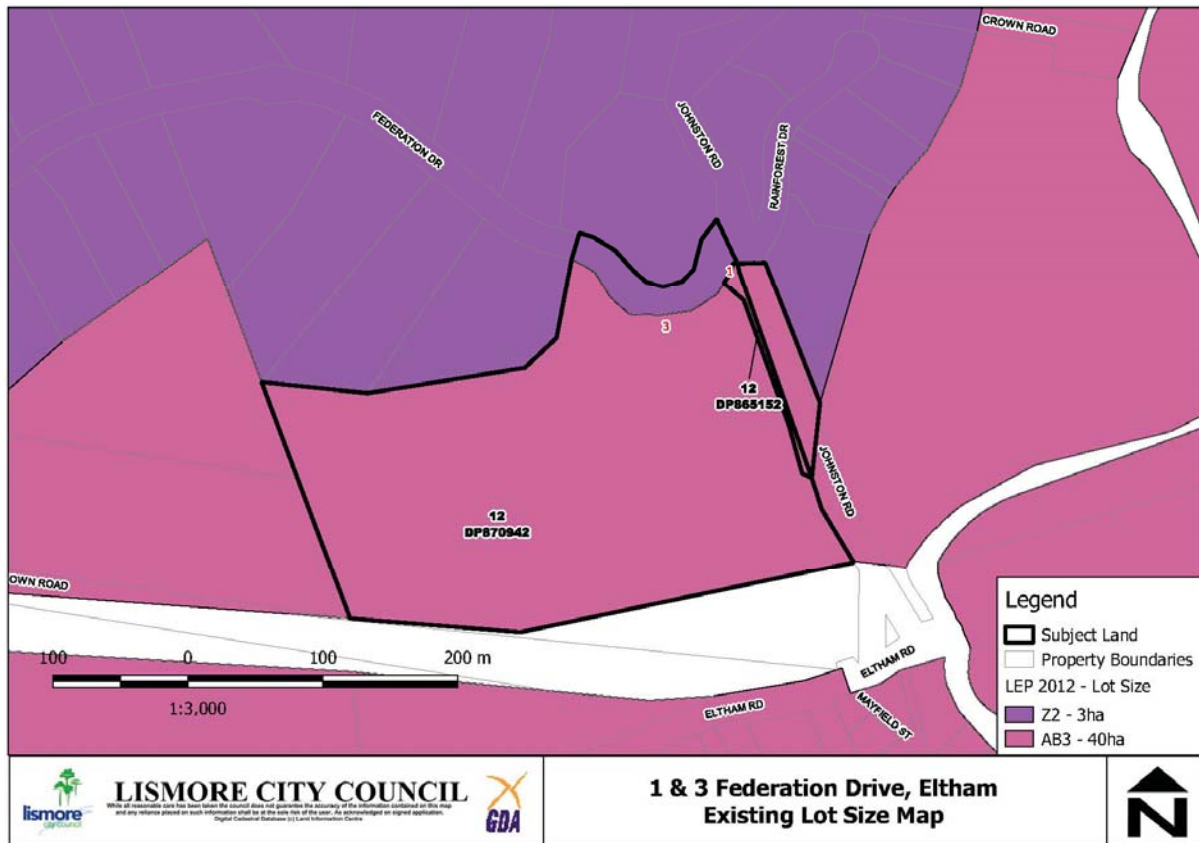
Map 1 – 1 and 3 Federation Drive, Eltham - Existing Zoning Map



