

Planning Proposal

REZONING of land at 528 Caniaba Road, Caniaba

June 2019



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Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable the development of part of Lot 2 DP 1073973 at 528 Caniaba Road, Caniaba for future large lot residential subdivision and development. The objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2102) specifically maps for land use zones, lot size and height of buildings. The site is presently in Zone RU1 Primary Production zone as shown in Figure 1 below. Approximately half of the site has a minimum lot size of 20ha (the south western portion) and the other half has a minimum lot size of 40ha (the north eastern portion).

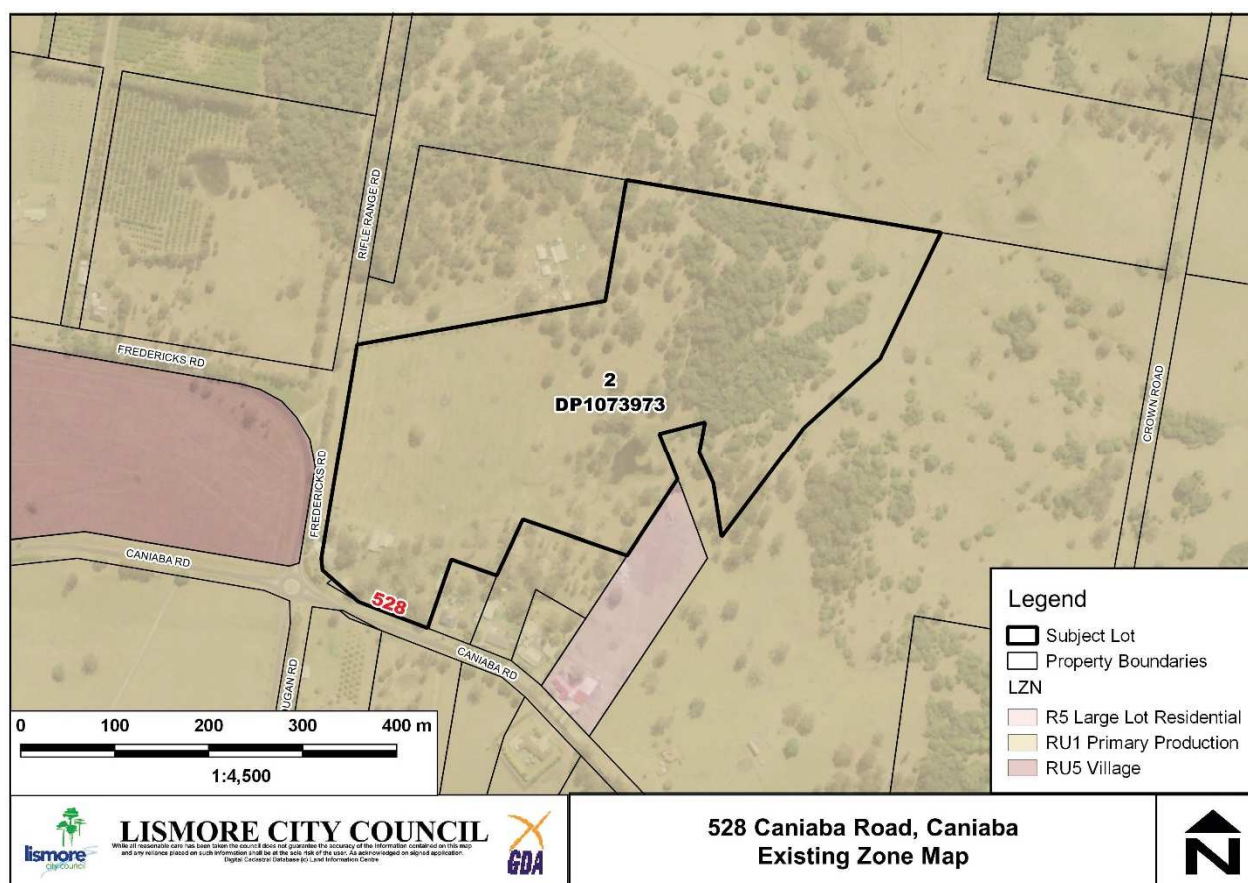


Figure 1: Current zone Lismore LEP 2012

Site description and setting

The parcel of land is approximately 16.6 hectares in area and contains a dwelling and sheds and is currently used for horse agistment and cattle grazing. The north eastern and parts of the southern area of the site contain Primary Koala habitat. A second order stream runs through a gully in a north easterly direction and tapers off into 2 first order streams at the dam site.

The gently undulating western part of the site that is characterised by open grasslands has previously been used for macadamia orchards. A dwelling and farm sheds are located close to the southern boundary and is accessed from Fredericks Road.

The site is located to the east of the established Perredenya housing estate in the village of Caniaba on the corner of Caniaba and Fredericks Roads. Surrounding land uses are large lot residential to the south and grazing lands to the north and west. There is a macadamia orchard located to the northwest of the site, approximately 220m from the western boundary.

The site is located approximately nine (9) kilometres from Lismore's CBD which offers high level services and facilities commensurate to its status as a Regional City. It is proposed the site be supplied with reticulated water from Rous Council Mains and effluent will be disposed onsite.

Figure 2 below provides an aerial photograph of the site. Figures 3 and 4 provide images of the land and views to surrounding areas.

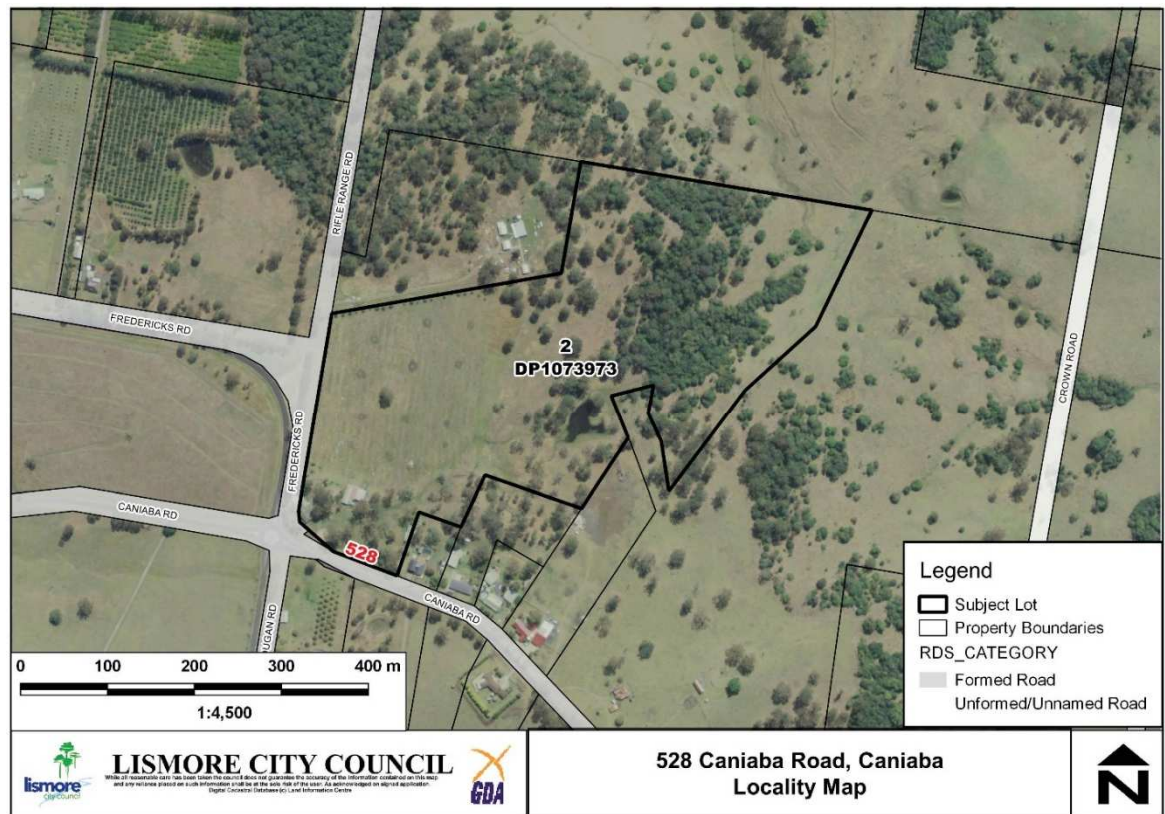


Figure 2 - Aerial photograph of the site



Figure 3 –view to the north east showing Koala habitat trees



Figure 4 – View of gully to the south east towards Caniaba Road

Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan (LEP) 2012 to rezone part of Lot 2 DP 1073973 from Zone RU1 Primary Production to Zone R5 Large Lot Residential (approximately 4.5ha) and Zone E3 Environmental Management (approximately 3.4ha). It is proposed to retain the balance portion of the site in Zone RU1

Primary Production with no change to the existing minimum lot size of 20ha and 40ha to prevent any further subdivision.

The following map sheets are proposed for amendment:

- Land Zoning Map – [Sheet LZN_003 and LSZ_006AA] to apply Zone R5 Large Lot Residential and Zone E3 Environmental Management to part of the land
- Lot Size Map - [Sheet LSZ_003 and LSZ_006AA] to apply a 3,000m² minimum lot size to the part of the land to be rezoned to Zone R5 Large Lot Residential
- Height of Buildings Map – [Sheet HOB_003 and HOB_006AA] to apply an 8.5m maximum building height to the site consistent with land in Zone R5 Large Lot Residential.

Part 3 - Justification

Section A - Need for the Planning Proposal

There is a need for the Planning Proposal to allow for the rezoning of part of the site from Zone RU1 Primary Production to Zone R5 Large Lot Residential and E3 Environmental Management to facilitate future large lot residential development and protect the identified ecological values of the site. The North Coast Regional Plan (March 2017) estimates that the Lismore Local Government Area population is projected to increase to 51,750 by 2036 with 23,900 dwellings by 2036. This proposal will assist in meeting this demand for residential land.

