

Planning Proposal

SCHEDULE 1 AMENDMENT – 1112 BRUXNER HIGHWAY, MCKEES HILL

May 2019



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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the development of the north eastern part of 1112 Bruxner Highway, McKees Hill (Lot 4, DP614912) to allow for additional permitted uses. The objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012) to permit the land to be developed as a Transport Depot. The subject land is located in Zone RU1 Primary Production under the provisions of the Lismore LEP 2012 as shown in Figure 1.

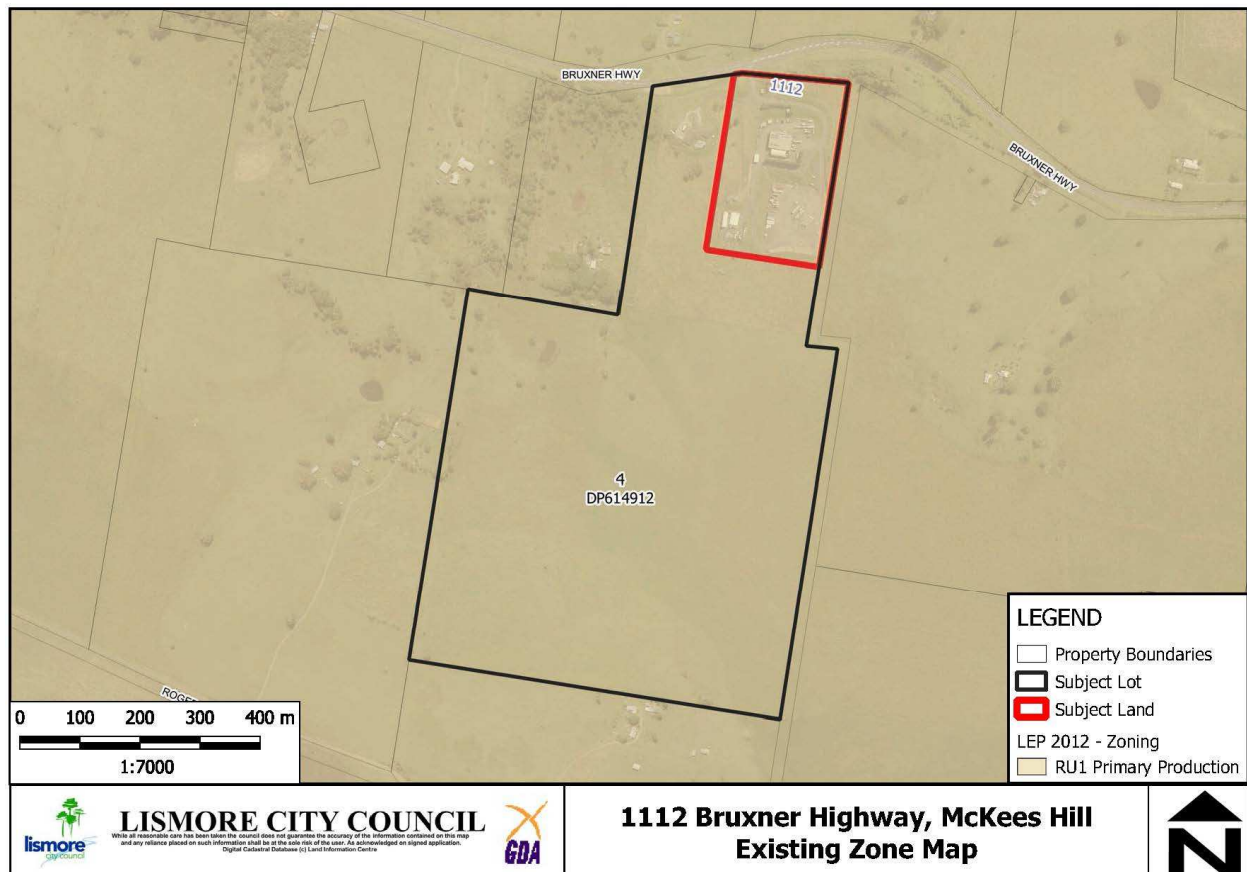


Figure 1: Current zone in Lismore LEP 2012

SITE DESCRIPTION

The subject site has a total land area of 53.4ha. The land subject to this Planning Proposal comprises approximately 6.2 hectares in the north eastern portion and comprises an existing Goods Transport Terminal that was previously granted development consent in 2012 (DA11/234) and is operated by North Coast Petroleum.

The site adjoins the Bruxner Highway to the north and surrounding land in Zone RU1 Primary Production is predominately used for cattle farming with some scattered dwellings. The north western portion of the site comprises a dwelling, pool, associated sheds, water tanks and a carport. The southern portion of the site which is fenced off comprises approximately 39 hectares and contains a farm dam, Class 1 watercourse and is currently used for grazing cattle as shown

in Figure 2.

The subject site has previously been granted development consent in 2012 (DA11/234) for a Goods Transport Terminal which is operated by North Coast Petroleum.

