

Planning Proposal

Reclassification and rezoning of Council owned land

January 2020



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Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to:

- a) Reclassify various allotments or part allotments of Council owned land; and
- b) Rezone one (1) allotment of Council owned land and

The proposed reclassifications and rezonings are required to enable the sale or lease of certain Council owned land.

Part 2 – Explanation of Provisions

The planning proposal involves the reclassification of four (4) Council owned allotments from Community to Operational and changing the zoning of one (1) Council owned allotment as outlined in Table 1 below. One of the lots is also proposed for part reclassification from Operational to Community and this map is presented as part of this Planning Proposal (Part 4 of this report).

This requires LEP Map amendments and an amendment to the written LEP Instrument.

Table 1 - Summary of reclassification and rezoning of Council owned land

Location	Proposed Reclassification	Zone, Minimum Lot Size (MLS), Height of Building (HOB) Maps	Origin and justification
Reclassifications			
Site 1 8 Wolstenholm Street, East Lismore	Community to Operational – no interests changed	No changes proposed	Request from landowner to Council's Property section
Site 2 50 Brewster Street, Lismore (Lismore Pre- School)	Community to Operational for part of lot – no interests changed	LEP Map: Land Reclassification (Part Lots) Map RPL_005	To formalise use of land as part of Lismore pre-school extension (Council resolution 13/3/18)
Site 3 68 & 122 Bruxner Highway, South Lismore	Community to Operational – no interests changed	No changes proposed	Request from Council's Property section based on recent audit
Rezoning			
Site 4 69 Caldwell Avenue, East Lismore	Zone RE1 Public Recreation to Zone R1 General Residential	Existing Zone: RE1 Public Recreation Proposed Zone: Zone R1 General Residential Existing MLS: Not applicable Proposed MLS: 400m ² Existing HOB: Not applicable Proposed HOB: 9m	Request from Council's Property section

The planning proposal involves changes to LEP maps [Land Zoning Map LZN_006AB, Height of Building Map HOB_006AB, Lot Size Map LSZ_006AB and the Land Reclassification Part Lots Map RPL_005AA]. It is also proposed to amend the written instrument, in particular Schedule 4 of the LEP as detailed below.

Schedule 4 Classification and reclassification of public land

Insert the following entries into:

Part 1 Land classified, or reclassified as operational land – no interests changed

Column 1	Column 2
Locality	Description
8 Wolstenholm Street, East Lismore	Lot 7 DP 7756
50 Brewster Street, Lismore	Part Lot 4 DP 344444
68 & 122 Bruxner Highway, South Lismore	Lot 4 DP 609846 & Lot 3 DP 609846
69 Caldwell Avenue, East Lismore	Lot 131 DP 606999

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The reclassification/rezoning Planning Proposal involving Council owned land is required for various reasons including: to rectify an anomaly and enable the sale / lease of Council owned land. The Planning Proposal is not the result of any strategic study or report.

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

The reclassification of three (3) Council owned allotments and part of one (1) Council owned allotment from Community to Operational by amending the Lismore LEP 2012 Schedule 4 is the only way to achieve the objectives of the planning proposal.

The rezoning of one (1) parcel of land can only be achieved through a Planning Proposal.

Attachment 1 at the end of this report provides the required information to reclassify land through an LEP in accordance with the Department of Planning and Environment's LEP Practice Note PN 16-001.

Attachment 2 provides responses to the Secretary's requirements in accordance with Section 5.5.4 of the Department of Planning and Environment's Guide to Preparing Local Environmental Plans.

The following background is provided regarding each of the individual allotments.

Site 1: 8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)



Proposal:

Reclassify 8 Wolstenholm Street, East Lismore (Lot 7, DP 7756) from Community to Operational.

Rationale for the reclassification:

It is intended to reclassify the land from Community to Operational based on a request from the landowner of the adjacent property at 10 Wolstenholm Street, East Lismore to enter a long term lease or to purchase the land. The owner of 10 Wolstenholm Street, East Lismore has recently raised their dwelling due to flooding and has requested to use the subject site for the construction of the stairs up to the dwelling.

The land comprises a row of vegetation that covers approximately half the site and appears to be used for caravan storage.

The land is not a public reserve according to the Certificate of Title, nor is it burdened by easements or covenants. Council entered into a licence with the adjoining landowner who initiated this reclassification request, due to expire on 31 March 2023. This interest is not proposed to be discharged.

It is not proposed to rezone the land from RU2 Rural Landscape because this zoning was applied to areas in Lismore subject to high risk of flood. Moreover, no changes are proposed to the minimum lot size for subdivision which is currently 40ha which is aimed at precluding future subdivision. The land is within the Floodway category in the Lismore Development Control Plan

which prohibits new buildings or structures (except for utility installations or community facilities) being developed.

Site 2: 50 Brewster Street, Lismore (Lot 4, DP 344444)



Proposal

To reclassify part of 50 Brewster Street, Lismore from Community to Operational to facilitate the expansion of the Lismore Pre-School Kindergarten (located at 60-62 Brewster Street, Lismore).

Rationale for the reclassification:

On 13 March 2018, Council resolved to support the proposal to expand the Lismore Pre-School and to consolidate 60, 62 and part of 50 Brewster Street to ensure the expanded Pre-School is sited on one parcel of land. For the boundary re-adjustment and leasing arrangements to be completed, it is necessary for part of 50 Brewster Street to be reclassified from Community to Operational.