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

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Council at its Ordinary meeting on 12 May 2015 and identifies land preferred for development for residential and employment purposes.

The subject site is specifically identified and discussed in the GMS as suitable for 'future potential residential' on the basis of its 'desirable and serviceable location in the event that Rous Water does not proceed with further development of Perradenya in the short to medium term'. The land can also be serviced with reticulated water.

The GMS also states that road access to the subject site is adequate because Caniaba Road 'is constructed to a 5.5 metre wide bitumen sealed standard and at the western end, Dougan Road which is constructed to a 6 metre wide bitumen sealed standard'.

Map 19 'Caniaba - Potential Village/Large Lot Residential' of the GMS clearly identifies the subject land as 'future potential residential' as shown on Figure 5.

The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015.

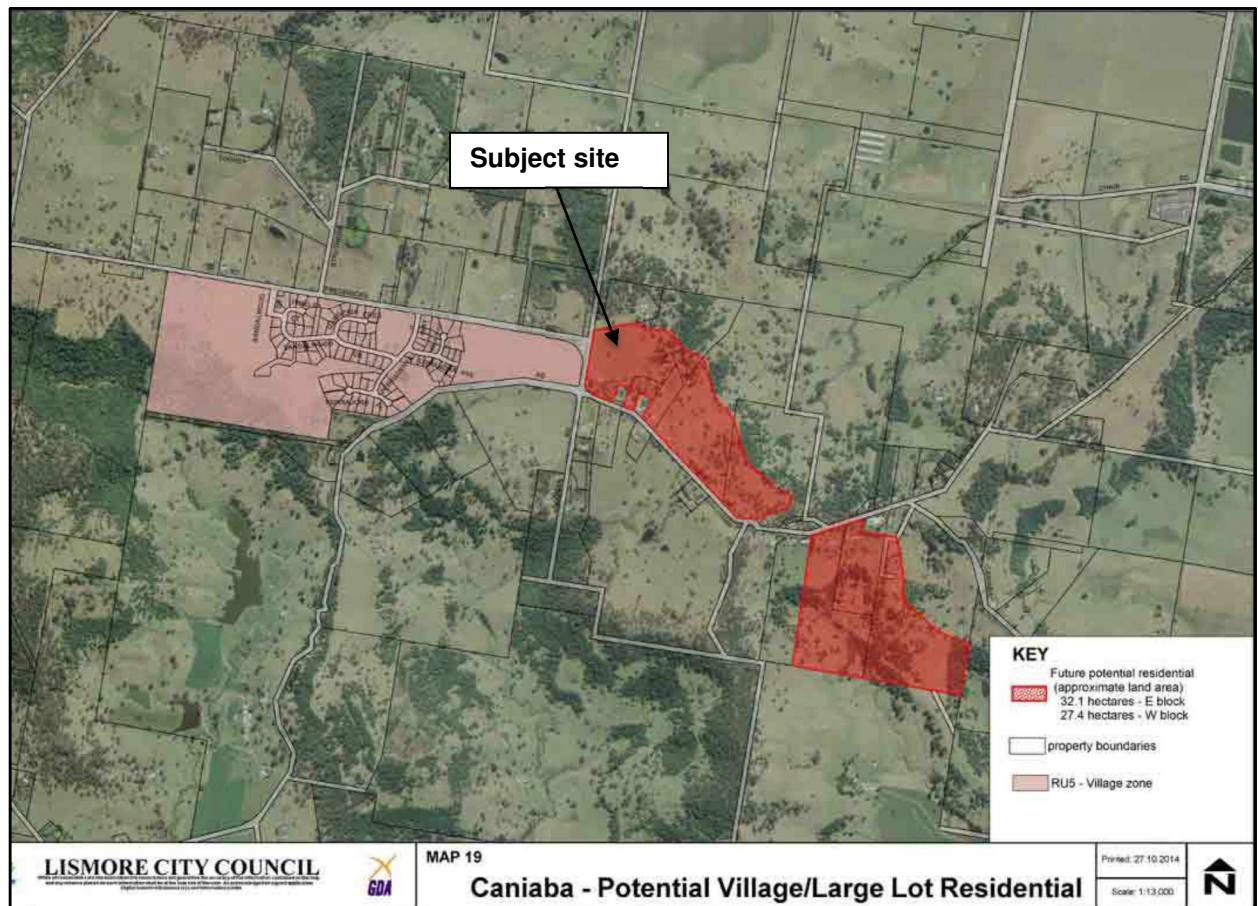


Figure 5 – 528 Caniaba Road, Caniaba in Lismore GMS 2015-2035

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

A planning proposal to change the zone to Zone R5 Large Lot Residential and an associated amendment of the Lot Size map and Building Height map is the best way to enable residential subdivision. This Proposal also involves the rezoning of land comprising Primary Koala Habitat and the attributes of a Lowland Rainforest Endangered Ecological Community to Zone E3 Environmental Management to reflect the identified ecological values and limit the range of allowable development. The landowner has consented to the application of Zone E3 which is consistent with the Department of Planning and Environment's criteria for applying this zone.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in Zone RU1 Primary Production on land that is at least the minimum lot size applying to the land.

The current minimum lot size applying to the part of the site subject to rezoning is 20ha which precludes subdivision of the land and the development of additional dwellings. Therefore, a change to the zoning and minimum lot size applying to the land is necessary to achieve the objectives and intended outcomes and the planning proposal is the only means to achieve this.

A change in zoning and minimum lot size is consistent with Council's Growth Management Strategy and therefore is considered to be the most appropriate means of enabling the development of the land.

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 North Coast Regional Plan (NCRP) March 2107 is the current overarching State Government framework to sustainably manage growth for the Far North Coast and allocate further land for development for residential and employment purposes in appropriate locations.

The NCRP states that 'local growth management strategies will be prepared by councils to reflect the directions and actions contained in this Plan'. The Planning Proposal is consistent with the Goals and Actions of the NCRP with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established.

The NCRP also states that local growth management strategies 'will be developed prior to preparing a local environmental plan to zone land for residential, rural residential, commercial and industrial land uses'. This proposal is consistent with the intent of the NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved.

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

The Planning Proposal is consistent with the following strategic planning documents:

- Imagine Lismore (Lismore Community Strategic Plan) 2017-2027.
- Lismore Growth Management Strategy 2015-2035 (GMS).

Imagine Lismore (Lismore Community Strategic Plan) 2013-2023

Imagine Lismore 2017-2027 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years. The planning proposal is consistent with Imagine Lismore's community visions and aspirations for growth as follows:

- The subject site is identified in the Lismore Growth Management Strategy 2015-2035;
- The site is close to existing development and services;
- The loss of a small amount of agricultural land is offset by the net benefit of future residential development being located close to services, and;
- The land is not flood prone.

Lismore Growth Management Strategy 2015-2035

The subject site is identified on Map 19 'Caniaba – Potential Village/Large Lot Residential' of the GMS as being a site for future potential residential as illustrated in Figure 5.

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

The Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs). An assessment against relevant SEPPs is provided at **Appendix 1**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with applicable Section 117 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

Section C – Environmental, social and economic impact

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

Ecological

Following a site inspection, Council's Ecologist confirmed that the north-eastern corner of the site contains regrowth dry rainforest and Primary Koala Habitat (emergent Forest Red Gum). OEH officers concur with this view and have advised that the dry rainforest falls into the Lowland Rainforest in the North Coast and Sydney Bioregion Endangered Ecological Community.

A planted wind break was identified as eucalypt Koala food trees which are located along Fredericks Road on the western boundary. While this windbreak is not mapped as koala habitat in Council's GIS mapping as shown in Figure 6, it has been assessed as having foraging and sheltering value for Koalas.

With regard to Koala movement, it is noted that a potential primary corridor cuts across the north east section of the site and a potential secondary corridor crosses the south east section of the site. The western wind break planting is also a potential corridor for Koala movement, which effectively joins with the other corridors.

Based on habitats observed at the site, the most likely threatened fauna occurrence is the Koala, though none were observed during the site visit, nor were any threatened flora observed.

The flora and fauna assessment submitted with the Proposal is sufficient at this stage which demonstrated that an adequate survey for Hairy Joint Grass was undertaken.