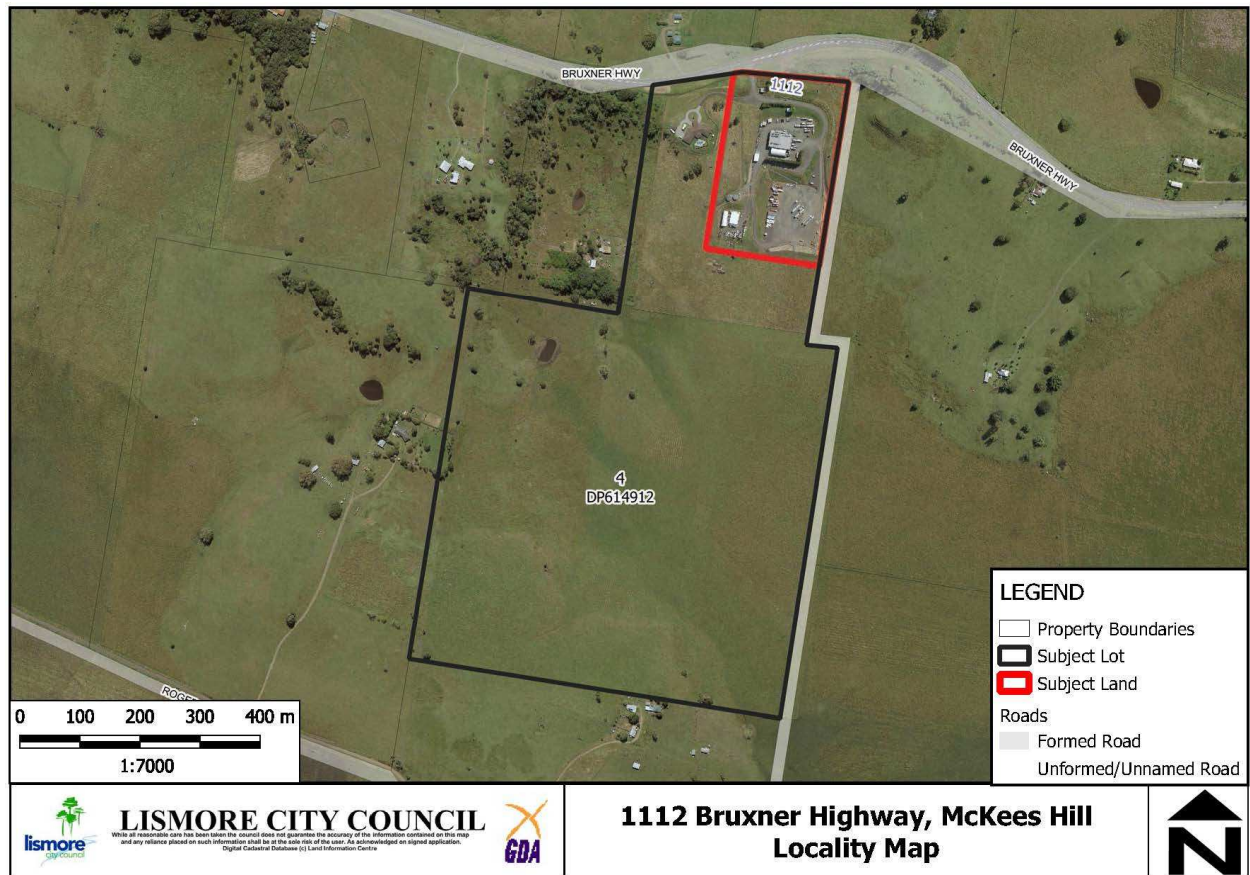


Figure 2: Aerial photo of 1112 Bruxner Highway, McKees Hill

The approval of the Planning Proposal to permit the additional uses on part of the subject site would allow Council to assess and determine a future Development Application for a Transport Depot.

The landowner is seeking to formalise the use of the land to park the truck fleet associated with North Coast Petroleum (NCP) and the associated mechanical repairs of those vehicles. NCP's business operations involves the bulk delivery of petroleum and oil products to Central Queensland and to the western and southern areas of NSW to supply retail, commercial, industrial and rural operations.

The approval of the site as a Transport Depot would also enable other businesses to store their vehicles and goods (stored on the vehicles) during times of flood.

The Planning Proposal therefore seeks to amend the planning provisions applying to the subject land by amending Schedule 1 of the Lismore Local Environmental Plan 2012 to permit a site specific use on part of the site.

PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal seeks to amend the LEP written instrument as follows:

- Amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit additional uses on part of 1112 Bruxner Highway, McKees Hill (Lot 4 DP614912). The proposed insertion is:

6 Use of certain land at 1112 Bruxner Highway, McKees Hill

- (1) *This clause applies to part of the northern end of the land at 1112 Bruxner Highway, McKees Hill, being part Lot 4, DP 614912 identified as “Item 6” on the Additional Permitted Uses Map.*
- (2) *Development for the purpose of the following land use is permitted with development consent on the land to which this clause applies:*
 - a. *Transport Depot*

The following Map sheet is proposed for amendment:

- Additional Permitted Uses Map – [Sheet APU_003] to identify part of 1112 Bruxner Highway, McKees Hill (Part of Lot 4, DP614912) as Item 6.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

No, the Planning Proposal is not the direct result of any strategic study or report, rather it has originated from advice from Council’s Development and Compliance section that the proponent was undertaking works outside the terms of their existing consent issued under DA 2011/234 for a Goods Transport Terminal.

The Planning Proposal seeks to formalise some prohibited works that have been undertaken on the subject site to enable the applicant to develop the site into a Transport Depot.