A development application (DA18/448) was determined on 12 March 2019 for staged alterations and additions to the pre-School and following these works, a subdivision boundary adjustment and consolidation to accommodate the new building footprint. Figure 1 shows the proposed lot layout for the boundary adjustment.

The land is not a public reserve according to the Certificate of Title, and there is a current lease on part of the land that Council entered into with the Lismore pre-school as per the Council resolution dated 13/3/18. This interest is not proposed to be discharged.

It is proposed to reclassify part of the land from *community* to *operational* – *no interests changed* as shown in Figure 1.

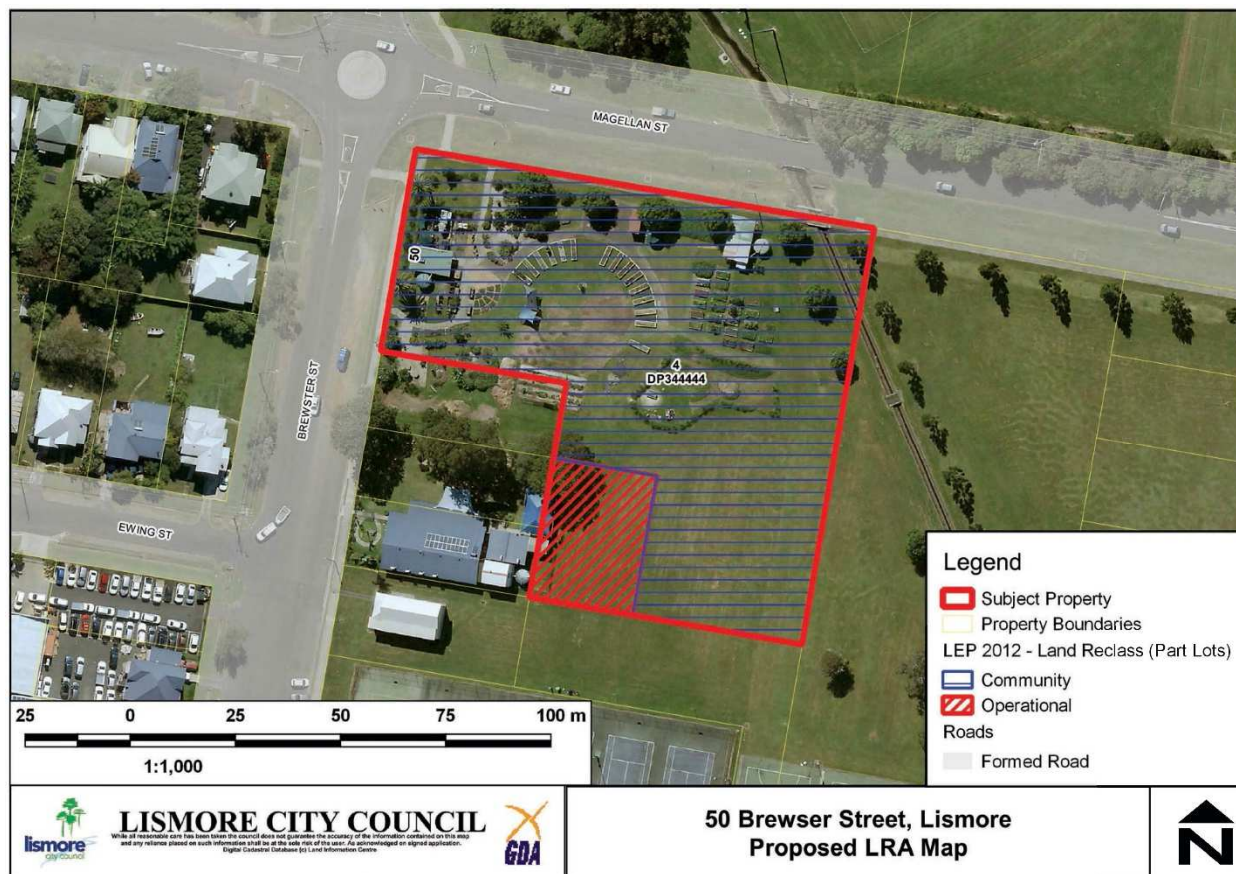
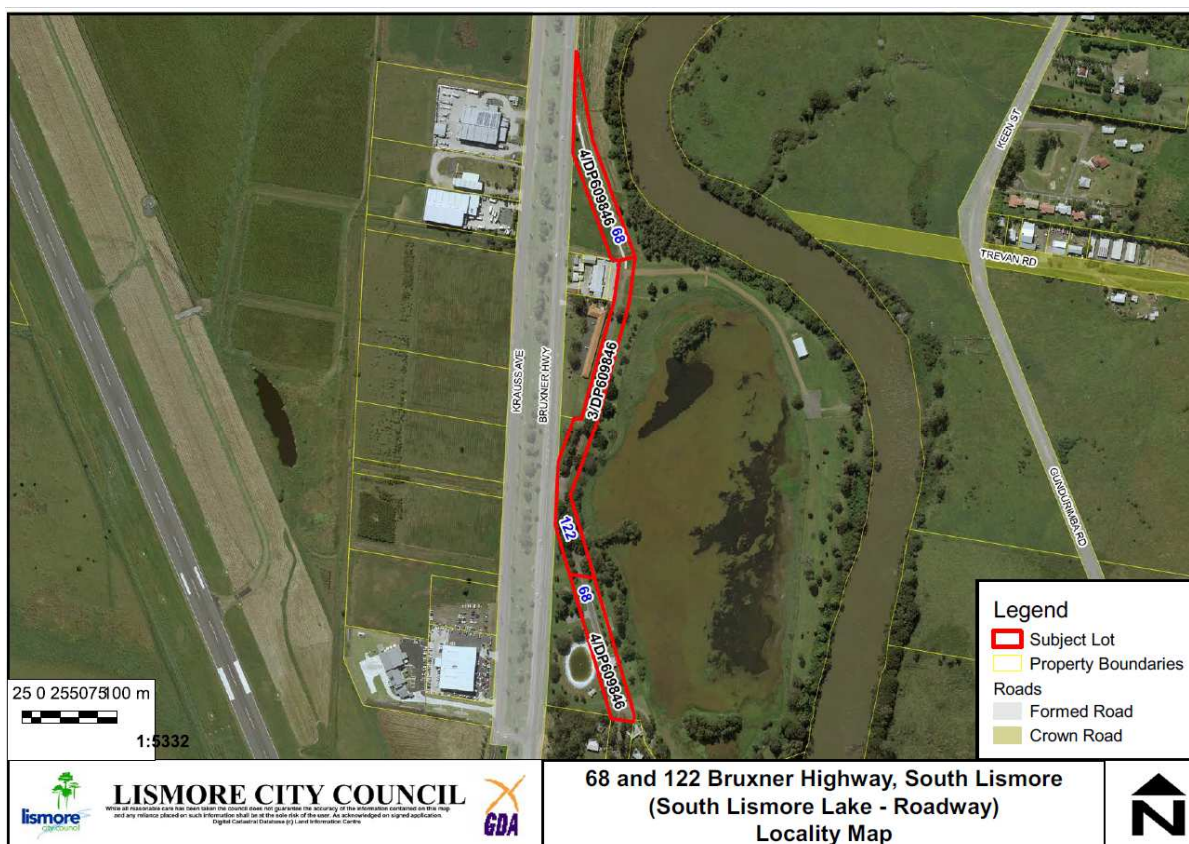