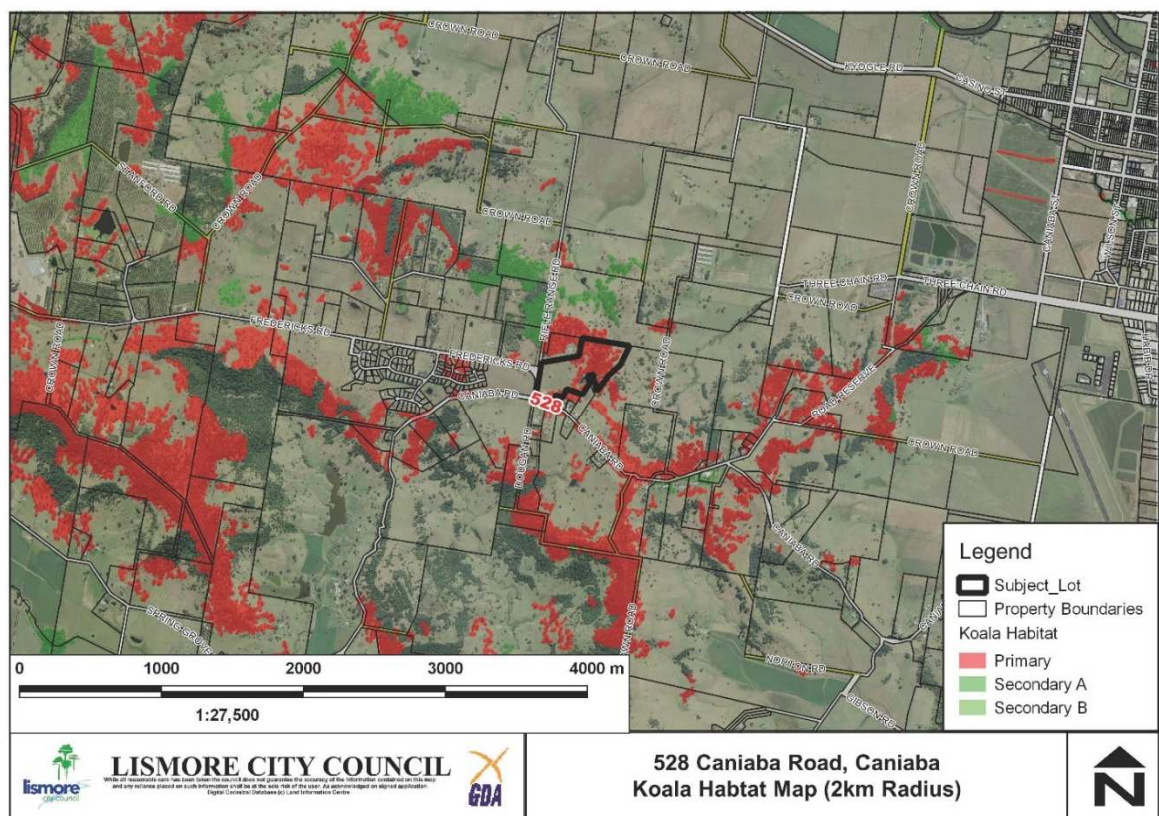
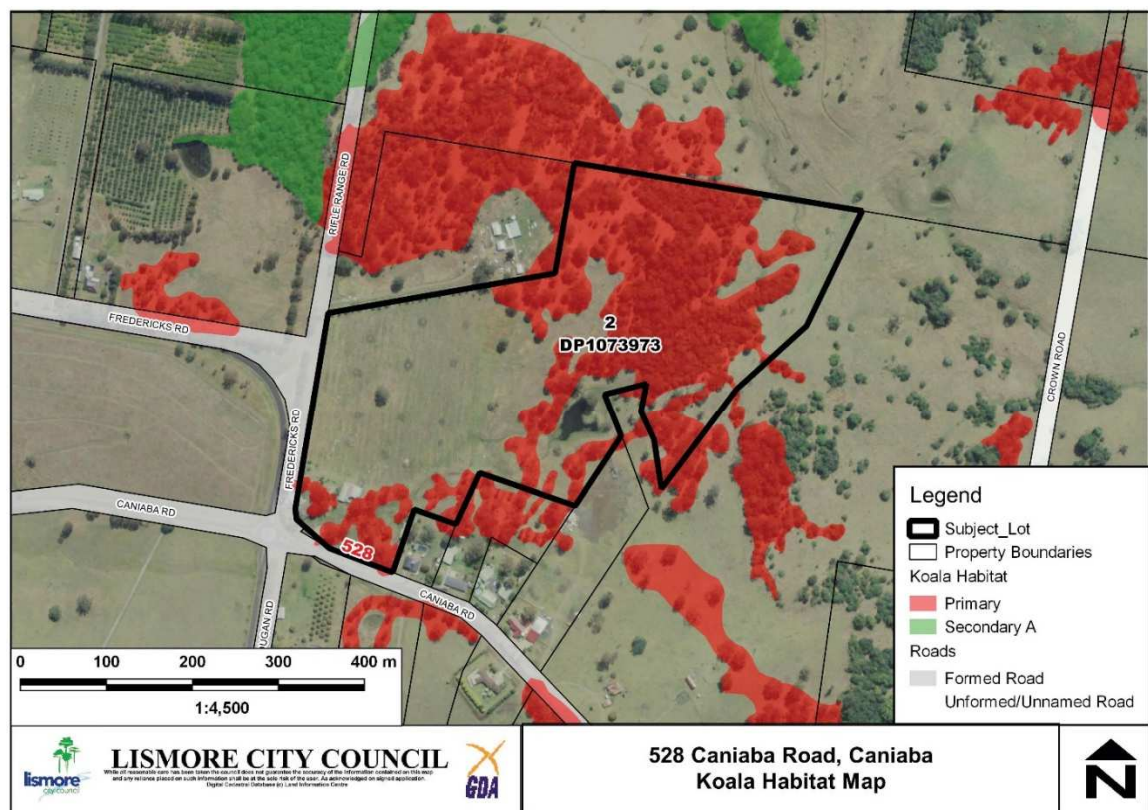
Table 1 below demonstrates that the identified attributes of the site meet the Department of Planning criteria for the application of Zone E3 – Environmental Management.

Table 1: Zone E3 – Environmental Management criteria

Department of Planning Environment Zone Criteria	Assessment
Rare, Endangered and Vulnerable Forest Ecosystems	Based on the information provided the subject site is likely to include the following rare, endangered and vulnerable forest ecosystems: <ul style="list-style-type: none">• Dry rainforest (Endangered)• Eastern Red Gums (Vulnerable)

It is considered that the application of Zone E3 to the vegetation identified as dry rainforest and Primary Koala Habitat is an adequate negotiated planning outcome to ensure its ongoing protection and management.

No further technical reporting on ecology is required at this stage, with further impacts on ecological significance being required at the subdivision stage.



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

Regionally Significant Land

While it is noted that approximately 5ha of the site is mapped as Regionally Significant Farmland (according to the Northern Rivers Farmland Protection Project), the location and large lot residential development surrounding the southern part of the site limit its potential for productive agriculture. The loss of this area of regionally significant farmland is not considered to have a detrimental impact on the agricultural potential of the area or the region.

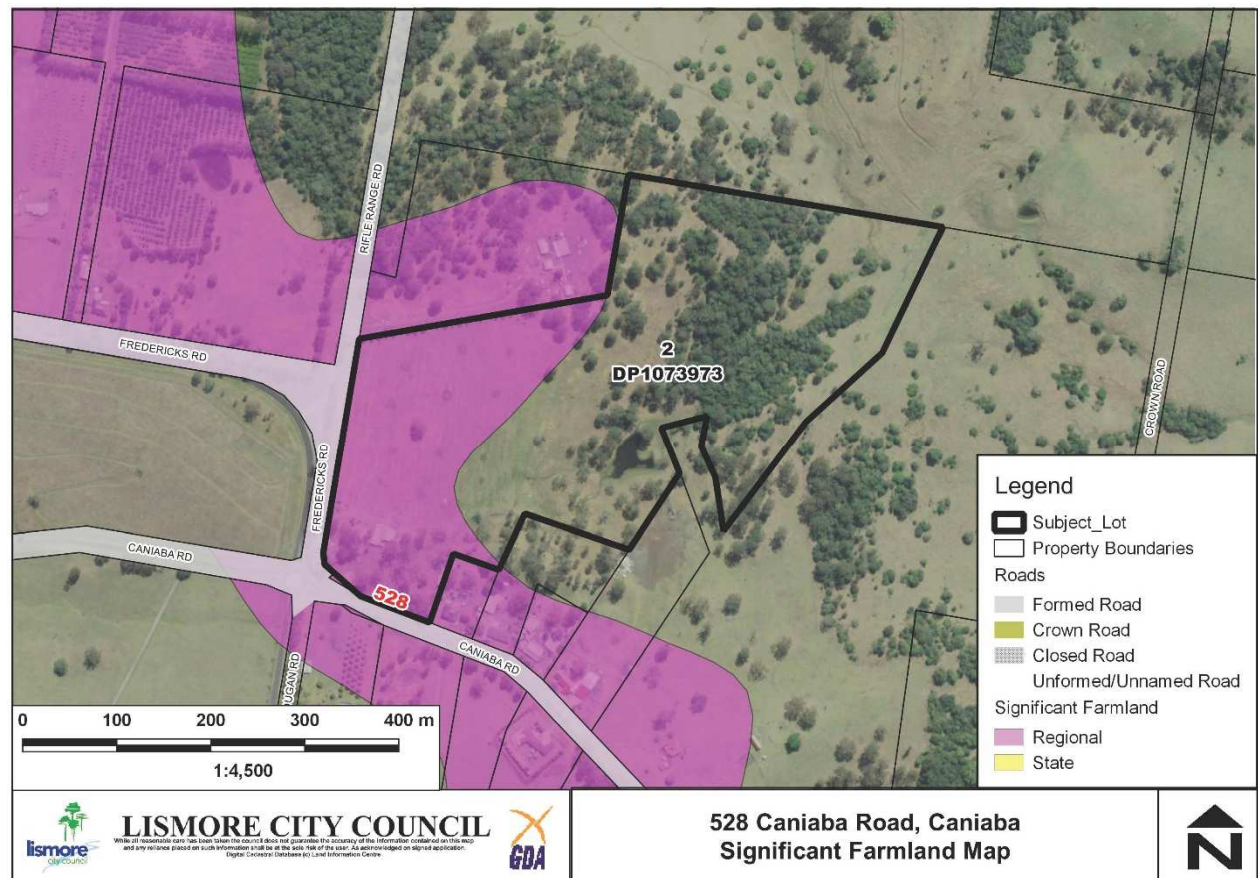


Figure 8: Regionally significant farmland at 528 Caniaba Road, Caniaba

Land Contamination

A preliminary contaminated land report was submitted with the Proposal and reviewed by Council's Environmental Health Officer (EHO). The soil sampling undertaken in the report was confined to a 4ha area located in the southern area of the site, part of which is proposed for rezoning. This sampling did not uncover any chemicals of concern and the site can be classified as uncontaminated for future residential use.

It is noted that the north western part of the site which previously contained a macadamia plantation and is subject to rezoning was excluded from soil sampling area. It is considered that further reporting on this north western portion needs to be undertaken post Gateway Determination prior to the rezoning being finalised to meet the requirements of SEPP 55.

It is recommended that additional technical reporting on land contamination is required post Gateway Determination.