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

Yes. The Planning Proposal to amend Schedule 1 Additional Permitted Uses of the Lismore LEP 2012 is the most practical method of achieving the aim to facilitate the additional new land use and development for a Transport Depot that is currently prohibited in Zone RU1 Primary Production.

This outcome is preferred to a rezoning of the site because Zone RU1 Primary Production remains an appropriate zone on the land given it is surrounded by similar agricultural land uses and the southern part of the site is currently being used for cattle grazing. Under the Lismore LEP 2012, a Transport Depot is permitted with consent in both Zone IN1 General Industrial and IN2 Light Industrial, however rezoning the site to an industrial zone is not considered appropriate given the rural location and surrounding land uses that are predominately agricultural and rural residential in association with farming activities.

Section B – Relationship to Strategic Planning Framework

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

The North Coast Regional Plan (NCRP) 2036 is the current overarching State Government regional framework aimed at sustainably managing growth on the North Coast and the method of identifying land for development for residential and employment purposes in appropriate locations.

While the subject site is not identified as an investigation area for employment land, this Planning Proposal reinforces the following objective:

Lismore's proximity to the significant rural production areas in the Richmond Valley and Kyogle council areas offer opportunities to activate agribusiness and leverage cross-border agricultural activities in the Darling Downs and freight transport opportunities at Beaudesert and Brisbane West Wellcamp Airport.

This Planning Proposal aims to formalise the use of the land for a Transport Terminal for North Coast Petroleum which delivers fuel to service stations as far as Bundaberg in Queensland and south to Newcastle and west to Narrabri in NSW. Arguably, North Coast Transport contributes to the regional city of Lismore leveraging cross-border freight transport operations around NSW and into Queensland.

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

Yes. As outlined below, the Planning Proposal is consistent with a range of local strategic planning documents including:

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

Imagine Lismore (Community Strategic Plan) 2017 – 2027

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 the following objectives of Imagine Lismore:

- Our land use planning caters for all sectors of the community
- Ensure a diverse range of land use and development opportunities are available and
- Monitor the Local Environmental Plan and amend as required in response to community and development industry need

This Planning Proposal represents Council responding to development industry need by considering the range of relevant issues with regard to formalising the use of the subject land for a Transport Depot.

Lismore Growth Management Strategy 2015 - 2035

The principal aim of the Growth Management Strategy (GMS) is to ensure that sufficient land is identified in suitable locations in Lismore in order to facilitate growth in residential, commercial and industrial development.

This proposal seeks to formalise the existing development and future expansion of land in Zone RU1 Primary Production for an industrial purpose (Transport Depot) that is currently prohibited in this zone.

The GMS states that employment in the more traditional employment sectors of agriculture, forestry and manufacturing is declining with a net loss of jobs predicted in the next 20 years. Notwithstanding this data, the Planning Proposal submitted by the applicant states that the formalisation of the development of the subject land as a Transport Depot will ensure the employment of the existing 16 staff who are currently employed by North Coast Petroleum which may grow over time as the facility expands, subject to development approval.

In this regard, the GMS identifies that there is sufficient industrial zoned land available to meet the projected needs of industrial uses within the timeframe of the GMS. While this Planning Proposal aims to facilitate the use of the site for industrial development, it is unlikely to have any impact on the availability of industrial zoned land in the longer term.

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

The Planning Proposal is satisfactorily consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at **Appendix 1**.

6. *Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?*

The Planning Proposal is satisfactorily consistent, or any inconsistency is justified with the applicable s9.1 Ministerial Directions as shown in **Appendix 2**.

Section C – Environmental, Social and Economic Impact

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

The land subject to this Planning Proposal has been previously cleared of vegetation due to past cattle grazing activities and developed with an existing dwelling, pool, associated buildings and the Goods Transport Terminal. It is therefore unlikely that this proposal will adversely affect any critical habitat, threatened species, populations or ecological communities or their habitats.

There is an Order 1 stream located southwest of the existing Goods Transport Terminal, however the watercourse is approximately 350m away so it is expected that there is a low risk of any impacts on this watercourse. It is noted that environmental considerations regarding stormwater management, waste management, operational wash bays, on-site sewage management will be subject to further assessment at the development application stage.

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

Flooding

A small area on the eastern part of the subject site is identified as a Flood Planning Area in the LEP 2012 Flood Planning Map as shown in Figure 3. However, this part of the site is outside the area proposed to be developed as part of the Transport Depot and is currently used for cattle grazing. Flooding is therefore not considered to be a relevant consideration.