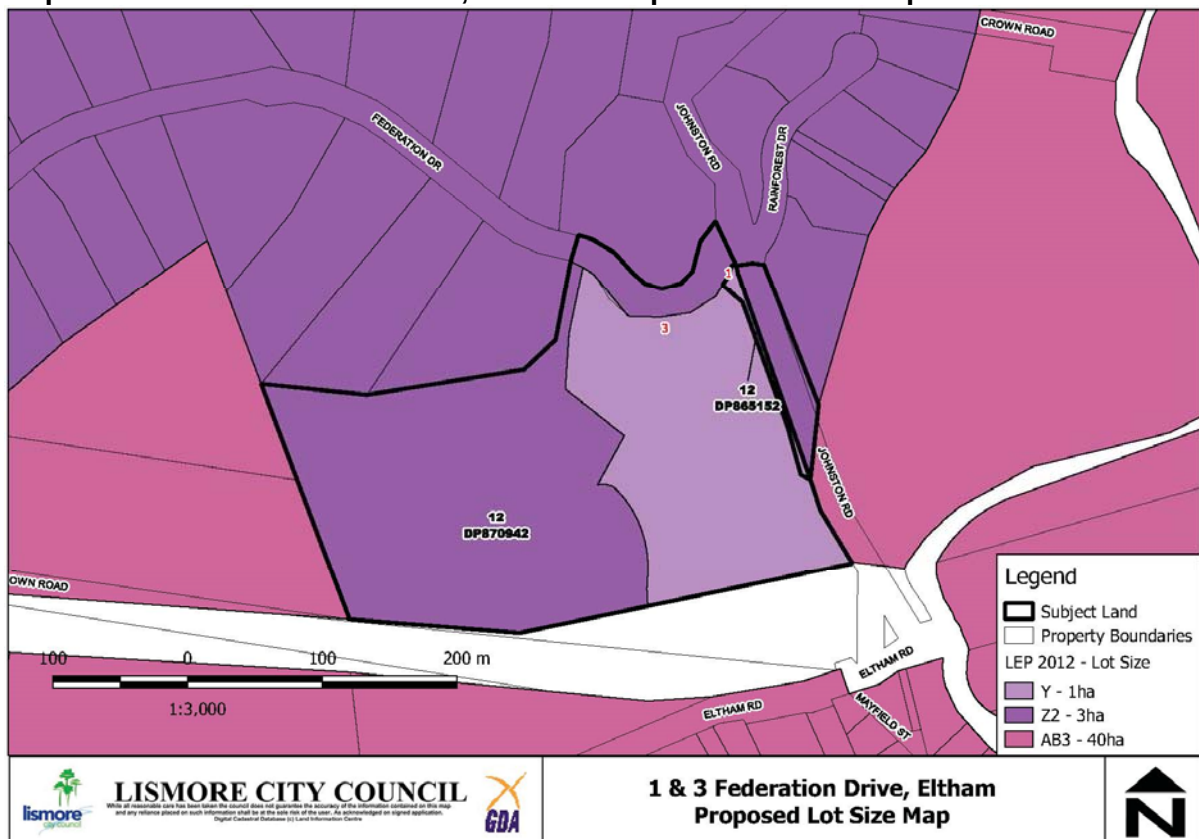
Map 2 – 1 and 3 Federation Drive, Eltham - Proposed Zoning Map