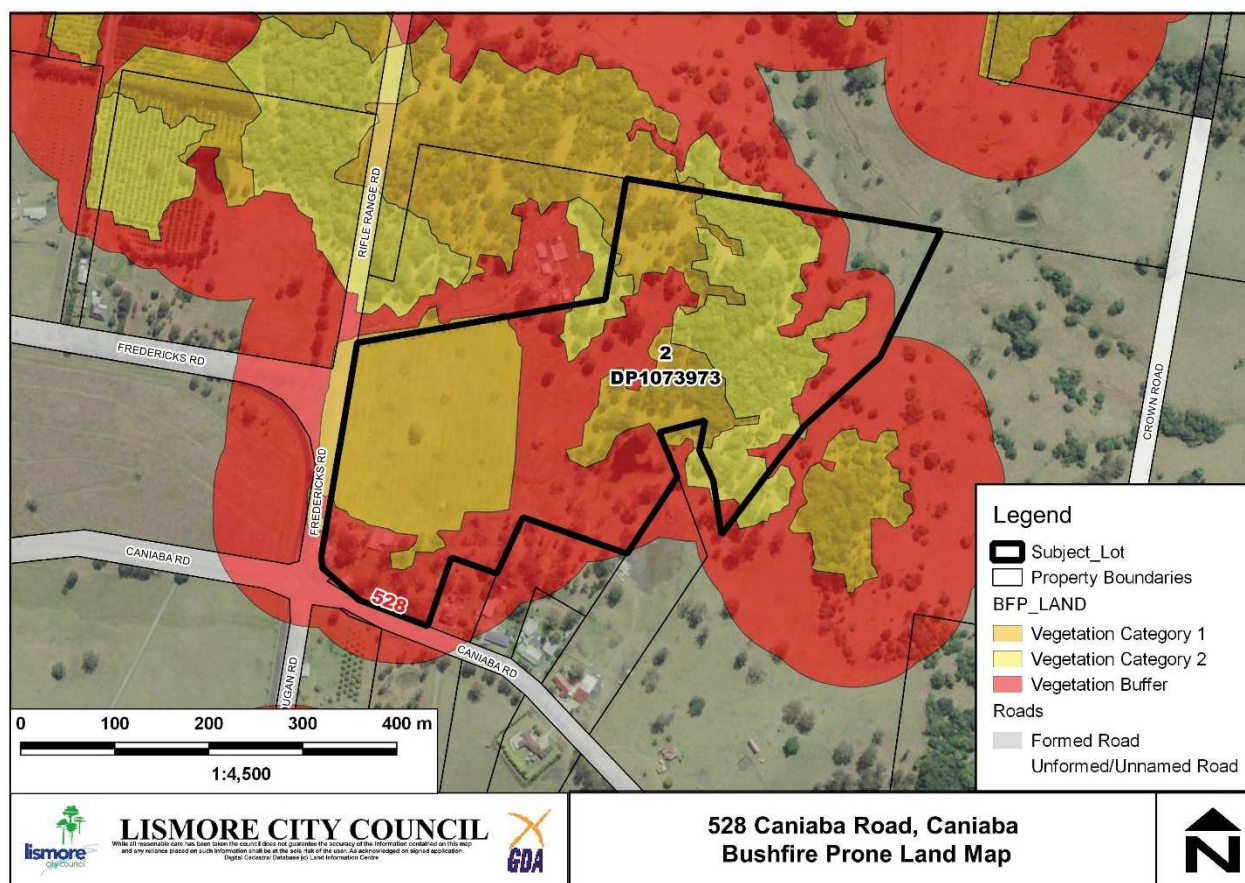


Figure 9: Bushfire prone land at 528 Caniaba Road, Caniaba

Bush Fire

The majority of the site is mapped as being bushfire prone as shown in Figure 8 above. It is noted that although the area proposed for rezoning to Zone R5 has been cleared, it remains mapped as 'Vegetation Category 1' potentially due to the previous macadamia orchard.

A preliminary assessment of bushfire hazard that was supplied with the application indicates that future development will be able to meet the requirements of Planning for Bushfire Protection 2006. As the site is mapped as bushfire prone land the planning proposal will require referral to the NSW Rural Fire Service.

Land use conflict

The applicant has supplied a Land Use Conflict Risk Assessment which has identified the potential land conflict risks associated with the subject site as a car repair station located to the north, cattle grazing on the remaining RU1 land on the site, and a quarry located to the south east.

The car repair station located to the north contains a dwelling and several car bodies that are clearly visible. The main workshop is located 40m from the common property boundary with a scattering of trees between the workshop and boundary. This issue was investigated by Council's Environmental Health Officer who was advised by the landowner that a commercial enterprise is not being carried out therefore, it is not expected that this land use will generate excessive noise.

With regard to the quarry it is understood that it is a 'borrow pit' that has not been used for over 10 years which has been confirmed by a site inspection. It is noted that the subject site is a similar distance from the quarry (400m) to the Perradenya estate (within Zone RU5 Village), which has not generated any complaints to Council about the quarry operations. On this basis, the quarry is not expected to have an adverse impact on amenity on the land proposed for rezoning.

Another relevant factor is the potential commercial viability of adjoining land to undertake intensive plant agriculture which does not require planning consent in Zone RU1; in particular, land north west of the site which aerial imagery suggests was previously used for macadamia orchards. It is considered unlikely that surrounding land will be developed for intensive plant agriculture due to topography, existing large lot residential development and the village zoning of the Perredenya estate. Cattle grazing is the main use of surrounding land that remains in large holdings.

The risk of potential land use conflict occurring as a result of this encroaching large lot residential development that will result from this rezoning is considered to be low and acceptable.

Geotechnical Hazards

Council's Development Engineer has advised that the majority of the site is classed as Rolling with gently undulating slope grades ranging between 10% and 20%. The land proposed for rezoning to R5 Large Lot Residential is gently undulating and slope is not considered a constraint to its future development. As shown in Figure 9 below, the north eastern corner of the site is classified as Hilly and Mountainous with grades between 20% and 50%, however, this area is proposed for rezoning to Zone E3 Environmental Management due to its identification as dry rainforest and Primary Koala Habitat. This site is not identified as being an area of mass soil movement.

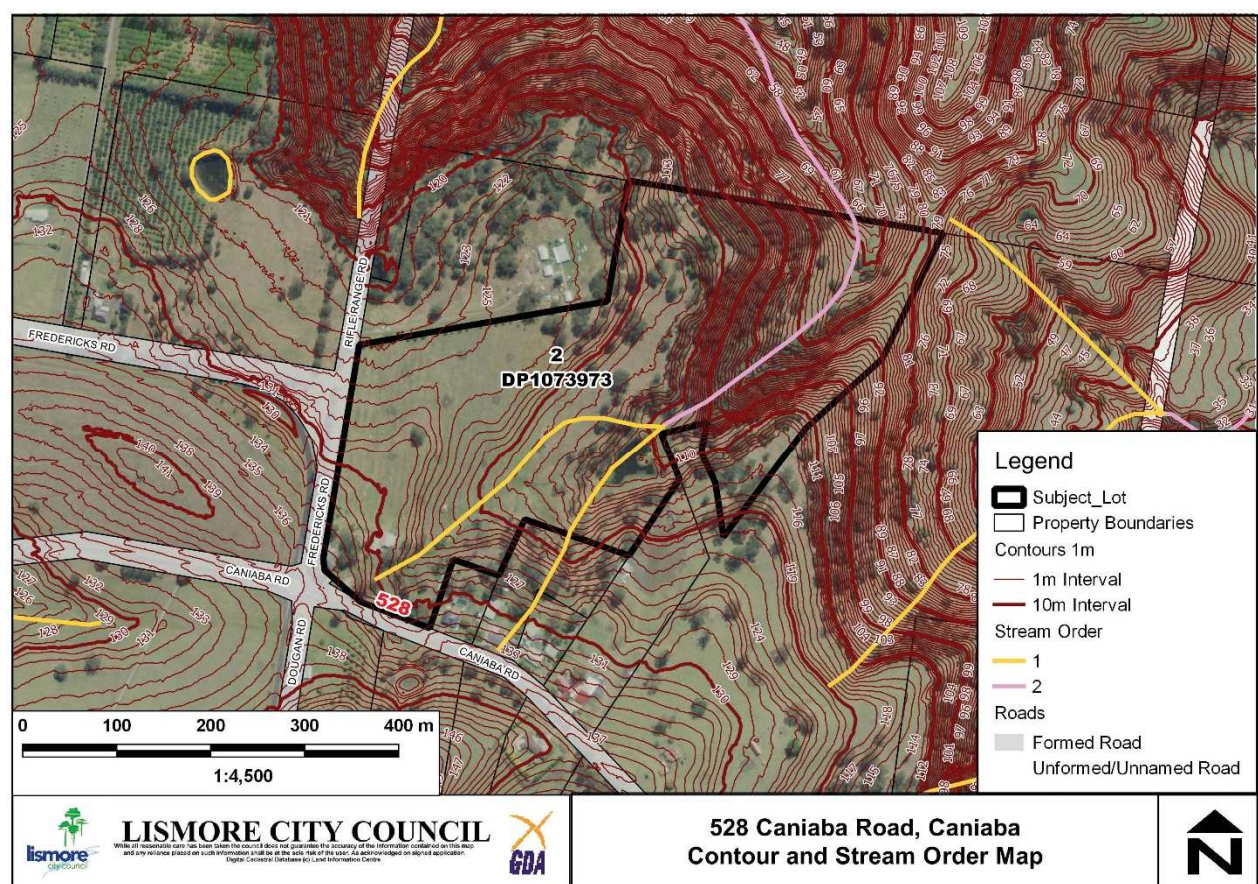


Figure 10: Slope and contour at 528 Caniaba Road, Caniaba

Flooding

The subject site is not in the Flood Planning Area of the Lismore Local Environmental Plan 2012 and is therefore not mapped as being prone to flooding.

Stormwater Management

The subject site slopes gently away from both Caniaba and Fredericks Roads, which indicates that the disposal of stormwater can be diverted away from existing residential development located in the Perredenya Estate. The future development of the site is unlikely to generate significant stormwater runoff and stormwater management can be reasonably addressed at the subdivision stage.