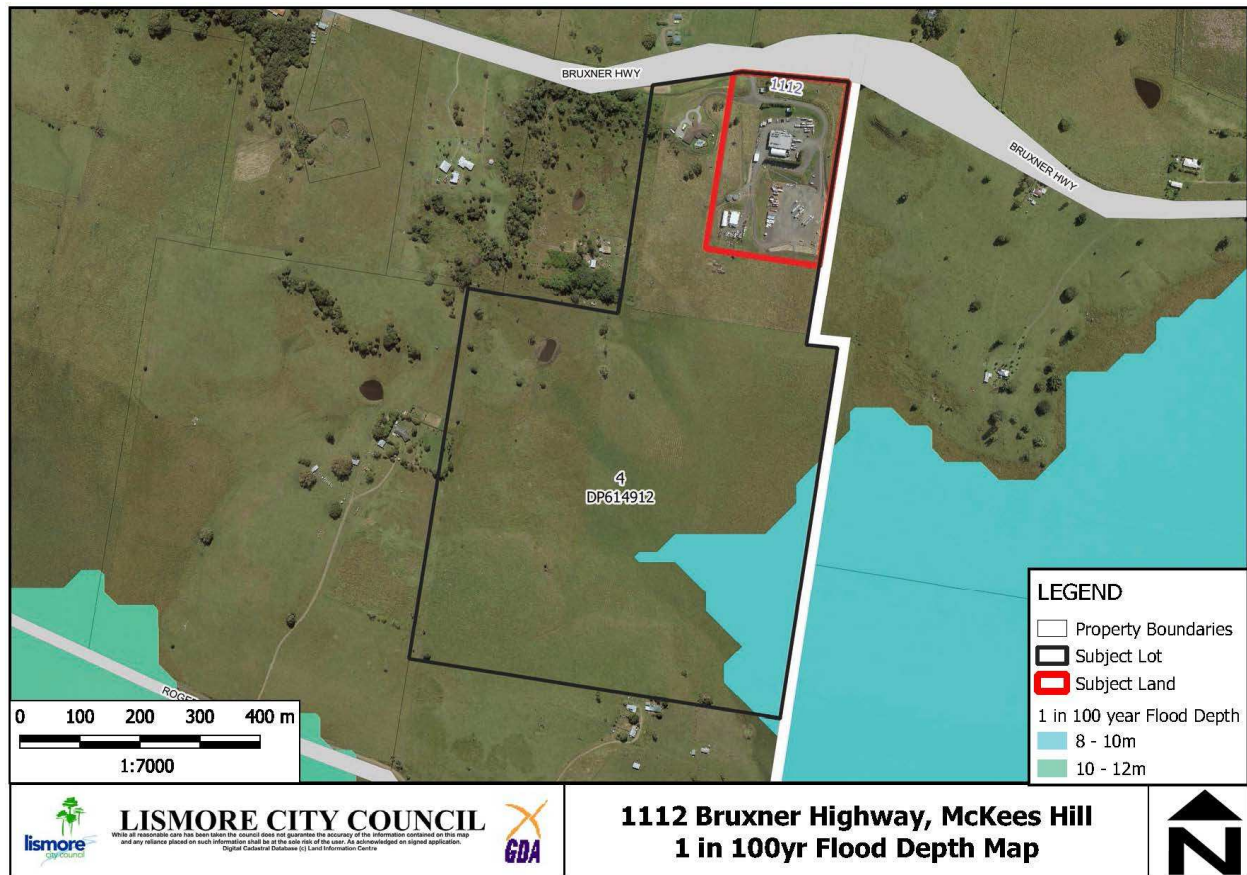


Figure 3: Lismore LEP 2012 Flood Planning Area Map

Land contamination

Council's Environmental Health Officer (EHO) has advised that the previous assessment of land contamination associated with the development approval for a Goods Transport Terminal (DA2001/234) is satisfactory for the purposes of this Planning Proposal. During the approval process for this development, Council advised that potential contamination issues arising from the imported fill used to construct part of the development were adequately addressed through an inspection that verified the material onsite is excavated natural material. It is also noted that this Planning Proposal only seeks to enable a Transport Depot which will be developed on an area previously developed with earthworks and some buildings limited to the north eastern corner of the subject site.

No technical reporting on land contamination is required for the purposes of the assessment of this Planning Proposal.

Acid Sulfate Soils

Part of the subject site is mapped as having Class 5 and Class 4 Acid Sulfate Soils as shown in Figure 4. The objective of Clause 6.1 – Acid Sulfate Soils of the Lismore LEP 2012 is to *ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental*

damage. This Clause requires that for Class 5 Acid Sulfate Soils development consent is required for works within 500 metres of adjacent Class 1-4 land below 5 metres AHD (Australian Height Datum) and by which the water table is likely to be lowered below 1m AHD.

Council's Environmental Health Officer has advised that the southern section of the subject land is mapped as Class 5 and has been filled above natural ground level with VENM (Virgin excavated natural material). Therefore the site presents a low risk in relation to acid sulfate soil management and no technical reporting is required to support this Planning Proposal being finalised.

It is acknowledged that no significant earthworks are expected to be undertaken for the development of the Transport Depot that this Planning Proposal will formalise due to the extent of works already completed. Furthermore, Clause 6.1 (Acid Sulfate Soils) of the Lismore LEP will have to be adequately addressed at the development application stage.