Figure 1: Proposed part reclassification map for 50 Brewster Street, Lismore



Site 3: 68 & 122 Bruxner Highway, South Lismore (Lot 4 DP 609846 & Lot 3 DP 609846)

Proposal

To reclassify 68 and 122 Bruxner Highway, South Lismore from Community to Operational to rectify an anomaly.

Rationale for the reclassification:

Both parcels are currently used as a right of way access by commercial entities (Lakeside Motel, Richmond River Steel, Lismore Lake Caravan Park). A recent audit of Council land revealed the use of both land parcels for providing access to private interests is inconsistent with the purpose of land classified as community and the Plan of Management does not authorise the use of the land for private accessways. Both parcels are residual lots that were closed and sold to Council by the State Government following construction of this section of Bruxner Highway in 1980. If that had taken place after 1993 it would automatically have become operational under s.43 of the *Roads Act 1993*.

68 Bruxner Highway, South Lismore (Lot 4 DP 609846)

The land is not a public reserve according to the Certificate of Title, and it is currently burdened by a right of carriageway. This interest is not proposed to be discharged as the use of the land for a road is not proposed to change.

122 Bruxner Highway, South Lismore (Lot 3 DP 609846)

The land is not a public reserve according to the Certificate of Title, and it is currently burdened by a right of carriageway and a right of way. These interests are not proposed to be discharged as the use of the land for a road is not proposed to change.

It is proposed to reclassify both parcels of land from *community* to *operational* – *no interests changed*.



Site 4: 69 Caldwell Avenue, East Lismore (Lot 131 DP 606999)

Proposal:

It is proposed to rezone 69 Caldwell Avenue, East Lismore (Lot 131, DP 606999) from Zone RE1 Public Recreation to Zone R1 General Residential in accordance with the Council resolution made on 13 November 2018.

Rationale for rezoning:

The land is a drainage reserve which directs stormwater flows into Wade Park, south of the subject site. The land shares its western boundary with 11 residential lots which front Paunelle Avenue. The owners of the 11 residential lots currently use part of the subject site for their private, exclusive use and have constructed a fence that abuts the edge of the concrete storm water drain. The landowner of 23 Paunelle Avenue has constructed a swimming pool on part of the subject site and Council has been approached by the owner of 3 and 5 Paunelle Avenue regarding the construction of a shed on part of the subject site. The development of a shed (ancillary to a dwelling) is currently prohibited in Zone RE1 Public Recreation.

The current use of the land does not provide any public recreation benefit and can only be legally accessed from Wade Park.

Council's Assets section has advised that the portion of the site currently being used by the 11 landowners of Paunelle Avenue as their private backyards is not required by Council in the long term as part of any future upgrades to the stormwater drain.

It is intended that the part of the site comprising the concrete stormwater drain will remain in Council ownership and over time, individual landowners will have the opportunity to survey, purchase and consolidate through a boundary re-adjustment the additional portion of land at their rear boundary.