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

Economic Impacts

The Planning Proposal is expected to facilitate the development of approximately 10-15 additional allotments, which is unlikely to create any adverse economic effects. There is likely to be some additional economic activity generated by the subdivision and development of the land and construction of future dwellings.

Aboriginal and European Cultural Heritage

The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System (AIHMS) shows no records of Aboriginal sites or places on the site or its surroundings.

Following a site inspection, Council's Cultural and Environmental Contractor advised that that site has a history of disturbance including clearing of vegetation, grazing, residential building and previous horticultural uses which reduces the likelihood of any artefact scatters being present. Moreover, the ridge top/plateau location of the site could potentially have been a traditional pathway for travel and traditional campsites, and the elevated position could mean some cultural landscape values may be present, however the dense eucalypt vegetation cover may obscure views to the north.

The applicant has also undertaken an Aboriginal Cultural Heritage Assessment (ACHA) involving a desktop assessment and field investigation that did not identify any significant cultural heritage sites or relics or places with intangible cultural heritage values. It is proposed to refer the Planning Proposal and the ACHA to the Ngulingah LALC for comment.

Social Impacts

Due to the nature and scale of the proposal there are not expected to be any adverse social impacts. The provision of additional land for residential development will increase housing choice.

Section D – State and Commonwealth interests

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

Water supply

Council's Infrastructure Services Engineer has confirmed that this land can be serviced with reticulated water.

Management of effluent

A preliminary onsite wastewater report was submitted with this Proposal and reviewed by Council's EHO. The report meets Council's Onsite Wastewater Management Strategy and recommends that the land is capable of accommodating lots with a minimum size of 3,000m². This minimum lot size is considered to be an acceptable outcome given the gully/watercourse is

excluded from the rezoning area and the land proposed for rezoning is relatively unconstrained by soil characteristics and topography.

No further technical reporting on wastewater management is required.

Education, Health and Emergency Services

There is a primary school and Community Hall located approx. 1.5km away in Caniaba. With regard to regional services, the site is located approximately 9km's from the Lismore CBD and the Base Hospital and allied health services, various primary and secondary schools, Southern Cross University and emergency services.

Roads and Traffic

Based on a lot yield of approximately 10-15 lots, the expected traffic to be generated from this Planning Proposal ranges between 98-130 vehicle movements per day. Council's Development Engineer has advised that Fredericks Road which is a 6m sealed road has the capacity to accommodate predicted levels of increased traffic. At the development application stage, the intersection at the Fredericks/Caniaba Road roundabout will require upgrading in accordance with RMS (Roads and Maritime Services) guidelines.

With regard to the design of the internal road layout, according to Rural Fire Service (RFS) requirements, the provision of an internal ring road to facilitate safe access and egress for residents and emergency services would be an ideal outcome. Alternatively, a minimum requirement would be the provision of an area capable of accommodating the turning radius of an RFS vehicle.

A section 7.11 contributions plan for Lismore LGA was adopted by Council in 2014 and is available on its web site. Contributions for public infrastructure will apply to new rural dwellings and new rural lots.

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

Preliminary consultation has occurred with the Office of Environment and Heritage and the Department of Primary Industries. The advice and a staff response is outlined at Table 1. Further consultation will occur in accordance with the Gateway Determination.

Table 1 – Preliminary advice from Government Agencies

<u>Office of Environment and Heritage</u>	
<ul style="list-style-type: none"> • OEH recommended that the parts of the subject site containing primary koala habitat and Lowland Rainforest EEC be rezoned to E2 – Environmental Conservation rather than being retained in RU1 Primary Production. • With regard to cultural heritage, OEH reviewed the Aboriginal Cultural Heritage Assessment and recommended some minor revisions be made prior to seeking a Gateway Determination. 	<ul style="list-style-type: none"> • Following an ecological assessment being undertaken to ascertain the extent and nature of biodiversity values present and consultation with the landowner, a negotiated development outcome was agreed for Zone E3 Environmental Management to be applied to part of the site. • These revisions are considered to be minor and do not have substantial effect on the findings of the report. The applicant has been asked to respond to OEH's recommendations by supplying a revised ACHA. This information will need

	to be supplied prior to the finalisation of the LEP Amendment.
<p><u>Department of Primary Industries</u></p> <ul style="list-style-type: none"> DPI's preferred position is for rural residential to avoid important farmland. However, this inconsistency is justified because the land is identified in the GMS and North Coast Regional Plan as having potential for rezoning. A LUCRA (Land Use Conflict Risk Assessment) is recommended given proximity of land to macadamia plantation to the north-west and sheds to the north-east and north-west which appear to be 'intensive agriculture'. This should be investigated in the LUCRA as well as mitigation measures for any potential risks. 	<ul style="list-style-type: none"> Staff agree with this advice. A LUCRA report has been prepared that identifies potential land use conflicts on surrounding land as cattle grazing, car repair station and a quarry. The report has been reviewed and the potential for land use conflict between the subject site and existing and potential use of adjoining land has been adequately assessed as being low and acceptable.

Part 4 - Mapping

Current zoning

The land is currently in Zone RU1 Primary Production under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 20ha and 40ha. There is no maximum height of buildings that applies to the land. It is proposed to retain the balance portion of the site in Zone RU1. The minimum lot size for the land area to be retained in Zone RU1 and Zone E3 will remain as 40ha and 20ha to preclude future subdivision. Extracts of the relevant Lismore LEP 2012 maps are included below at Figures 11-13.

Proposed land zoning, lot size and height of buildings

It is proposed to rezone part of the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential (approximately 4.5ha) and Zone E3 Environmental Management (approximately 3.4ha). This will require corresponding changes to the following as shown in Figures 10-15:

- Land Zoning Map Sheets LZN_003 and LZN_006AA – Zone R5 Large Lot Residential and Zone E3 Environmental Management
- Lot Size Map Sheet LSZ_003 and LZN_006AA – minimum lot size of 3,000m²
- Height of Buildings Map Sheet HOB_003 and LZN_006AA – 8.5 metres maximum

No changes are required to the Lismore LEP 2012 written instrument.