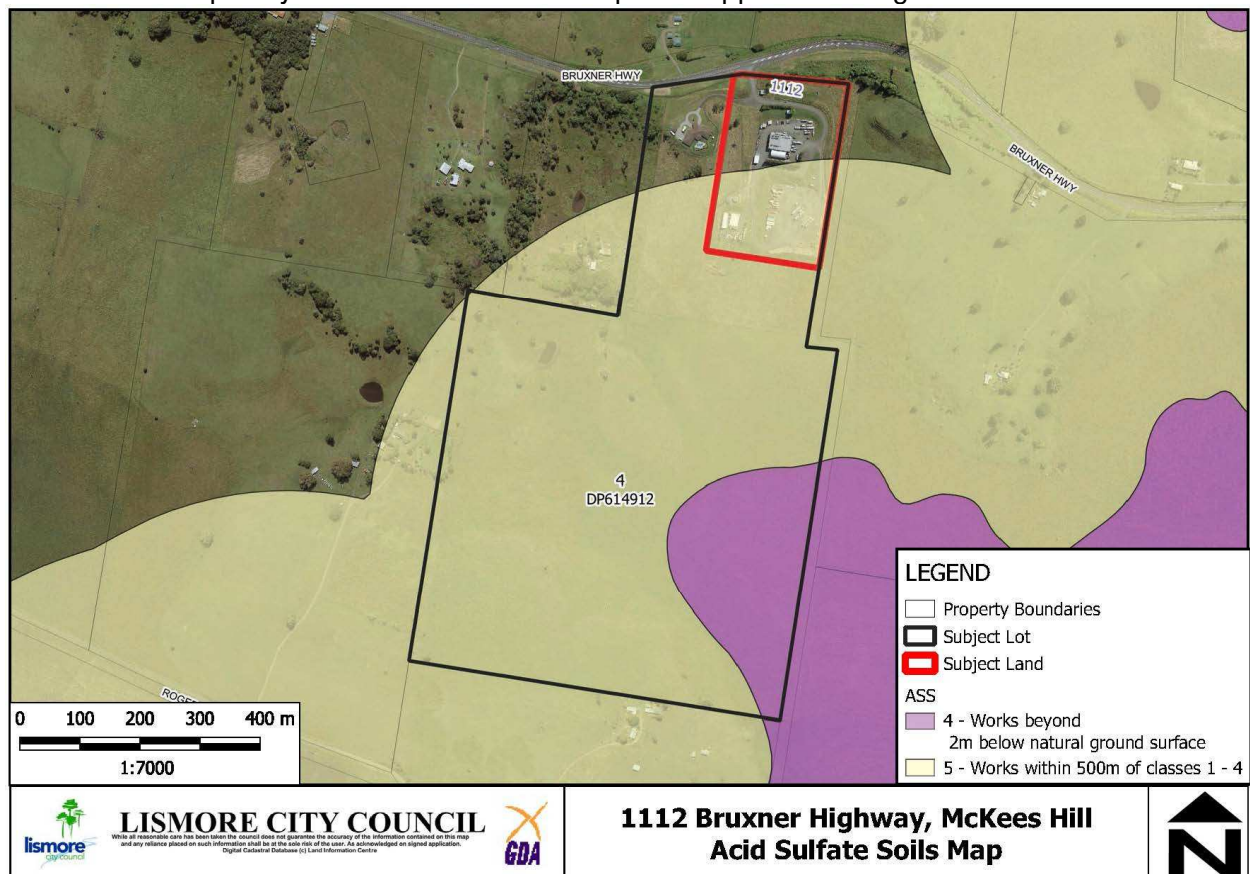


Figure 4: Acid Sulfate Soils

Land Use Conflict

The potential for this Planning Proposal to create future land use conflict has been assessed as low risk due to the following factors:

- The land adjoins the busy major Bruxner Highway so road traffic noise already contributes significantly to the amenity in the area
- The hours of operation of the existing Goods Transport Terminal mandated by DA2011/234 are limited to Monday to Friday 7am to 6pm and Saturday morning
- Landscape plantings have been established on the southern boundary of the workshop area to visually screen the Goods Transport Terminal when viewed from the open rural landscape to the south
- The nearest dwellings not associated with the site range from approximately 200m to the northwest and west, 250m to the northeast, 400m to the east and 350m to the south east. These distances are considered sufficient to limit impacts on the rural amenity of surrounding residences.

No technical reporting on land use conflict is required to finalise this Planning Proposal, however further assessment will be undertaken at the DA stage.