It is considered that Zone R1 General Residential is the appropriate zone for this land because it accurately reflects part of the existing use of the land. Although the concrete stormwater drain is not a residential use, there is no typical zone for this type of infrastructure and introducing a split zone will create inconsistencies with LEP Clause 4.2E - Exceptions to minimum subdivision lot size for certain split zones.

It is also proposed to introduce a maximum building height control on this site of 9m to protect the residential amenity of the area given that no building height control applies to the land at the moment. Another measure to ensure consistency with surrounding residential land is the introduction of a minimum lot size for subdivision of 400m² on the land. Currently the land has no minimum lot size.

Section B – Relationship to Strategic Planning Framework

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

The Planning Proposal is generally consistent with the *North Coast Regional Plan 2036* which identifies Lismore as a Regional City that provides essential and high-level services to residents in the town and outlying villages.

In particular, the Planning Proposal facilitates the expansion of the Lismore Pre-School Kindergarten which implements the following

- *Direction 6: Develop successful centres of employment and*
 - *Action 6.1: Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity*

The Planning Proposal will ensure that there is an adequate supply of land that is reclassified from Community to Operational for the planned expansion of the Lismore pre-School.

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

This Planning Proposal is consistent with the Imagine Lismore Community Strategic Plan 2017-2021 with regard to the following:

- The expansion of the Lismore Pre-School is relevant to the objective 'Our built environment' and the objective D2 'our built environment is managed and enhanced to meet the needs of our growing community'.

This Planning Proposal will assist in the longer term leasing and expansion of the Lismore Pre-School Kindergarten by provision of suitable land that is reclassified to 'Operational'.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. Refer to Attachment 3 at the end of this Planning Proposal for detail.

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

The planning proposal is consistent with the applicable s9.1 Ministerial Directions. Refer to Attachment 4 at the end of this Planning Proposal for details.

Section C – Environmental, Social and Economic Impact

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

The Planning Proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. The five (5) land parcels that this Planning Proposal relates to are located in urban areas and have been significantly modified with landscaping with exotic flora species and native species that are not classified as threatened species, populations or ecological communities.

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

There are no likely environmental effects that may result from this Planning Proposal. The subject sites are generally clear of environmental constraints.

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

With regard to social effects, this Planning Proposal will facilitate the future expansion of the Lismore Pre-School in the long term, which will allow improvements and upgrades to this important service to the local community. There are no likely detrimental economic impacts as a result of this Planning Proposal.

Section D – State and Commonwealth Interests

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

The planning proposal will not result in increased demand for public infrastructure.

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

It is expected that the following authorities are consulted in accordance with the Gateway Determination and any s9.1 Ministerial Directions:

- Biodiversity and Conservation Division of DPIE

Part 4 – Mapping

One (1) of the sites is proposed for rezoning and one (1) of the sites is proposed to be part reclassified for which a map is required. The existing and proposed LEP maps are provided below. The amendment will be achieved by amending the following Lismore LEP 2012 map sheets:

LZN_006AB
LSZ_006AB
HOB_006AB
RPL_005AA



Figure 2: Proposed Land Reclassification Map – 50 Brewster Street, Lismore

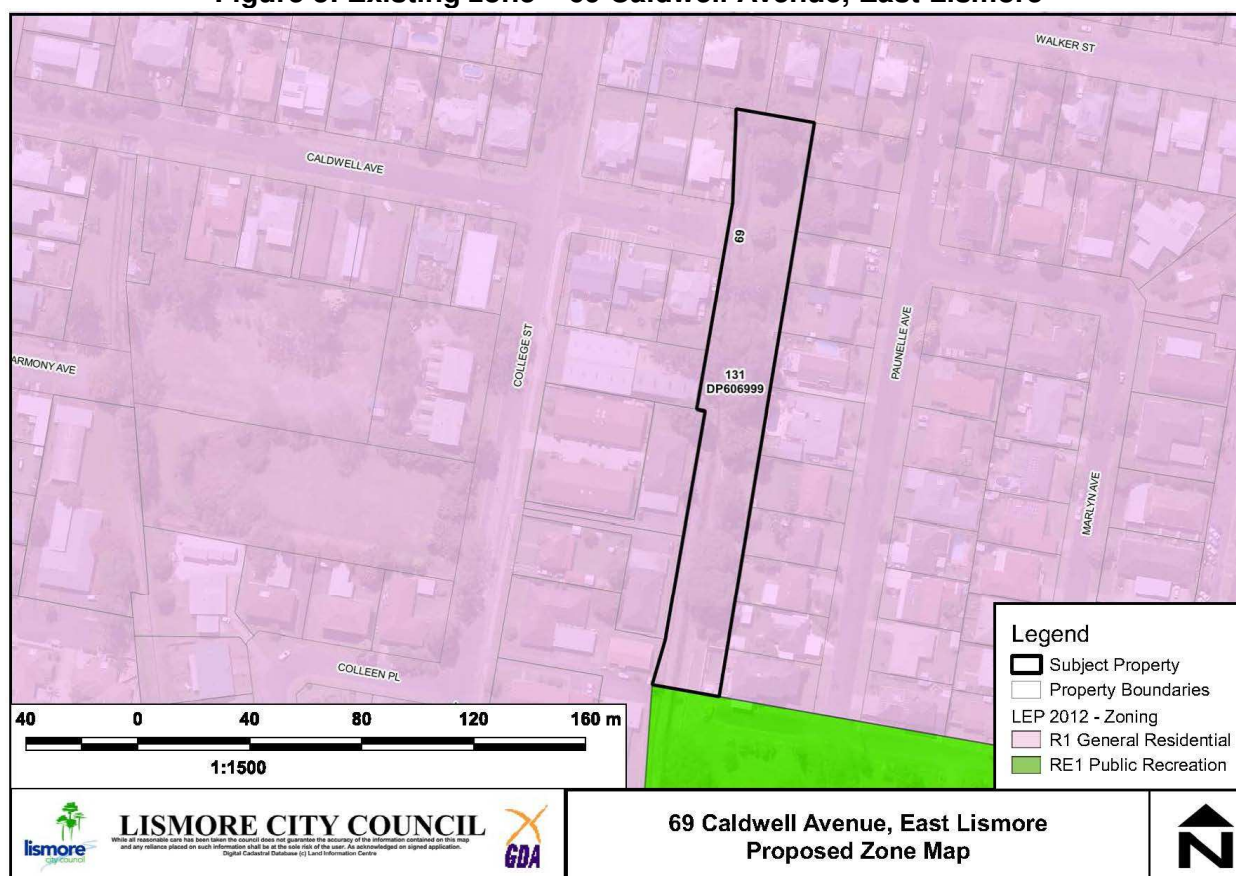
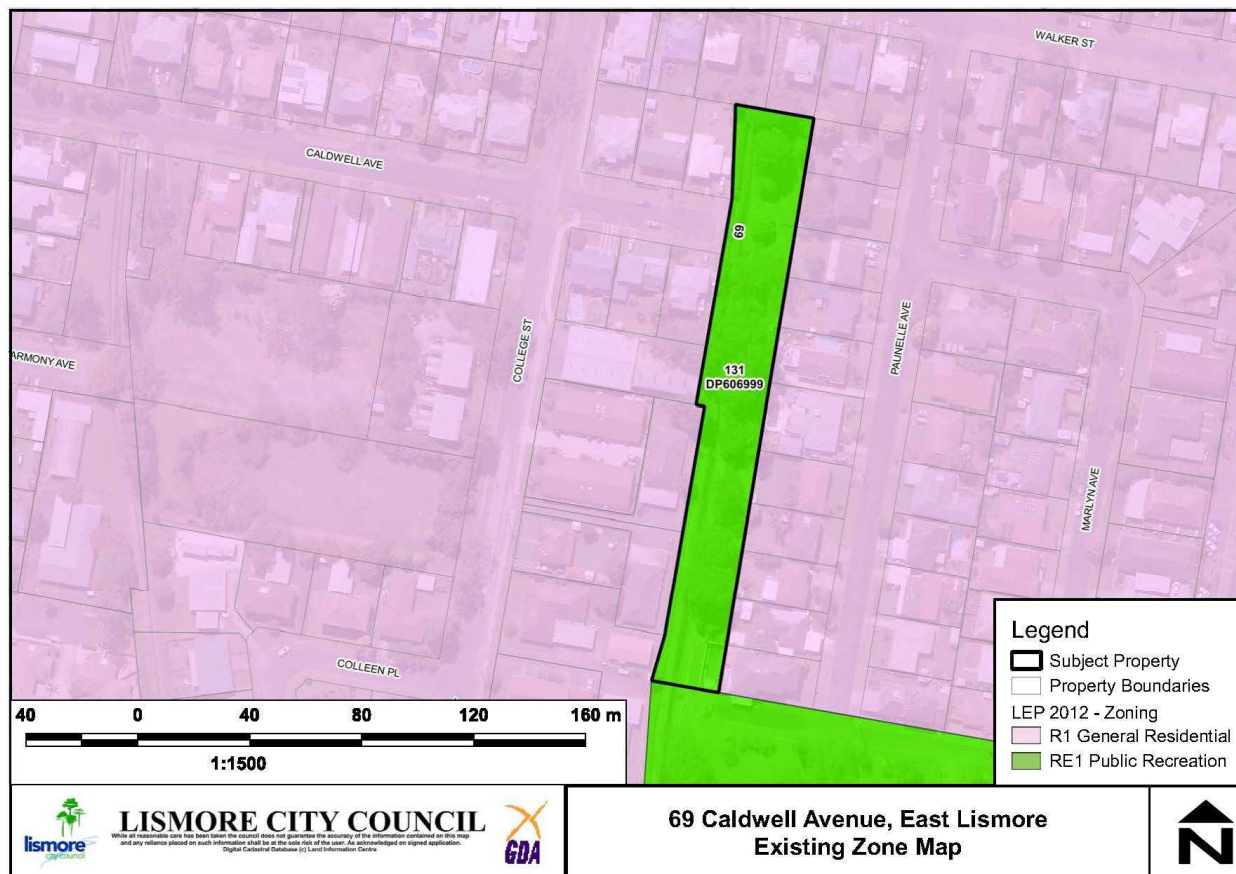




Figure 5: Existing Lot Size – 69 Caldwell Avenue, East Lismore



Figure 6: Proposed Lot Size – 69 Caldwell Avenue, East Lismore



Figure 7: Existing Height of Building – 69 Caldwell Avenue, East Lismore



Figure 8: Proposed Height of Building – 69 Caldwell Avenue, East Lismore

Part 5 – Community Consultation

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

Notification of the exhibited planning proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the planning proposal,
- The web site of Lismore City Council and the Department of Planning, Industry and Environment,
- Letter to adjoining land holders,

The written notice will:

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

Exhibition Material:

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

The Gateway determination will confirm the public consultation requirements.