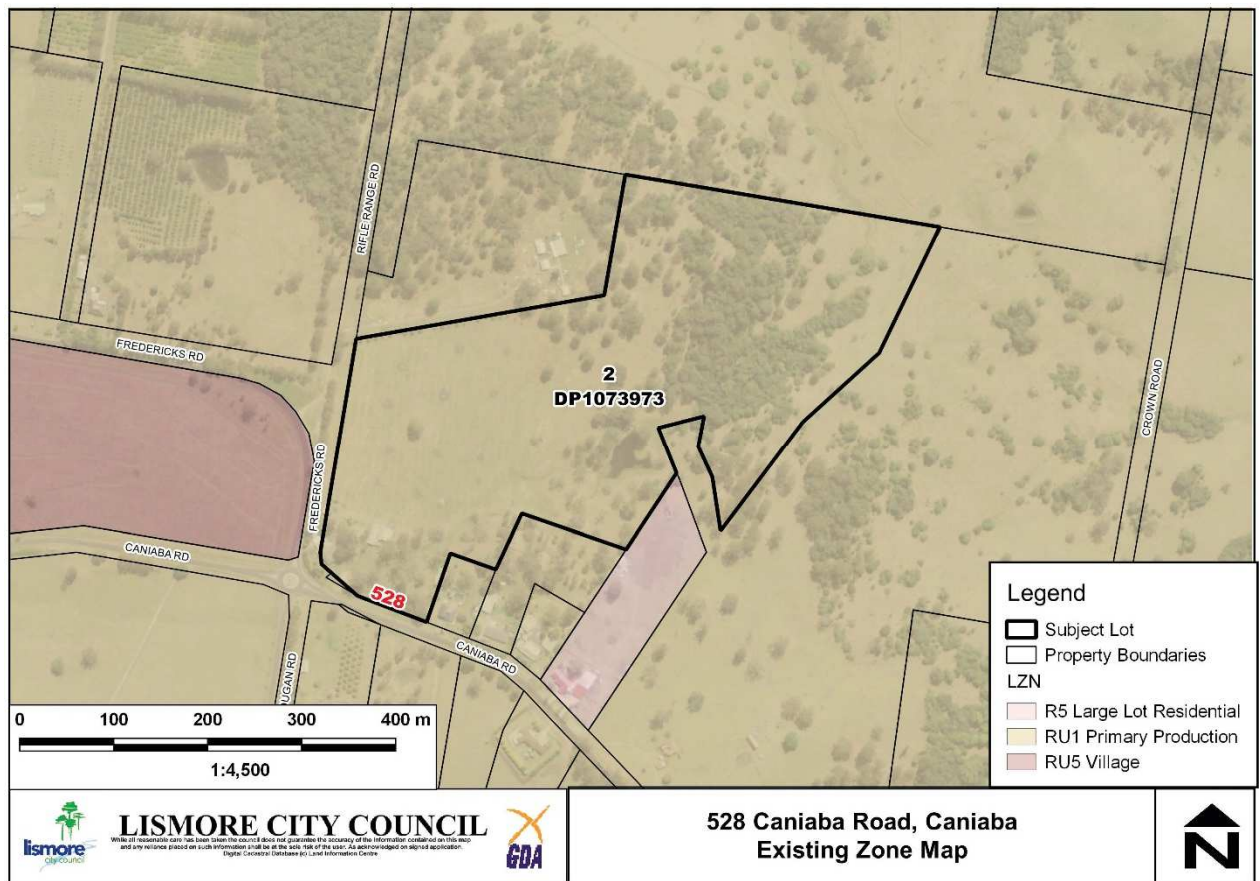


Figure 11 - Existing Land Zoning

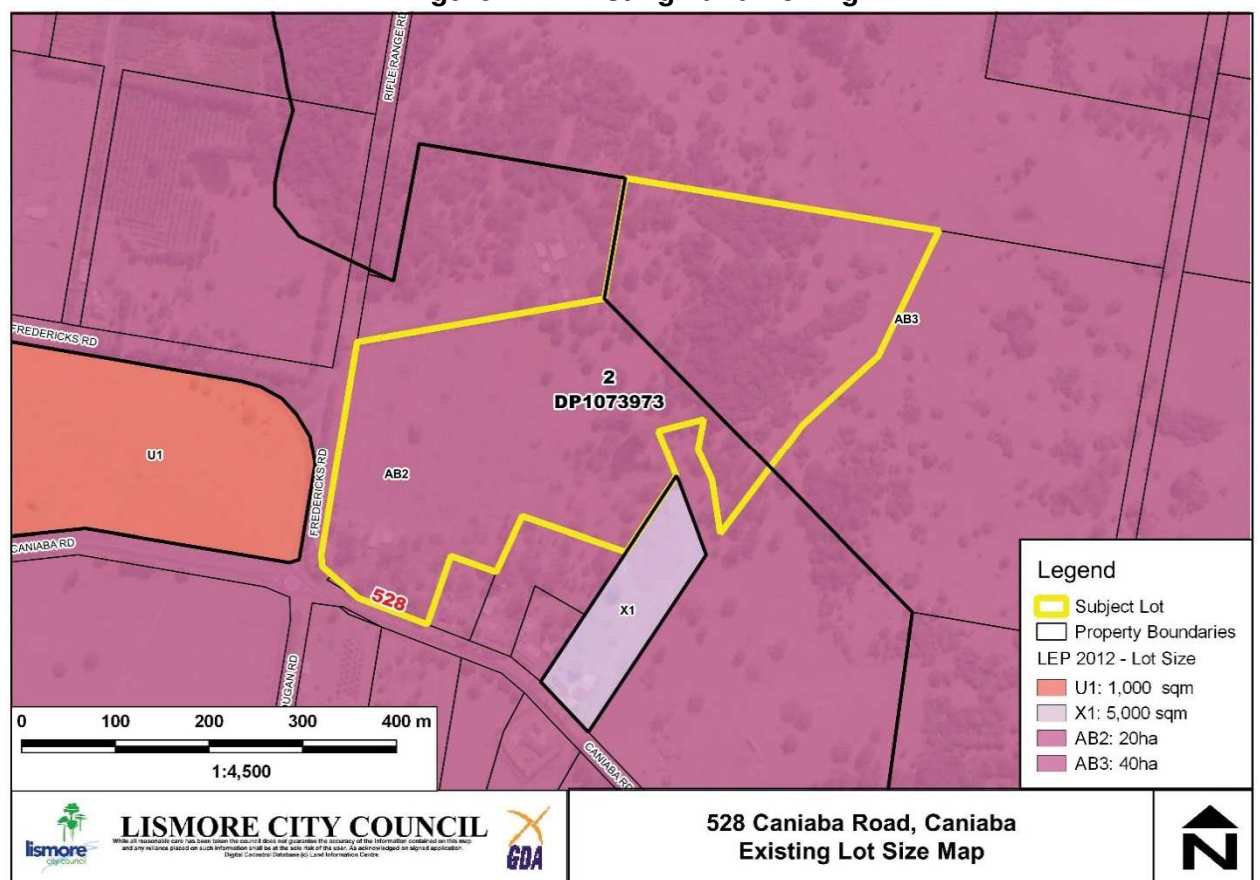


Figure 12 - Existing Lot Size

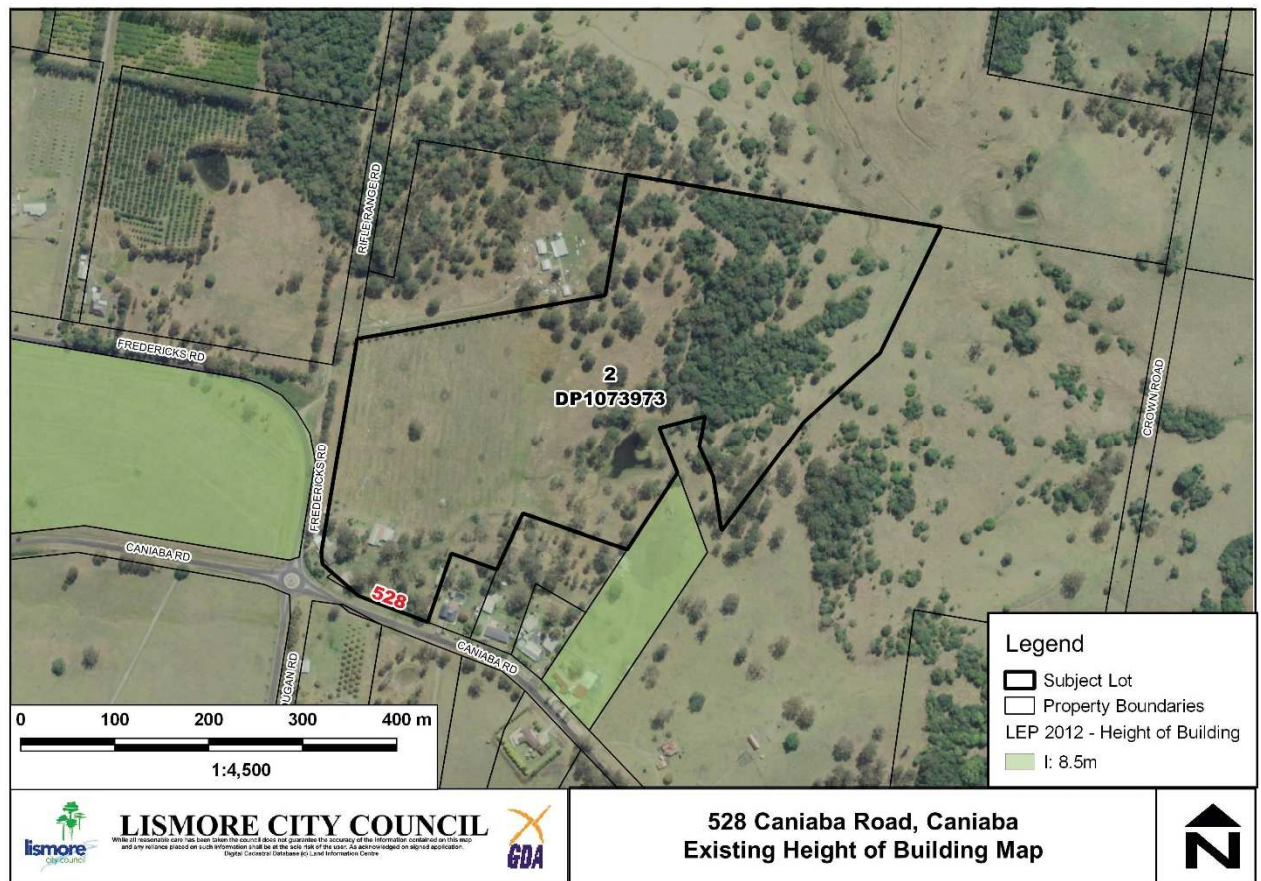


Figure 13 - Existing Height of Buildings

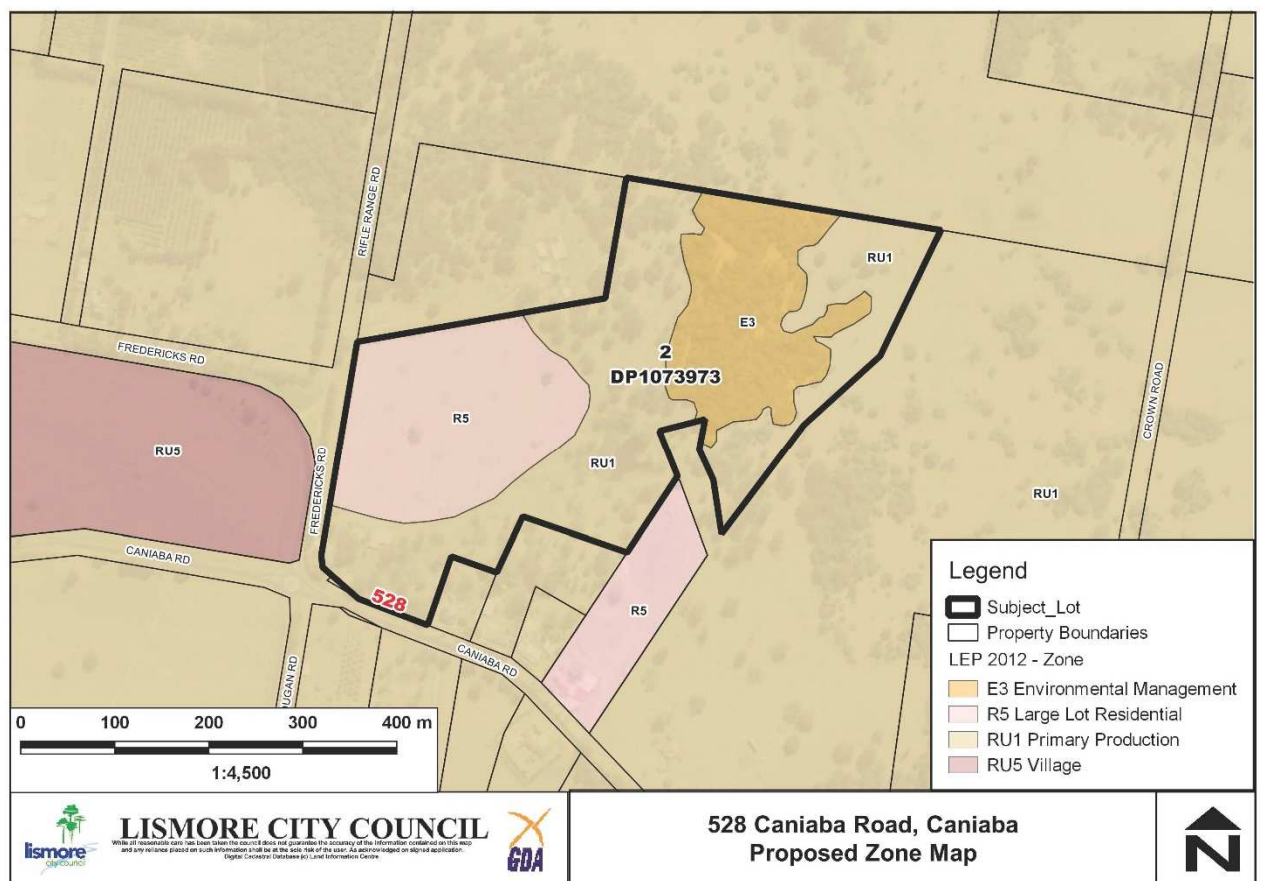


Figure 14 - Proposed Zoning

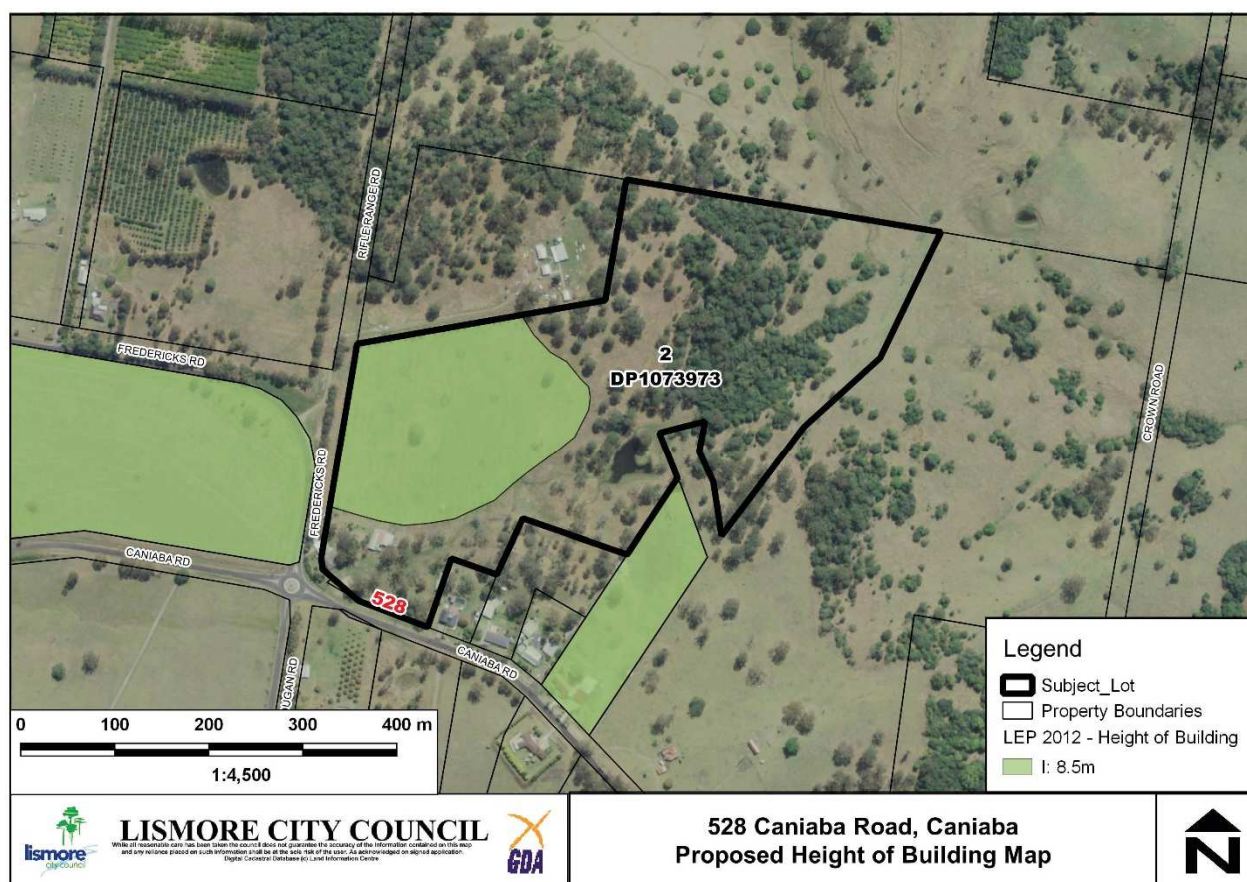
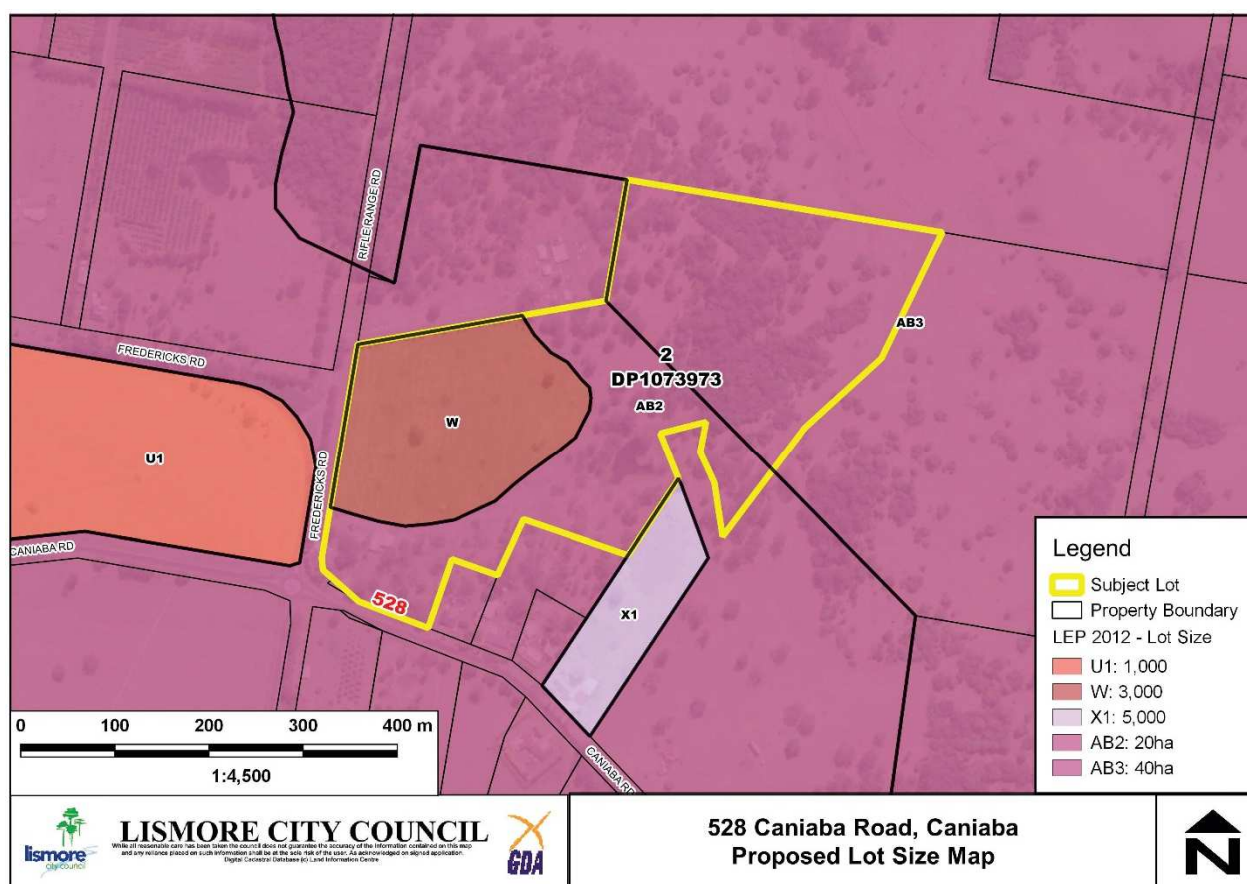


Figure 16 - Proposed Height of Buildings

Part 5 - Community Consultation

Council will carry out consultation with the community following Gateway Determination. For the purposes of public notification, Council considers that a fourteen (14) day public exhibition period is appropriate.

Notification of the exhibited Planning Proposal will include:

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

The written notice will:

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

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment.
- The Gateway Determination
- Any studies required as part of the Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within twelve (12) months with an indicative timeline shown below:

- Report to Council – **September 2019**
- Gateway determination issued – **October 2019**
- Agency and public consultation - **November 2019**
- Consideration of submissions - **December 2019**
- Council consideration of the proposal post exhibition - **February 2020**
- Anticipated date of submission to the Department for notification of the making of the LEP - **March 2020**
- Anticipated date for plan making - **April 2020**

Conclusion

The subject land has been identified in the Lismore Local Growth Management Strategy 2015-2035 as future potential residential and in the North Coast Regional Plan as an investigation area for urban land. A preliminary assessment of the Planning Proposal indicates that it responds to the constraints of the land and is consistent with relevant State Environmental Planning Policies and s117 Ministerial Directions, or any inconsistency can be justified. There is sufficient information to enable Council to support the Planning Proposal and forward it to the Department of Planning and Environment for its consideration and response.

APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
SEPP 44 – Koala Habitat Protection	<p>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, and (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.</p> <p>16 Preparation of local environmental studies The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.</p>	<p>Consistent. The north eastern section and south eastern fringe of the site contain Primary Koala Habitat (PKH). It is proposed to rezone the north eastern section to Zone E3 Environmental Management to restrict potential future land uses in this area.</p> <p>The additional areas of Primary Koala Habitat on the site including the planted windbreak on the western boundary (which is not mapped as PKH) are proposed to be protected and managed through measures outlined in a Vegetation Management Plan as part of a future DA approval.</p> <p>Any future development of the site should focus on ensuring there are no significant impacts on Koala movement by retaining and enhancing Koala movement pathways.</p> <p>The site is greater than 1 ha in area, however no 'core koala habitat' or 'potential Koala habitat' is proposed to be rezoned for large lot residential to minimise impacts on koala habitat. Therefore, the planning proposal is not inconsistent with the provisions of SEPP 44.</p>
SEPP 55 – Remediation of Land	<p>6 Contamination and remediation to be considered in zoning or rezoning proposal</p> <p>Council is required to consider whether the land is contaminated when rezoning for residential development.</p>	<p>Consistent. A preliminary contaminated land assessment has been prepared for a 4ha section of the south eastern part of the site. This report did not uncover any chemicals of concern that would restrict the future development of the site for residential purposes.</p> <p>The north western part of the site that previously contained a macadamia plantation and is subject to rezoning requires further reporting post Gateway Determination prior to the finalisation of the rezoning.</p>
SEPP (Coastal Management) 2018	Not applicable	The subject site at 528 Caniaba Road, Caniaba is not affected by the Coastal Use or Coastal Environment area mapping or the Coastal Wetland and proximity area for coastal wetland mapping.

State Environmental Planning Policy	Requirements	Compliance
SEPP (Housing for Seniors or People with a Disability) 2004	No specific requirement regarding rezoning land.	Not applicable.
SEPP (Infrastructure) 2007	No specific requirement regarding rezoning land.	Not applicable.
SEPP (Primary Production and Rural Development) 2019	<p>3 Aims of Policy</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land</p> <p>(c) to identify State significant agricultural land</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to consider effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development.</p>	<p>Consistent.</p> <p>The site comprises approximately 5ha of Regionally Significant Farmland mapped as part of the Northern Rivers Farmland Protection Project. However, this Planning Proposal is consistent with this SEPP because the land is identified in the Lismore GMS (2015-2035) as potential future residential and the North Coast Regional Plan as an investigation area for urban land.</p> <p>In addition, a Land Use Conflict Risk Assessment (LUCRA) was undertaken for this planning proposal that assessed the potential for land use conflict as a result of this rezoning to be low and acceptable.</p>

APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	<p>Justified inconsistency.</p> <p>The inconsistency is justified because the subject land is identified in the North Coast Regional Plan as an investigation area for urban land.</p> <p>The site is also identified in the Lismore Growth Management Strategy 2015-2035 as future potential residential land.</p>
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the Planning Proposal:</p> <p>Has the effect of prohibiting mining of coal or other minerals,</p>	<p>Not applicable.</p> <p>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 (<i>Mining, Petroleum Production and</i></p>

Ministerial Directions	Requirements	Compliance
	<p>production of petroleum, or winning or obtaining extractive materials;</p> <p>Restricting the potential of State or regionally significant mineral resources</p>	<p><i>Extractive industries) 2007</i>, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent).</p> <p>The land does not accommodate mineral resources or extractive materials which are of State or regional significance.</p>
1.4 Oyster Aquaculture	Not applicable	Not applicable.
1.5 Rural Lands	<p>The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.</p> <p>Rural Planning Principles The Rural Planning Principles are as follows:</p> <ul style="list-style-type: none"> (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. 	<p>Consistent. The subject site is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as being future potential residential land. In preparing the GMS Council has recognised the significance of socio-economic benefits of rural land uses.</p> <p>Council has identified natural resources, biodiversity, water resources and constrained land in mapping its preferred areas for future rural residential development. Yet it has also still provided for a reasonable supply of rural housing in a range of locations with adequate services and infrastructure.</p> <p>The planning proposal is consistent with the Rural Planning Principles and is therefore consistent with this Direction.</p>
2. Environment and Heritage		

Ministerial Directions	Requirements	Compliance
2.1 Environment Protection Zones	The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Consistent. The site comprises areas of Primary Koala Habitat, Dry Rainforest (an Endangered Ecological Community) and Eastern Red Gums (Vulnerable forest ecosystem). It is proposed to apply Zone E3 Environmental Management to the north eastern section of the site to limit future potential land uses. Applying Zone E3 Environmental Management meets the Department of Planning Northern Councils E Zone Review Final Recommendations criteria including the landowner consenting to the rezoning.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent. An assessment through an AHIMS search and a review of Schedule 5 in the Lismore LEP 2012 indicates no items or places of Aboriginal or European heritage significance. An Aboriginal Cultural Heritage assessment has been undertaken which has been reviewed by the OEH. A few minor matters have been identified which will require amending by the consultant. It is recommended that during public exhibition, consultation is carried out with the Ngulingah Local Aboriginal Land Council.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E2 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations	The site comprises areas of Primary Koala Habitat, Dry Rainforest (an Endangered Ecological Community) and Eastern Red Gums (Vulnerable forest ecosystem). It is proposed to apply Zone E3 Environmental Management to the north eastern section of the site to limit future potential land uses. Applying Zone E3 Environmental Management meets the Department of Planning Northern Councils E Zone Review Final Recommendations criteria including the landowner consenting to the rezoning.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Where applicable a Planning Proposal must include provisions that encourage the provision of housing that will: (a) Broaden the choice of housing types and locations.	Consistent. A range of housing types will be permitted. The land is situated near existing community facilities and is serviced by existing infrastructure. The planning proposal will therefore make more efficient use of existing infrastructure

Ministerial Directions	Requirements	Compliance
	<p>(b) Make efficient use of existing infrastructure and services.</p> <p>(c) Reduce consumption of land on the urban fringe.</p> <p>(d) Housing of good design.</p> <p>In addition, a planning proposal must:</p> <ul style="list-style-type: none"> Contain a requirement that residential development is not permitted until land is adequately serviced. Not contain provisions that will reduce permissible residential density of land. 	<p>and services by facilitating increased development potential of the land.</p> <p>Lismore LEP 2012 contains provisions that require the provision of services prior to development consent for residential development.</p> <p>The planning proposal will not reduce the permissible residential density of the land; it will in fact, increase it.</p> <p>The planning proposal is therefore consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>(a) Retain provisions that permit development of caravan parks.</p> <p>(b) Retain zonings of existing caravan parks.</p> <p>(c) Take into account principles for siting manufactured home estates.</p>	<p>Consistent.</p> <p>This planning proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates.</p> <p>The site does not contain an existing caravan park.</p>
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	<p>Consistent.</p> <p>Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008. This planning proposal does not affect these provisions.</p>
3.4 Integrating Land Use and Transport	<p>The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <ol style="list-style-type: none"> <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) <ul style="list-style-type: none"> better integrate land use and transport planning and development, provide transport choice and manage travel demand to improve the environment, accessibility and livability, reduce growth in the number and length of private car journeys, make walking, cycling and public transport use more attractive. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) <p>This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p>	<p>Consistent.</p> <p>The site has sufficient capacity to provide access to transport for residents. The site is adjacent to existing village development and associated infrastructure and community facilities. The site is proximal to the Regional City of Lismore which comprises high level services including education, retail, recreation, medical, religious, sporting, trade and professional services.</p> <p>The proposed residential development will to some extent have the potential to increase car journeys.</p> <p>However, given the planning proposal will only facilitate the development of approximately 10-15 lots, this is not considered to be significant.</p> <p>The planning proposal will not facilitate the development of a centre.</p> <p>The planning proposal will facilitate development that will access services and facilities in Lismore and serve to reinforce the role and importance of this Regional city.</p>

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> • help reduce reliance on cars and moderate the demand for car travel • encourage multi-purpose trips • encourage people to travel on public transport, walk or cycle • provide people with equitable and efficient access • protect and maximise community investment in centres, and in transport infrastructure and facilities • foster growth, competition, innovation and investment confidence in centres, 	
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable. The site is not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable	Not applicable. The site is not located adjacent to an existing shooting range.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	Not applicable.
4.2 Mine Subsidence and Unstable Land	<p>Applies to mine subsidence areas</p> <p>Applies to areas identified as unstable</p>	Consistent. The land is not within a mine subsidence area. The site is not mapped as being unstable or prone to subsidence and displays no physical evidence of this. The planning proposal is therefore consistent with this Direction.
4.3 Flood Prone Land	Not applicable	Not applicable. The land is not prone to flooding.
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <p>(a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation.</p> <p>(b) Have regard to Planning for Bush Fire Protection 2006.</p> <p>(c) Restrict inappropriate development from hazardous areas.</p> <p>(d) Ensure bush fire hazard reduction is not prohibited within the APZ.</p>	<p>Consistent.</p> <p>The majority of the site is mapped as bushfire prone land.</p> <p>A preliminary bush fire hazard assessment was submitted with the planning proposal. This assessment found that the site can accommodate future development that will comply with the relevant provisions of Planning for Bushfire Protection 2006.</p> <p>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 prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act, and take into account any comments so made.</p> <p>Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.</p> <p>The planning proposal is consistent with this Direction.</p>
5. Regional Planning		

Ministerial Directions	Requirements	Compliance
5.1 Regional Strategies	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.</p>	<p>Not applicable.</p> <p>The Planning Proposal recommends the rezoning of some regionally significant farmland. However, the location, site constraints and large lot residential development surrounding the subject site limit its potential for productive agriculture.</p> <p>Therefore the proposal is justifiably inconsistent with this Direction.</p>
5.10 Implementation of Regional Plans	The planning Proposal must be consistent with the North Coast Regional Plan 2036.	The subject site is identified in the North Coast Regional Plan as an investigation area for urban land so this Planning Proposal is consistent with this Direction.
6. Local Plan Making		
6.1 Approval and Referral Requirements	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. It must not identify development as designated development unless justified.	<p>Consistent.</p> <p>The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.</p>
6.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	<p>Consistent.</p> <p>This planning proposal does not affect public land.</p>
6.3 Site Specific Provisions	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.	<p>Consistent.</p> <p>The proposed Zone R5 Large Lot Residential is the most appropriate for the future residential development of the land.</p> <p>No additional development standards are proposed to be applied that are not already in use.</p>
7. Metropolitan Planning – Not applicable		