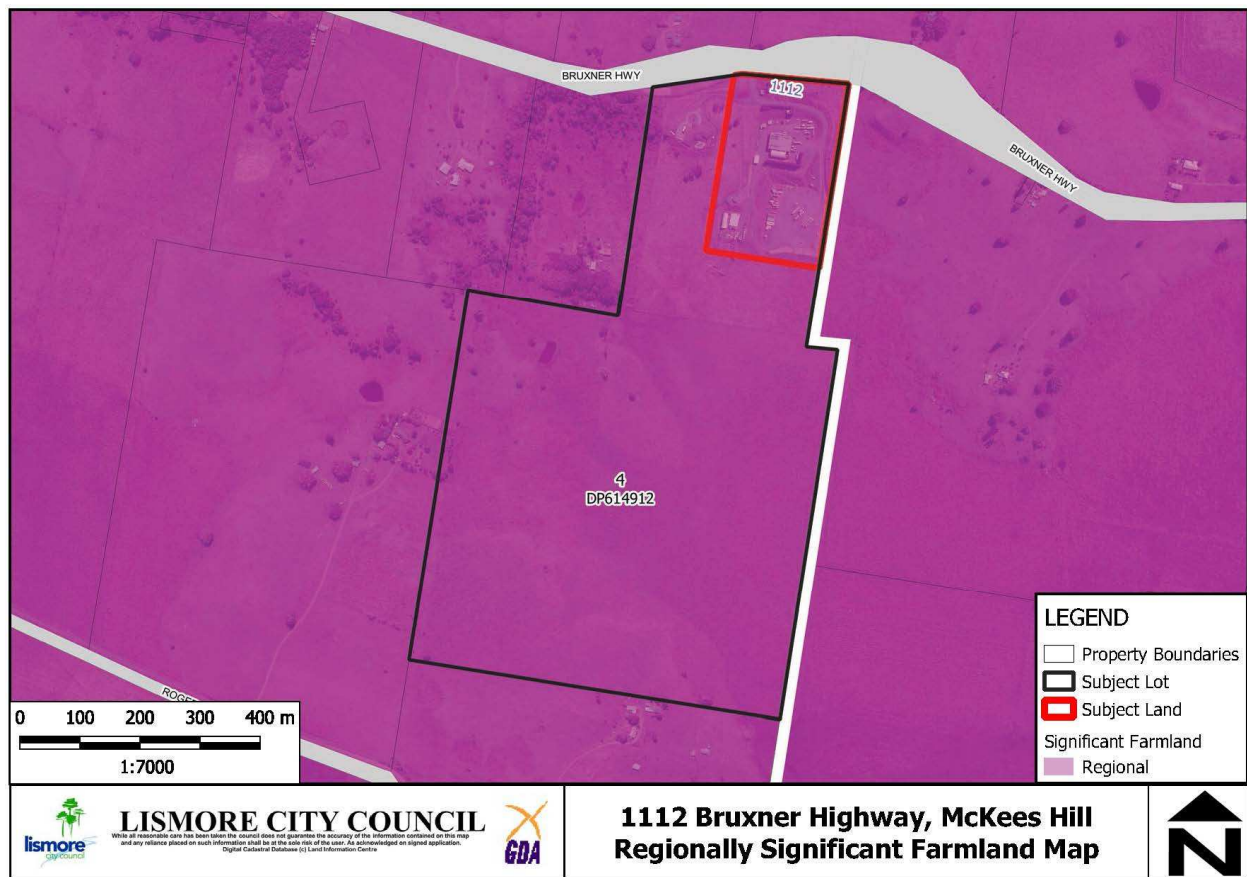


Figure 5: Regionally Significant Farmland

Regionally Significant Farmland

The subject site is mapped as Regionally Significant Farmland as shown in Figure 5 and is categorised as Class 4 (Grazing land) and Class 3 (Grazing land/pasture improved land) agricultural land.

It is recognised that this Planning Proposal will not result in any changes to the existing Zone RU1 Primary Production and is formalising an established development for a Goods Transport Terminal on land previously disturbed and already removed from primary production. The impacts of this Planning Proposal on the sustained use of the land for primary production are low as the remainder of the subject land (approximately 39ha) will be continued to be used for cattle grazing.

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

Aboriginal and European Cultural Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken and did not identify any Aboriginal sites or places on the subject land. The land is also not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 of the LEP 2012.

Social and Economic Impact

The need for a Social Impact Assessment (SIA) is not triggered according to section 5.3 of the LCC Social Impact Assessment Guidelines.

With regard to economic impact, the applicant has indicated that the business currently employs 16 staff which is expected to grow over time as a result of the expansion of the facility.

It is noted that the use of the site for the storage of vehicles and goods loaded onto trucks during times of flood by businesses based in Lismore will reduce the social and economic costs to the community and businesses caused by flood damage.

Section D – State and Commonwealth Interests

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

Water and Sewer

The subject land is currently serviced with an onsite wastewater system. The specific details of the system that services the existing development will be submitted as part of any further development application.

The subject site is not connected to reticulated water and is serviced with water storage tanks. It is not anticipated that the future development of the site will have a significant impact on water or sewer infrastructure.

Roads and Traffic

The primary access to the site is from a driveway that links onto the Bruxner Highway. The Bruxner Highway is a State controlled road which is under the jurisdiction of the Department of Roads and Maritime Service (RMS). Council's Engineer has advised that major intersection works to the site have been undertaken under the supervision of RMS and final sign off is yet to be given pending some minor outstanding issues being addressed.

With regard to internal roads and parking areas, it is recommended that the staff and visitor parking area be sealed, line marked and signed as conditions on any future development approval in accordance with Chapter 7 – Off Street Carparking of the Lismore Development Control Plan.

The driveway to the existing dwelling may exceed 12.5% as specified in the Vehicular Access Policy which may need addressing as part of any future development approval.

Stormwater

At the development approval stage, a detailed Stormwater Management Plan is required to demonstrate no increase in runoff is created by this development and no adverse impacts on adjoining properties will occur. No reporting is required at this stage to finalise the Planning Proposal.

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

It is recommended that the following authorities are consulted following the Gateway Determination in accordance with any s 9.1 Ministerial Directions:

- Roads and Maritime Services
- Department of Primary Industries

PART 4 - MAPPING

The Additional Permitted Uses LEP Map will be amended as shown below on Sheet APU_003 to identify part of 1112 Bruxner Highway, McKees Hill (Part Lot 4, 614912) as Item 6.