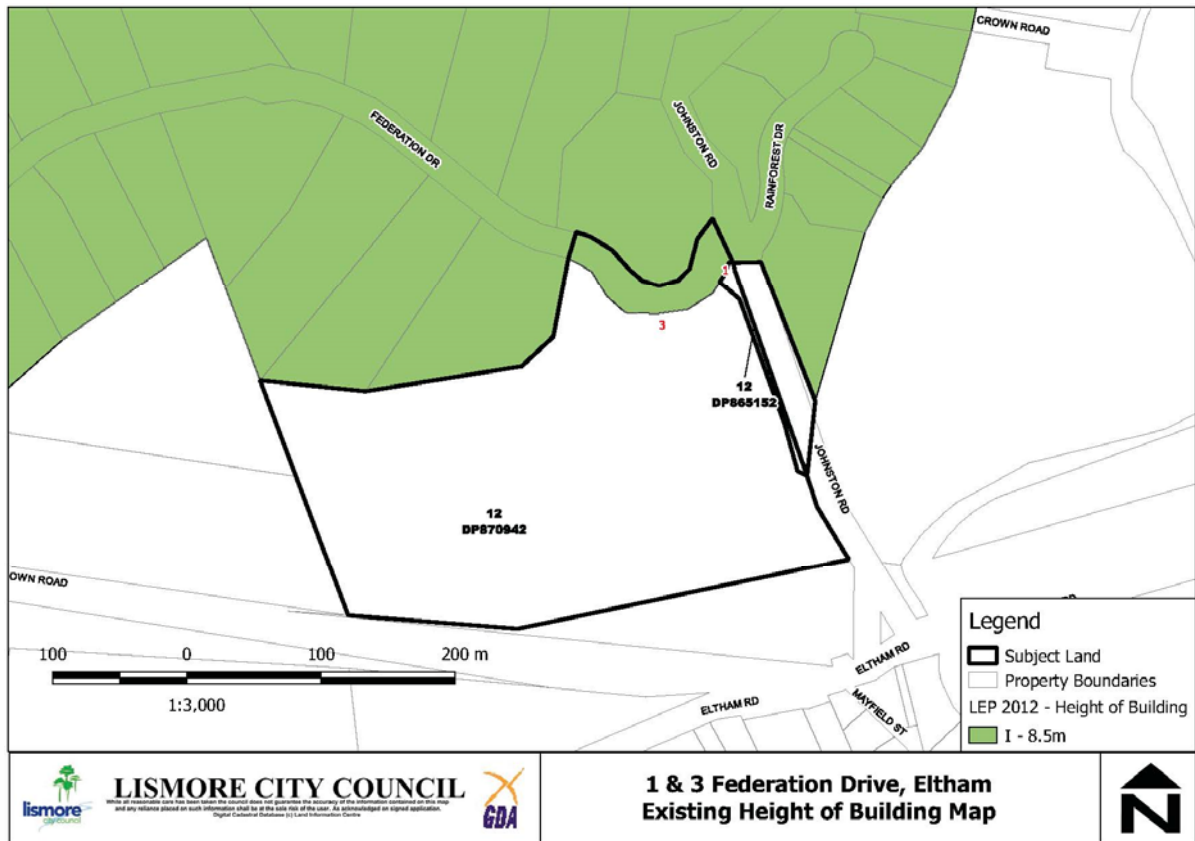
**Map 3 – 1 and 3 Federation Drive, Eltham - Existing Lot Size Map**



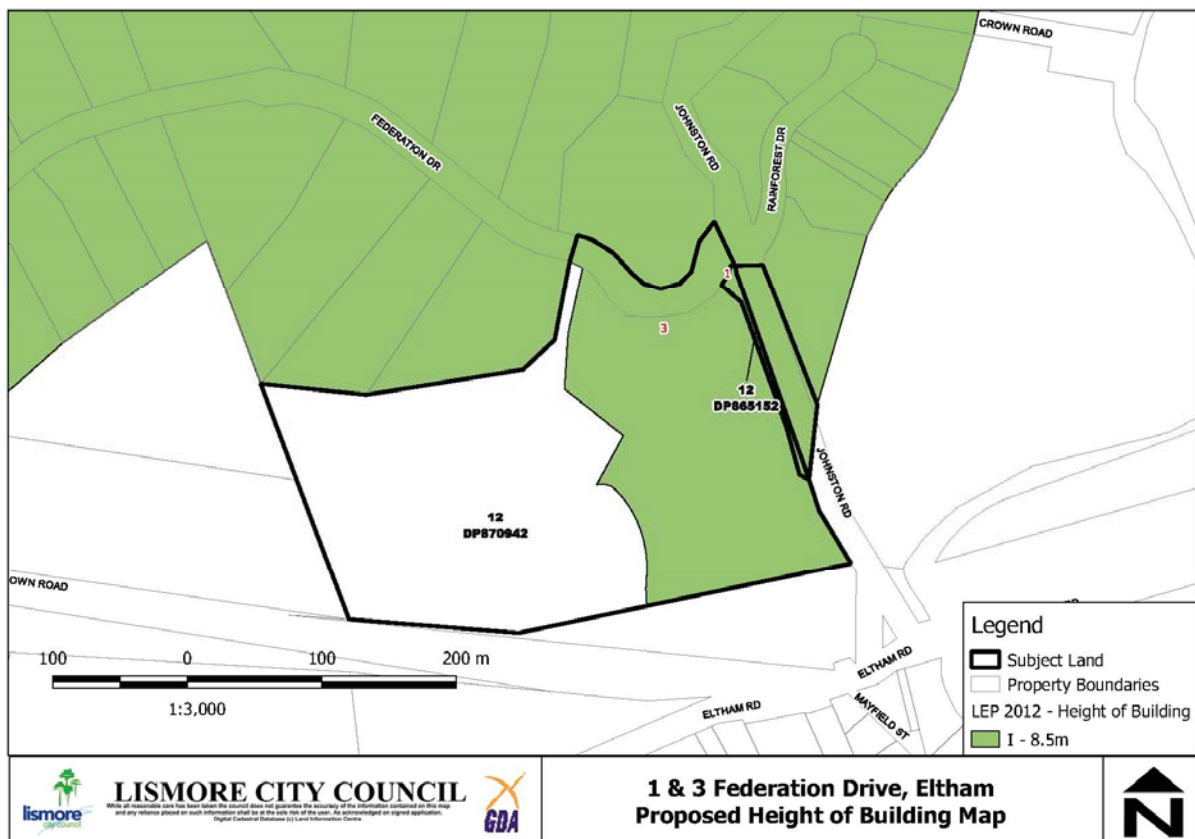
**Map 4 – 1 and 3 Federation Drive, Eltham - Proposed Lot Size Map**