Public hearing

In accordance with Section 29 of the *Local Government Act 1993* and Section 57 of the *Environmental Planning and Assessment Act 1979*, Council must arrange a public hearing following the public exhibition of the planning proposal. The purpose of the public hearing is to allow members of the community to make submissions on the proposed reclassifications to an independent party, who then reports to Council on these submissions prior to Council making a determination on the planning proposal.

Part 6 – Project Timeline

Estimated completion	Plan making step
March 2020	Report planning proposal to Council
April 2020	Gateway determination issued by the Department of Planning, Industry and Environment
May 2020	Fulfilment of pre-exhibition conditions of Gateway Determination (Potential technical reporting and amendments to Planning Proposal)
June 2020	Public exhibition
July 2020	Analysis of submissions
August 2020	Public hearing Preparation of report
October 2020	Report to Council for adoption
November 2020	Submission of the draft LEP to the Department of Planning, Industry and Environment for plan making
December 2020	Plan made and notified on NSW Legislation web site

APPENDIX 1 - Reclassification Information – DPE LEP Practice Note PN 16-001

Issue	8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)	50 Brewster Street, Lismore (part Lot 4, DP 344444)	68 and 122 Bruxner Highway, South Lismore (Lismore Lake Roadway) Lot 3 & Lot 4 in DP 609846
1. The current and proposed classification of the land;	The land is currently classified as community. It is proposed to reclassify the land to operational – no interests changed.	The land is currently classified as community. It is proposed to reclassify part of the land to operational - no interests changed.	The land is currently classified as community. It is proposed to reclassify the land to operational - no interests changed.
2. Whether the land is a 'public reserve' (defined in the LG Act);	The land is not a public reserve.	The land is not a public reserve.	The land is not a public reserve.
3. The strategic and site specific merits of the reclassification and evidence to support this;	The reclassification is required to enable the sale of the land as requested by the neighbouring property owner.	The reclassification is required for the expansion of the Lismore pre-school.	The reclassification is required to enable the land to be used as road or the rights of way to be redefined to facilitate development for the various properties who use the right of way. It is not possible to have a right of way on community land unless it is expressly authorised by the Plan of Management (PoM). The PoM does not authorise the use of both land parcels for private accessways.
4. Whether the planning proposal is the result of a strategic study or report;	This reclassification is the result of a request made by the neighbouring landowner.	The Planning Proposal is the result of a Council resolution made on 13/3/18.	The Planning Proposal is the result of staff reviewing community and operational land to determine appropriate classification. This land serves as access to community land and private land and should be operational or road.
5. Whether the planning proposal is consistent with council's community plan or other local strategic plan;	The proposal is not inconsistent with council's community strategic plan and compliments our built environment, leadership and participation and an inclusive and healthy community.	The proposal is consistent with Council's CSP to ensure our built environment is enhanced to meet the needs of the growing community.	This Planning Proposal is consistent with the Imagine Lismore Community Strategic Plan 2012-2027. Our built environment and leadership and participation.
6. A summary of council's interests in the land, including: <ul style="list-style-type: none"> - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's consent; 	<p>The land was acquired by Council in 1989 as a flood acquisition.</p> <p>The Certificate of Title does not indicate any interests in the land.</p>	The land comprises part of Lismore Park and part of the site contains the Lismore Community Garden.	The land was acquired by Council around 1979 following registration of DP238512 which contained a statement: "Lots 1-3 inclusive, delineated hereon, being part of unnecessary road, are to be resumed and vested in the Commissioner for Mains Roads and after issue of Certificate of Titles to same will be disposed of to the owners of land adjoining". Lot 1 is the prior title of Lots 3 and 4.

Issue	8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)	50 Brewster Street, Lismore (part Lot 4, DP 344444)	68 and 122 Bruxner Highway, South Lismore (Lismore Lake Roadway) Lot 3 & Lot 4 in DP 609846
- the nature of any trusts, dedications etc;			
7. Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	There are no interests in the land as per the Certificate of Title. Council has entered into a licence agreement with the person who has requested the reclassification. This licence is due to expire on 31 March 2024. There is no requirement for this interest to be placed on the Certificate of Title and it is not proposed to discharge this interest.	Council entered a lease with the Lismore pre-school over part of the land as per the Council resolution dated 13/3/18. This interest is not proposed to be discharged.	The rights of way would need to remain until the land is dedicated as road or otherwise.
8. The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The land effectively forms part of the adjoining land owner's backyard. It is physically separated from the balance of the adjoining community land by a row of trees. By reclassifying the land council will be able to enter a long term lease or sell the block to the adjoining owner. The adjoining owner has recently lifted their house above flood level and has requested use of the land so her stairs can be constructed on the land.	The effect of the reclassification will be that a small part of this land parcel will be part of the existing Lismore pre-School expansion area and fenced off from the public. The loss of this public open space is not expected to have a detrimental impact on the community as there is an existing vast network of open space areas in central Lismore that are accessible to the community.	There will be no effect.
9. Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Not applicable.	There is no public reserve status shown on the Certificate of Title.	Certificates of title have been supplied that show both land parcels are not public reserves. 122 Bruxner Highway is burdened by a right of carriageway while 68 Bruxner Highway is burdened by both a right of carriageway and a right of way.
10. Current use(s) of the land, and whether uses are authorised or unauthorised;	The land is currently occupied by the owner of 10 Wolstenholm who is raising her house out of flood. The use is	The part of the land parcel proposed for reclassification is partially vacant, maintained parkland at the rear of the existing Lismore pre-school site. Part of the	The land is used for public footpath and vehicle access to private property (the motel, steel works, caravan park), and council land at 56 Bruxner Highway (lake and rowing club) The access is protected by registered right of way which is not