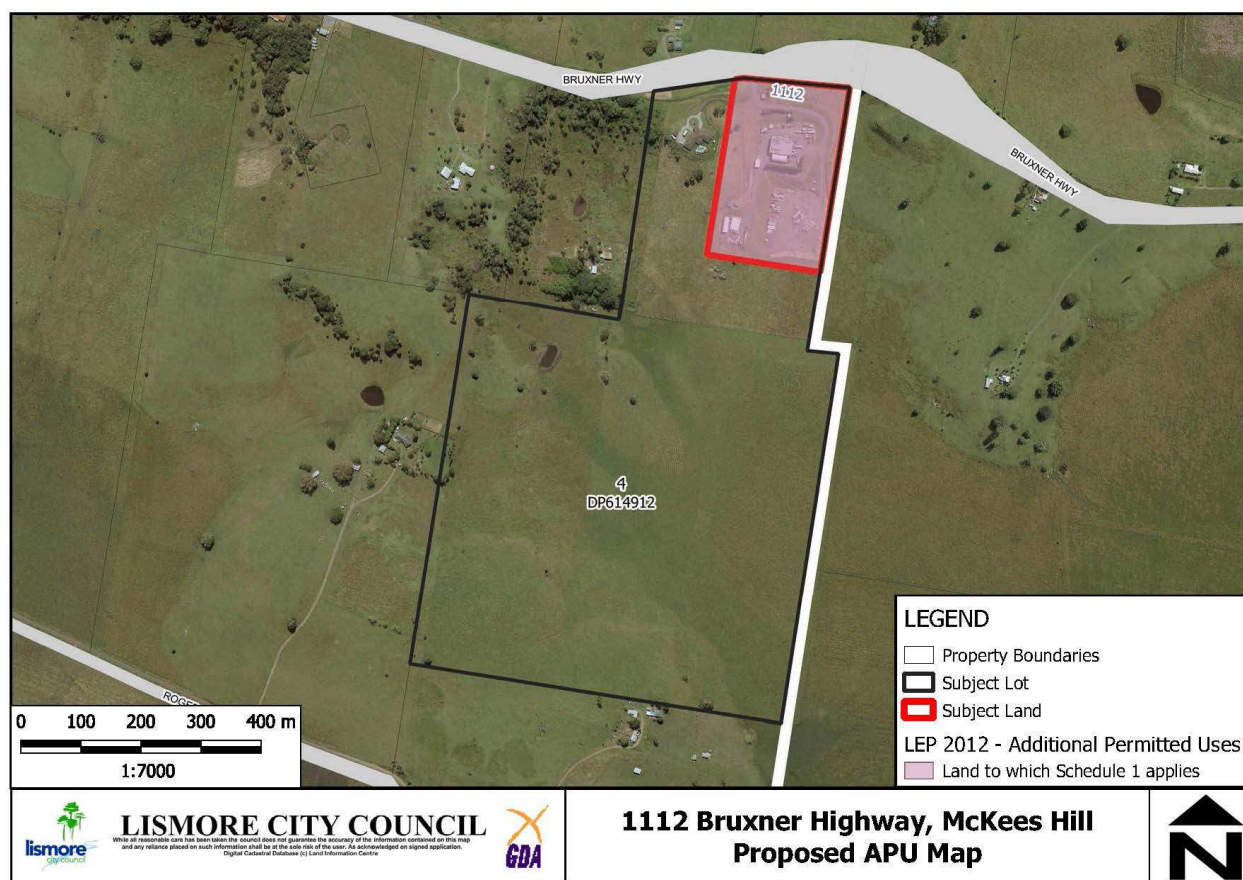


Figure 6 – Additional Permitted Use Map showing part of Lot 4 DP 614912, 1112 Bruxner Highway, McKees Hill

In addition to the above map, the LEP written instrument Schedule 1 is proposed to be amended as follows:

- Amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit additional uses on part of 1112 Bruxner Highway, McKees Hill (Part Lot 4 DP 614912). The proposed insertion is:

5 Use of certain land at 1112 Bruxner Highway, McKees Hill

- (3) *This clause applies to part of the northern end of the land at 1112 Bruxner Highway, McKees Hill, being Part Lot 4, DP 614912 identified as "Item 6" on the Additional Permitted Uses Map.*
- (4) *Development for the purpose of the following land uses is permitted with development consent on the land to which this clause applies:*
 - a. *Transport Depot;*

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;
- On the website of Lismore City Council and the Department of Planning and Environment; and
- A letter to adjoining landowners
- Referral to the 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; and
- 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

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

Estimated Completion	Plan Making Steps
July 2019	Report planning proposal to Council
August 2019	Gateway determination issued by Department of Planning and Environment.
September - October 2019	Government agency consultation and public exhibition
November 2019	Analysis of public submissions & public agency comments
December 2019	Council consideration of proposal post exhibition
January 2019	Anticipated date of submission to Department for notification of the making of the LEP
February 2020	Notification of the draft Local Environmental Plan