**Map 5 – 1 and 3 Federation Drive, Eltham - Existing Height of Building Map**



**Map 6 – 1 and 3 Federation Drive, Eltham – Proposed Height of Building Map**



## PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post Gateway determination. For the purposes of public notification, Council considers the planning proposal as “low impact” and recommends a fourteen (14) day public exhibition period.

Notification of the exhibited planning proposal will include:

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

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal.
- Indicate the land that is the subject of the planning proposal.
- State where and when the planning proposal can be inspected.
- Provide the name and address of Council for the receipt of submissions.
- Indicate the dates for the exhibition period and the last day for receipt of submissions.
- Confirm whether delegation for making the LEP has been issued to Council.

Exhibition Material:

- The planning proposal, in the form approved for community consultation by the Gateway determination.
- The Gateway determination
- Any information or technical studies that accompany the planning proposal or are required by the Gateway determination.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Gateway determination will confirm the public consultation requirements.

## PART 6 – PROJECT TIMELINE

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

| Estimated Completion | Plan Making Steps                                                                                                 |
|----------------------|-------------------------------------------------------------------------------------------------------------------|
| December 2016        | Report planning proposal to Council                                                                               |
| January 2017         | Gateway determination issued by DP&E                                                                              |
| March 2017           | Submission of additional technical information                                                                    |
| April 2017           | Council reviews technical information<br>Government agency consultation<br>Analysis of government agency comments |
| May/June 2017        | Public exhibition<br>Analysis of public submissions<br>Preparation of LEP maps<br>Preparation of Council report   |
| July 2017            | Report to Council                                                                                                 |
| August 2017          | Opinion sought from Parliamentary Counsel's Office (if delegated)<br>Plan making by RPA (if delegated)            |
| September 2017       | Notification of the draft Local Environmental Plan                                                                |

## PART 7– LEP DELEGATIONS

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

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

The delegations only extend to routine LEPs as listed below:

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



Council seeks to exercise delegations for plan making in this instance.