Issue	8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)	50 Brewster Street, Lismore (part Lot 4, DP 344444)	68 and 122 Bruxner Highway, South Lismore (Lismore Lake Roadway) Lot 3 & Lot 4 in DP 609846
	unauthorised. She has caravans and building equipment on the land and is building a colourbond fence to avoid dog fights between her three dogs and the dogs at the adjoining off leash dog park.	site contains part of some pre-school buildings that encroach on this parkland area.	intended to be discharged unless land is dedicated as a road.
11. Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	The land is currently subject to a licence agreement that is due to expire on 31 March 2024.	There is a current lease (AN 979781) that is registered on title to the Lismore pre-school which expires on 30/6/2023.	The land is not currently subject to any lease or agreement.
12. Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	Council intends to sell the land at market value. This is not expected to be significant as it is flood prone land. The adjoining land owner will be required to consolidate the land with her own property so any dwelling entitlement attached to the land is lost.	It is proposed to extend the lease for longer term tenure once the land is reclassified to operational and consolidated with two adjacent parcels.	No proposed dealing in land other than to rectify alignment of right of way by boundary adjustment with adjoining properties or road dedication (subject to survey).
13. Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	It is not intended to rezone that land from Zone RU2 Rural Landscape.	There is no rezoning associated with the reclassification.	There is no rezoning associated with the reclassification.
14. How council may or will benefit financially, and how these funds will be used;	Council will benefit from the sale proceeds and could use these funds towards council's strategic open plan objectives by improving function open spaces and increasing their maintenance capacity.	The community will benefit from the reclassification of part of the land to operational which will facilitate the expansion of the Lismore pre-School.	There is no financial benefit to Council in reclassifying this land.
15. How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	Not applicable - there are no open space sites being proposed as part of this Planning Proposal. The proposed sale will require a resolution of council	N/A	N/A

Issue	8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)	50 Brewster Street, Lismore (part Lot 4, DP 344444)	68 and 122 Bruxner Highway, South Lismore (Lismore Lake Roadway) Lot 3 & Lot 4 in DP 609846
	at which point the sale proceeds can be allocated to open space.		
16. A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot;	Not applicable as the whole site is proposed to be re-classified.	The Planning Proposal contains a part reclassification map for this site based on the Development application for staged alterations and additions and a boundary re-alignment that was determined as per DA18/448.	Not applicable as the whole site is proposed to be re-classified.
17. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	N/A	N/A	N/A

APPENDIX 2 – SECRETARY’S REQUIREMENTS

Secretary’s requirement	8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)	50 Brewster Street, Lismore (part Lot 4, DP 344444)	68 and 122 Bruxner Highway, South Lismore (Lismore Lake Roadway) Lot 3 & Lot 4 in DP 609846
a. Is the planning proposal the result of a strategic study or report?	No, this is a request from an adjoining land owner.	No, it is the result of a Council resolution made on 13/3/18.	No, it is the result of an audit undertaken by Council’s property section.
b. Is the planning proposal consistent with the local council’s community plan, or other local strategic plan?	The proposal is not inconsistent with council’s community strategic plan and compliments our built environment, leadership and participation and an inclusive and healthy community.	The proposal is consistent with Council’s CSP to ensure our built environment is enhanced to meet the needs of the growing community.	This Planning Proposal will rectify an incorrect land classification where the land provides provide access.
c. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.	There are no interests in the land according to the Certificate of Title. There is a current licence agreement that Council has signed with the person requesting this reclassification. This interest is not proposed to be extinguished.	Council entered a lease with the Lismore pre-school over part of the land as per the Council resolution dated 13/3/18. This interest is not proposed to be extinguished.	The right of way is not proposed to be extinguished.

Secretary's requirement	8 Wolstenholm Street, East Lismore (Lot 7, DP 7756)	50 Brewster Street, Lismore (part Lot 4, DP 344444)	68 and 122 Bruxner Highway, South Lismore (Lismore Lake Roadway) Lot 3 & Lot 4 in DP 609846
d. The concurrence of the landowner, where the land is not owned by the relevant planning authority.	Not applicable – the land is currently owed by Council.	Not applicable – the land is currently owed by Council.	Not applicable – the land is currently owed by Council.

APPENDIX 3 – STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 30 – Intensive Agriculture	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	All the of land parcels subject to this Planning Proposal do not contain Primary or Secondary Koala Habitat according to Council's GIS mapping.
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Council's GIS mapping shows that 69 Caldwell Avenue, East Lismore has no known history of contamination.
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	3 Aim of Policy The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area, by: (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of	68 & 122 Bruxner Highway are located on land mapped as a Coastal Use and Coastal Environment Area under the Coastal SEPP. 8 Wolstenholm Street, East Lismore is also mapped as Coastal Use areas. This is due to the proximity of these land parcels to the Wilson's River and Leycester Creek. Any impacts on the coastal zone from the future development of these sites will be assessed in further detail at the DA stage.