APPENDIX 1

STATE ENVIRONMENTAL PLANNING POLICIES - COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives etc <i>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;</i> <i>(b) By encouraging the identification of areas of core koala habitat; and</i> <i>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.</i>	Consistent <p>The land subject to this Planning Proposal has been previously cleared of vegetation due to past cattle grazing activities and developed with an existing dwelling, associated buildings and the Goods Transport Terminal. It is therefore unlikely that this proposal will adversely affect any critical habitat, threatened species, populations or ecological communities or their habitats. Council's GIS mapping does not show any primary or secondary koala habitat on the subject site. The development footprint is heavily disturbed and no vegetation is proposed for removal as a result of this proposal.</p>
SEPP No. 55 – Remediation of Land	Clause 6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Consistent <p>The objectives of SEPP 55 have been reasonably satisfied because potential land contamination issues arising from the imported fill to construct part of the existing development have been adequately addressed through previous site inspections conducted by Council staff.</p>
SEPP (Rural Lands) 2008	Not applicable	Not applicable
SEPP (Coastal Management) 2018	<p>Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that:</p>	<p>The subject site is not classified as a Coastal use Area in the Coastal Use mapping under the SEPP (Coastal Management 2018).</p> <p>This Planning Proposal does not grant development consent on the subject land, therefore, it is not inconsistent with the SEPP (Coastal Management).</p>

State Environmental Planning Policy	Requirements	Compliance
	<p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	
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>	The Planning Proposal is consistent with this SEPP because it does not propose to rezone State Significant Farmland and is not considered to create the potential for future land use conflict.

APPENDIX 2

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. 	Not applicable.

Ministerial Directions	Requirements	Compliance
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). 	<ul style="list-style-type: none"> This Planning Proposal does not proposed to rezone the land from Zone RU1 to a residential, business, industrial, village or tourist zone.
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources 	Not applicable.
1.4 Oyster Aquaculture	N/A	Not applicable
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 sustainable rural economic activities; Support farmers in exercising their right to farm; Minimise fragmentation of rural land & reduce the risk of land use conflict; Consider State significant agricultural land identified in Rural SEPP 2019; Consider the social, economic & environmental interests of the community. 	<ul style="list-style-type: none"> This Planning Proposal effects land within a rural zone that is Regionally Significant Farmland. This Proposal seeks to enable a Transport Depot within an already disturbed part of the site due to previous earthworks and building works for the Goods Transport Terminal. The development is proposed to be limited to the north eastern corner of the property and will retain cattle farming activities on the balance of the property which will maintain the natural resource base on the site. The Planning Proposal is consistent with the North Coast Regional Plan as North Coast Petroleum contributes to the regional city of Lismore leveraging cross-border freight transport operations around NSW and into Queensland. The Planning Proposal is not expected to cause land use conflict due to the vegetated buffers already planted to provide visual screening and due to the considerable distances to residential uses on surrounding properties.
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>	Not applicable
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>	Not applicable

Ministerial Directions	Requirements	Compliance
	(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area; (b) The NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; (d) Any relevant Coastal Management Program or Coastal Zone Management Plan.	
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	The subject site is not identified as an item of heritage significance in the Lismore LEP 2012 and an AHIMS search did not identify any Aboriginal sites or places within 50 metres of the subject land.
2.4 Recreation Vehicle Areas	N/A	
2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs	The planning proposal must be consistent with the Northern Councils E Zone Review Final Recommendations.	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: <ul style="list-style-type: none"> • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density. 	Not applicable
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. 	Not applicable
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Not applicable
3.4 Integrating Land Use and Transport	A Planning Proposal must locate zones for urban purposes and include provisions that give effect to: <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) 	Not applicable

Ministerial Directions	Requirements	Compliance
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. 	Not applicable
3.6 Shooting Ranges	N/A	Not applicable
3.7 Reduction in non-hosted short-term rental accommodation period	N/A	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.	The southern section of the subject land is mapped as Class 5 Acid Sulfate Soil and has been filled above natural ground level with VENM (Virgin excavated natural material). Therefore the site presents a low risk in relation to acid sulfate soil management and no technical reporting is required to support this Planning Proposal being finalised.
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> • Applies to mine subsidence areas. • Applies to areas identified as unstable. 	Not applicable

Ministerial Directions	Requirements	Compliance
4.3 Flood Prone Land	<p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (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. 	<ul style="list-style-type: none"> • Part of the eastern area of the site is mapped as a Flood Planning Area in the Lismore LEP 2012, however, the land subject to this Planning Proposal is not mapped as flood prone land. Due to the topography of the site, the land containing the Transport Depot is elevated above the lower lying land used for cattle grazing, the eastern portion of which is flood prone. • This Planning Proposal is therefore consistent with this Ministerial Direction.
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. 	The subject site is not mapped as bushfire prone land according to Council's GIS mapping.
5. Regional Planning		
5.1 Regional Strategies	N/A	The
5.2 Sydney Drinking Water Catchments	N/A	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> • The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. 	<p>The subject site is identified as Regionally Significant farmland under the Northern Rivers Farmland Protection Project. The Planning Proposal is consistent with this direction because:</p> <ul style="list-style-type: none"> • Zone RU1 Primary Production is being retained

Ministerial Directions	Requirements	Compliance
		<ul style="list-style-type: none"> Only a small portion of the site is affected by this proposal, The proposal retains cattle grazing activities on the balance portion of the site so the natural resource base will be maintained.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
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 consistent with the North Coast Regional Plan as discussed in Section 2 of this report.
5.11 Development of Aboriginal Land council Land	N/A	Not applicable
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. 	There are no referral or concurrence requirements proposed within the Planning Proposal.
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. 	Not applicable
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. 	The Planning Proposal does not impose any development standards or requirements in addition to those that are not already in use.
7. Metropolitan Planning		
		Not applicable