## APPENDIX 1 - STATE ENVIRONMENTAL PLANNING POLICIES

### COMPLIANCE TABLE

| State Environmental Planning Policy                                             | Requirements                                                                                                                                                                                                                                                                                                                                                        | Compliance                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 6 – Number of Storeys in a Building                                    | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No 14 – Coastal Wetlands                                                   | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 21 – Caravan Parks                                                     | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 22 – Shops and Commercial Premises                                     | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 26 – Littoral Rainforests                                              | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 30 – Intensive Agriculture                                             | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 32 – Urban Consolidation<br>( <i>Redevelopment of Urban Land</i> )     | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 33 – Hazardous and Offensive Development                               | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 36 – Manufactured Home Estates                                         | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| <b>SEPP No. 44 – Koala Habitat Protection</b>                                   | <b>3 - Aims, Objectives, Etc.</b><br>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;<br>(b) By encouraging the identification of areas of core koala habitat; and<br>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones. | <b>Consistent</b> <ul style="list-style-type: none"> <li>• The provisions of SEPP 44 apply in this part of the Local Government Area.</li> <li>• There are no koala feed trees located within the allotment.</li> <li>• There is no potential koala habitat pursuant to clause 4 of the SEPP, located on the allotment.</li> </ul> |
| SEPP No. 50 – Canal Estate Development                                          | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |
| SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas | Not applicable                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                                                                                                                                                                                                                                                                                                     |

| State Environmental Planning Policy                          | Requirements                                                                                                                             | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SEPP No. 55 – Remediation of Land</b>                     | <b>6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</b>                                                | <p><b>Consistent</b></p> <p>The preliminary contaminated land report submitted with the planning proposal is limited to an historical assessment only. Although the report concludes the development site is unlikely to be impacted upon by residual chemicals from previous agricultural use (excluding the existing decommissioned dip site) it does not effectively address the precautionary principle adopted within Councils <i>'Regional Policy for the Management of Contaminated Land'</i>. Therefore it is recommended that soil sampling be undertaken post Gateway in accordance with Council's Policy to demonstrate that the proposed lots are suitable for the intended residential use. Refer to section 8 of this report for more detail.</p> |
| SEPP No. 62 – Sustainable Aquaculture                        | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP No. 64 – Advertising and Signage                        | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP No. 65 – Design Quality of Residential Flat Development | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP No 70 – Affordable Housing ( <i>Revised Schemes</i> )   | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP No. 71 – Coastal Protection                             | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP (Affordable Rental Housing) 2009                        | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP (Building Sustainability Index: BASIX) 2004             | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP (Exempt and Complying Development Codes) 2008           | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP (Housing for Seniors or People with a Disability) 2004  | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SEPP (Infrastructure) 2007                                   | <p><b>2 - Aim of Policy</b></p> <p>The aim of this policy is to facilitate the effective delivery of infrastructure across the State</p> | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The planning proposal is consistent with the aims of the SEPP. The proposed Zone R5 is a prescribed zone within which various forms of infrastructure are either permissible with or without development consent.</li> <li>It is also worth noting that the proposed Zone R5 will prohibit various forms of infrastructure that are deemed incompatible with residential development. These include research stations, sewage treatment plants, water recycling facilities, waste or resource management facilities and water treatment facilities.</li> </ul>                                                                                                                                  |
| SEPP (Major Development) 2005                                | Not applicable                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| State Environmental Planning Policy                                | Requirements                                                                                                                  | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Not applicable                                                                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>SEPP (Rural Lands) 2008</b>                                     | <p>Consistency with the following:</p> <p><b>7 Rural Planning Principles</b></p> <p><b>8 Rural Subdivision Principles</b></p> | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>• The planning proposal is consistent with the Rural Planning Principles and rural subdivision Principles.</li> <li>• The planning proposal identifies land adjacent to the existing large lot residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances.</li> <li>• The proposed dwelling envelopes and areas suitable for on-site effluent disposal are free of woody vegetation. Further reporting will be recommended post Gateway to confirm that biodiversity values will not be compromised by the planning proposal.</li> <li>• The subject site is near existing community infrastructure and services at Eltham and Clunes. Larger centres including Lismore, Ballina and Byron Bay are readily accessible by road.</li> <li>• The planning proposal is consistent with the FNCRS Chapter 7 Settlement and Housing Outcomes (refer to Part 3 of this report for detail).</li> <li>• Lismore Growth Management Strategy 2015 – 2035 nominates the site for potential 1 or 2 additional large residential lots.</li> </ul> |
| SEPP (SEPP 53 Transitional Provisions) 2011                        | Not applicable                                                                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| SEPP (State and Regional Development) 2011                         | Not applicable                                                                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| SEPP (Urban Renewal) 2010                                          | Not applicable                                                                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