State Environmental Planning Policy	Requirements	Compliance
	the definitions in the <i>Coastal Management Act 2016</i> .	
SEPP (Educational Establishments and Child Care Facilities) 2017	3 Aims of Policy The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	2 Aim of Policy The aim of this policy is to facilitate the effective delivery of infrastructure across the State	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	3 Aims of Policy (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land (c) to identify State significant agricultural land (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to consider effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development.	N/A
SEPP (State and Regional Development) 2011	Not applicable	N/A
SEPP (Urban Renewal) 2010	Not applicable	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	3 Aims of Policy The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	Consistent. The five (5) land parcels that this Planning Proposal relates to are located in urban areas and have been significantly modified with landscaping with exotic flora species and native species that are not classified as threatened species, populations or ecological communities.

APPENDIX 4 - SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Retain existing business and industrial zones. Not reduce floor space for employment areas and related public services in business zones. Not reduce potential floor space for industrial uses in industrial zones. New employment areas in accordance with strategy approved by Director General DP&E. 	N/A
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	N/A
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources 	N/A
1.5 Rural Lands	<p>This direction applies when:</p> <ul style="list-style-type: none"> The planning proposal effects land within an existing or proposed rural or environmental protection zone; When changes are proposed to minimum lot size in a rural or environmental protection zone. <p>The Planning Proposal must:</p> <ul style="list-style-type: none"> Be consistent with any applicable strategic plan; Consider the significance of agriculture; Identify and protect environmental values; Consider the natural and physical constraints of the land; Promote opportunities for investment in productive, diversified, innovative and 	N/A

Ministerial Directions	Requirements	Compliance
	<p>sustainable rural economic activities;</p> <ul style="list-style-type: none"> • Support farmers in exercising their right to farm; • Minimise fragmentation of rural land & reduce the risk of land use conflict; • Consider State significant agricultural land identified in Rural SEPP 2019; • Consider the social, economic & environmental interests of the community. 	
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	N/A
2.2 Coastal Protection	<p>3 When this direction applies</p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p> <p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management Plan.</p>	<p>68 & 122 Bruxner Highway are located on land mapped as a Coastal Use and Coastal Environment Area under the Coastal SEPP.</p> <p>8 Wolstenholm Street, East Lismore is mapped as Coastal Use areas.</p> <p>This is due to the proximity of these land parcels to the Wilson's River and Leycester Creek.</p> <p>This Planning Proposal does not include provisions that are inconsistent with the Coastal Management Act 2016 and the objectives of the relevant coastal management area and other relevant Coastal Plans.</p>
2.3 Heritage Conservation	<p>Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.</p>	N/A
2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs	<p>The DM planning proposal must be consistent with the Northern Councils E Zone Review Final Recommendations.</p>	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. 	N/A

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density. 	
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> • Retain provisions that permit development of caravan park. • Appropriate zone for existing caravan parks. 	N/A
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	N/A
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001) 	N/A
3.5 Development Near Regulated Airports and Defence Airfields	<p>Lismore Airport is a regulated airport but not a core regulated airport under the <i>Federal Airports Act 1996</i>.</p> <p>In preparing a planning proposal for land near a regulated airport, the planning authority must:</p> <ul style="list-style-type: none"> • Consult with operator of the airport. • Take into consideration the operational airspace. • Prepare standards such as height limits if land is affected by operational airspace. • Not allow development types that are incompatible with the current and future operation of the airport. 	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	N/A
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> • Applies to mine subsidence areas. • Applies to areas identified as unstable. 	N/A
4.3 Flood Prone Land	(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	<p>Consistent.</p> <p>69 Caldwell Avenue is located in the LEP Flood Planning Map and is mapped as 'Flood Fringe' in the Lismore Floodplain Management Plan Map. Chapter 8 of the Lismore DCP - Flood Prone Lands contains development controls for the development of land for residential in the 'Flood Fringe'. The rezoning of this land from a recreation zone to R1 General Residential is not expected to have any</p>

Ministerial Directions	Requirements	Compliance
	(6) A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	significant flood impact and will be assessed appropriately at the DA stage.
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> • Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. • Have regard to 'Planning for Bush Fire Protection 2006'. • Restrict inappropriate development from hazardous areas. • Ensure bush fire hazard reduction is not prohibited within the APZ. 	None of the land parcels subject to this Planning Proposal are mapped as Bushfire Prone land.
5. Regional Planning		
5.1 Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> • The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. 	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> • The planning proposal must be consistent with the North Coast Regional Plan 2036. 	The Planning Proposal is generally consistent with the <i>North Coast Regional Plan 2036</i> which identifies Lismore as a Regional City that provides essential and high-level services to residents in the town and outlying villages.

Ministerial Directions	Requirements	Compliance
5.11 Development of Aboriginal Land council Land	N/A	N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. Not identify development as designated development unless justified. 	N/A
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E. 	A Certificate of Title for each parcel of land has been reviewed and none of the titles are identified as having public reserve status.
6.3 Site Specific Provisions	<ul style="list-style-type: none"> A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone. 	N/A
7. Metropolitan Planning		
N/A	N/A	N/A