## APPENDIX 2 - SECTION 117 MINISTERIAL DIRECTIONS

**COMPLIANCE TABLE**

| Ministerial Directions                                    | Requirements                                                                                                                                                                                                                                                                                                                               | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Employment and Resources                               |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1.1 Business and Industrial Zones                         | Not applicable                                                                                                                                                                                                                                                                                                                             | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1.2 Rural Zones                                           | <p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>                          | <p><b>Justifiably inconsistent</b></p> <ul style="list-style-type: none"> <li>The inconsistency is justified because the subject land has been identified for further large lot residential subdivision (an additional 1 or 2 lots) in the Lismore Growth Management Strategy 2015 - 2035.</li> <li>The Lismore GMS has given consideration to the objectives of this Ministerial Direction. The GMS provides for additional residential land on the basis of meeting appropriate criteria, including consistency or justified inconsistency with SEPP (Rural Lands) 2008 and S117 Ministerial Directions 1.2 and 1.5.</li> <li>The GMS was approved by the Department of Planning and Environment.</li> <li>The planning proposal is consistent with the FNCRS Chapter 7 Settlement and Housing Outcomes (refer to Part 3 of this report for detail).</li> </ul>              |
| 1.3 Mining Petroleum Production and Extractive Industries | <p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> <li>Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;</li> <li>Restricting the potential of State or regionally significant mineral resources</li> </ul> | <p>Not applicable</p> <ul style="list-style-type: none"> <li>The planning proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo.</li> <li>The land does not incorporate mineral resources or extractive materials which are of State or regional significance.</li> </ul> |
| 1.4 Oyster Aquaculture                                    | Not applicable                                                                                                                                                                                                                                                                                                                             | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Ministerial Directions             | Requirements                                                                                                                                                                                                                                                                    | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.5 Rural Lands                    | The planning proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.                                                                                                                             | <b>Consistent</b> <ul style="list-style-type: none"> <li>The planning proposal is consistent with the Rural Planning Principles and rural subdivision Principles.</li> <li>The planning proposal identifies land adjacent to the existing large lot residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances.</li> <li>The proposed dwelling envelopes and areas suitable for on-site effluent disposal are free of woody vegetation. Further reporting will be recommended post Gateway to confirm that biodiversity values will not be compromised by the planning proposal.</li> <li>The subject site is near existing community infrastructure and services at Eltham and Clunes. Larger centres including Lismore, Ballina and Byron Bay are readily accessible by road.</li> <li>The planning proposal is consistent with the FNCRS Chapter 7 Settlement and Housing Outcomes (refer to Part 3 of this report for detail).</li> <li>Lismore Growth Management Strategy 2015 – 2035 nominates the site for potential 1 or 2 additional large residential lots.</li> </ul> |
| <b>2. Environment and Heritage</b> |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 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 or land otherwise identified for environmental protection purposes in an LEP.</p> | <b>Consistent</b> <ul style="list-style-type: none"> <li>The planning proposal does not involve <i>environmentally sensitive areas</i> listed Clause 3.3 of the Lismore LEP 2012.</li> <li>The planning proposal does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes.</li> <li>The provision of a targeted Hairy Jointgrass survey is recommended post Gateway determination.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2.2 Coastal Protection             | Not applicable                                                                                                                                                                                                                                                                  | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Ministerial Directions                                  | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.3 Heritage Conservation                               | Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Consistent</b> <ul style="list-style-type: none"> <li>There are no known items of European or Aboriginal heritage located on the subject land.</li> <li>Council's Environmental and Cultural Heritage Contractor has reviewed the planning proposal and visited the site. Council will consult with the Local Aboriginal Land Council post Gateway determination.</li> </ul>                                                                                                                                                                                                                                                                                                                                                       |
| 2.4 Recreation Vehicle Areas                            | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3.1 Residential Zones                                   | The planning proposal must: <ul style="list-style-type: none"> <li>Broaden the choice of housing types and locations.</li> <li>Make efficient use of existing infrastructure and services.</li> <li>Reduce consumption of land.</li> <li>Housing of good design.</li> <li>Residential development not permitted until land is adequately serviced.</li> <li>Not contain provisions that will reduce residential density.</li> </ul>                                                                                                                                     | <b>Consistent</b> <ul style="list-style-type: none"> <li>The rezoning planning proposal is of a small scale and limited to two additional lots, one within Zone R5 and one within Zone RU1.</li> <li>A range of housing types including dwelling houses, dual occupancies and secondary dwellings are permissible with consent within Zone R5. Dwelling houses and dual occupancies are permissible with consent in Zone RU1.</li> <li>The land is adjacent to an existing large lot residential estate. The land is in close proximity to existing community facilities and services in Eltham and Clunes.</li> <li>Lismore LEP 2012 clause 6.9 requires the provision of services prior to granting development consent.</li> </ul> |
| 3.2 Caravan Parks and Manufactured Home Estates         | In identifying suitable zones, locations and provisions for caravan parks in a planning proposal the RPA must: <ul style="list-style-type: none"> <li>Retain provisions that permit development of caravan park.</li> <li>Retain zoning of existing caravan parks.</li> </ul> In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the RPA must: <ul style="list-style-type: none"> <li>Take into account excluded land in Schedule 2 SEPP 36</li> <li>Principles listed in clause 9 SEPP 36</li> </ul> | <b>Consistent</b> <ul style="list-style-type: none"> <li>The rezoning planning proposal is of a small scale and limited to two additional lots, one within Zone R5 and one within Zone RU1.</li> <li>The characteristics of this site are not suitable for the development of a caravan park or a MHE</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Ministerial Directions                   | Requirements                                                                                                                                                                                                                                                                                                                                                                  | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 3.3 Home Occupations                     | The planning proposal must permit home occupations in dwelling houses without development consent.                                                                                                                                                                                                                                                                            | <b>Consistent</b> <ul style="list-style-type: none"> <li>Development consent is not required for home occupations under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3.4 Integrating Land Use and Transport   | A planning proposal must locate zones for urban purposes that give effect to: <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>                                                                        | <b>Consistent</b> <ul style="list-style-type: none"> <li>The rezoning planning proposal is of a small scale and limited to two additional lots, one within Zone R5 and one within Zone RU1. The proposal will extend an existing large lot residential estate.</li> <li>The site has sufficient capacity to provide access to transport for residents.</li> <li>The existing road network will be utilised.</li> <li>The site is adjacent to existing large lot residential development and associated infrastructure.</li> <li>The land is in close proximity to existing community facilities and services in Eltham and Clunes. The site is located a short drive from the Lismore CBD and other larger centres.</li> </ul> |
| 3.5 Development Near Licensed Aerodromes | Not applicable                                                                                                                                                                                                                                                                                                                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3.6 Shooting Ranges                      | Not applicable                                                                                                                                                                                                                                                                                                                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>4. Hazard and Risk</b>                |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4.1 Acid Sulfate Soils                   | (6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. | Not applicable<br>The subject site is not identified on Council's Acid Sulfate Soils Planning Maps.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4.2 Mine Subsidence and Unstable Land    | <ul style="list-style-type: none"> <li>Applies to mine subsidence areas.</li> <li>Applies to areas identified as unstable.</li> </ul>                                                                                                                                                                                                                                         | <b>Consistent</b> <ul style="list-style-type: none"> <li>The land is not within a mine subsidence area.</li> <li>It is recommended that a geotechnical report is provided post gateway determination prior to making the plan.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Ministerial Directions               | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 4.3 Flood Prone Land                 | <ul style="list-style-type: none"> <li>Consistent with NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005</li> <li>Must not rezone land from Special use, special purpose, recreation, rural or environmental protection to residential, business or industrial, special use or special purpose.</li> <li>Not permit development in floodway; must not have significant flood impacts on other properties; must not permit significant increase in development on that land</li> <li>Not increase requirement for government spending on flood mitigation.</li> <li>Not impose controls above the flood planning level.</li> <li>Must not determine a flood planning level inconsistent with the Floodplain Development Manual 2005.</li> </ul> | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The planning proposal does not rezone land to Zone R5 Large Lot Residential within the flood planning area.</li> <li>A future dwelling may be possible within the residue Zone RU1. Adequate land is available outside of the flood planning area subject to further reporting post Gateway determination (geotechnical and ecological).</li> </ul>                                                                                                                                                                                                                    |
| 4.4 Planning for Bushfire Protection | <p>A planning proposal in bush fire prone land:</p> <ul style="list-style-type: none"> <li>Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation.</li> <li>Have regard to 'Planning for Bush Fire Protection 2006'.</li> <li>Restrict inappropriate development from hazardous areas.</li> <li>Ensure bush fire hazard reduction is not prohibited within the APZ.</li> </ul>                                                                                                                                                                                                                                                                                                              | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>Parts of the subject land are bush fire prone.</li> <li>A bush fire threat assessment was submitted with the combined DA planning proposal.</li> <li>Council is required under section 117 of the <i>EP&amp;A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made.</li> <li>Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.</li> </ul> |
| <b>5. Regional Planning</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Ministerial Directions                                                       | Requirements                                                                                                                                                                                            | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 Implementation of Regional Strategies                                    | <ul style="list-style-type: none"> <li>The planning proposal must be consistent with the Far North Coast Regional Strategy.</li> </ul>                                                                  | <p><b>Consistent</b></p> <p>The planning proposal is consistent with the Far North Coast Regional Strategy. Refer to Part 3 of the planning proposal report for further detail.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5.2 Sydney Drinking Water Catchments                                         | Not applicable                                                                                                                                                                                          | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | <ul style="list-style-type: none"> <li>The planning proposal must not re-zone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</li> </ul> | <p><b>Justified inconsistency</b></p> <ul style="list-style-type: none"> <li>The 7.1ha site is mapped as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project.</li> </ul> <p>The inconsistency with the 117 Direction is justified as follows:</p> <ul style="list-style-type: none"> <li>The subject land is identified in the Lismore Growth Management Strategy (GMS) 2015 – 2035 for potential one or two lots (large residential lots). The GMS was assessed for compliance with the Northern Rivers Farmland Protection Project – Final recommendations prior to its approval by the Department of Planning and Environment.</li> <li>The planning proposal is consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.</li> <li>The planning proposal is consistent with the FNCRS Chapter 7 Settlement and Housing Outcomes. The strategy identifies that:<br/> <i>Rural residential development will continue as a housing choice for people in the region. In the future such development will be located close to existing centres, avoiding areas of significant environmental and landscape value, and significant natural resources (including high quality agricultural land). An adequate level of services will be provided to meet the community's needs.</i> </li> <li>The planning proposal represents a minor extension of the existing large lot residential estate identified in the Housing Map in Section 7 of the FNCRS.</li> </ul> |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable                                                                                                                                                                                          | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Ministerial Directions                          | Requirements                                                                                                                                                                                                                                                                                                                                                                                                   | Compliance                                                                                                                                                                                                             |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.8 Second Sydney Airport: Badgerys Creek       | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not applicable                                                                                                                                                                                                         |
| 5.9 North West Rail Link Corridor Strategy      | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not applicable                                                                                                                                                                                                         |
| <b>6. Local Plan Making</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                        |
| 6.1 Approval and Referral Requirements          | <ul style="list-style-type: none"> <li>A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning &amp; Environment.</li> <li>Not identify development as designated development unless justified.</li> </ul> | <p><b>Consistent</b></p> <p>There are no referral or concurrence requirements in the planning proposal.</p> <p>The proposal does not identify development as designated development.</p>                               |
| 6.2 Reserving Land for Public Purposes          | <ul style="list-style-type: none"> <li>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&amp;E.</li> </ul>                                                                                                                                                    | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>No land is proposed to be zoned for public recreation purposes. This is consistent with the Lismore Growth Management Strategy 2015 - 2035.</li> </ul> |
| 6.3 Site Specific Provisions                    | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not applicable                                                                                                                                                                                                         |
| <b>7. Metropolitan Planning</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                        |
| 7.1 Implementation of the Metropolitan Strategy | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not applicable                                                                                                                                                                                                         |