

Planning Proposal

REZONING land at 116 James Street, DUNOON

March 2017



TABLE OF CONTENTS

Part 1 – Objectives or Intended Outcomes	2
Part 2 – Explanation of Provisions	3
Part 3 – Justification	3
Section A – Need for the Planning Proposal	3
Section B – Relationship to Strategic Planning Framework	5
Section C – Environmental, Social and Economic Impact	6
Section D – State and Commonwealth Interests	11
Part 4 - Mapping.....	13
Part 5 – Community Consultation.....	17
Part 6 – Project Timeline	17

APPENDICES

Appendix 1- Assessment against State Environmental Planning Policies

Appendix 2 - Assessment against Section 117 Directions

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable the subdivision of 116 James Street, Dunoon, (Lot 1 DP 594309) to create one additional allotment for a dwelling. This objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012), specifically the maps for land use zones, lot size and height of buildings. The site is presently in the RU1 Primary Production zone in the Lismore Local Environmental Plan 2012 as shown on Figure 1 below with a minimum lot size of 20ha. The Planning Proposal was lodged with Council in combination with a development application for a one lot subdivision in accordance with Section 72J of the *Environmental Planning and Assessment Act 1979*. The assessment of the development application is not dealt with in this report.

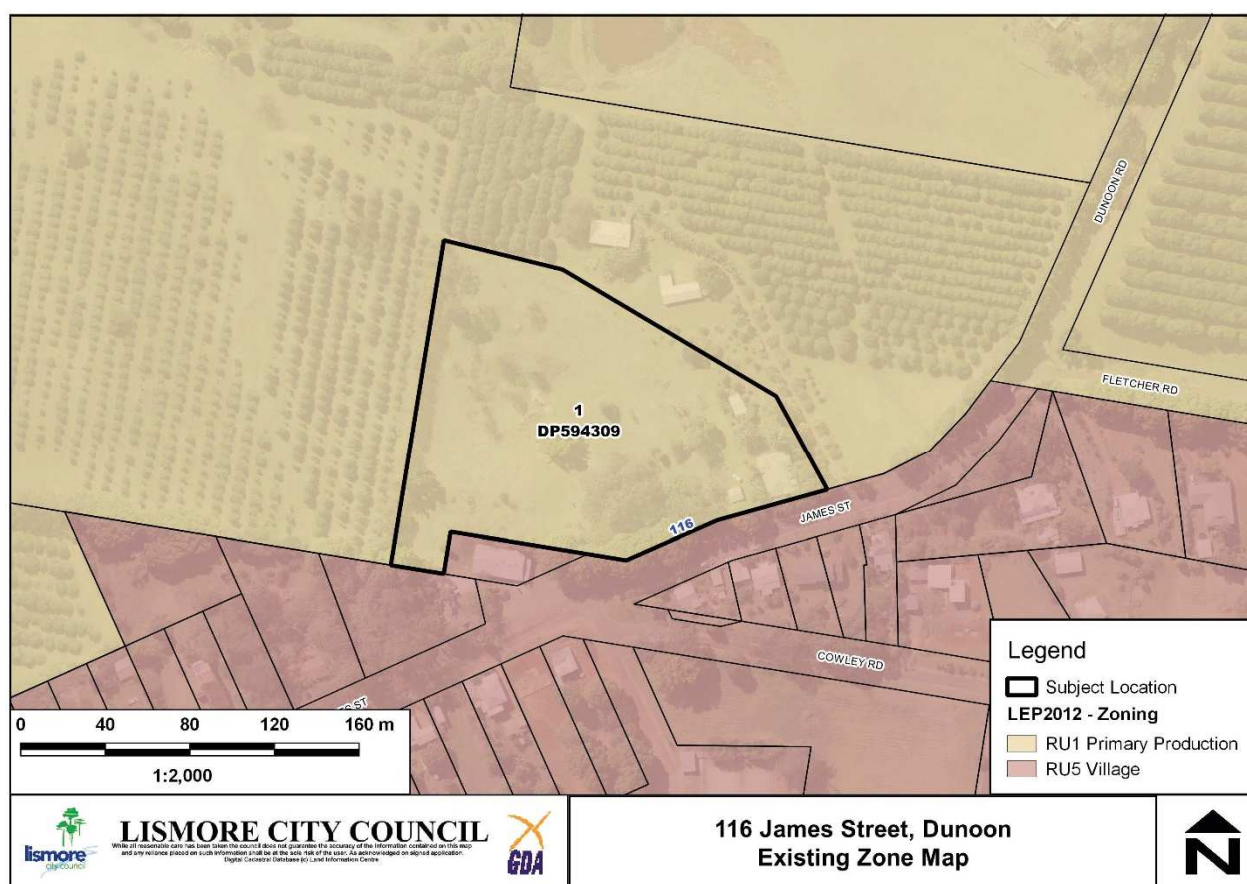


Figure 1: Current zone Lismore LEP 2012

Site description and setting

The subject land is located on the northern edge of the Dunoon village, adjacent to horticultural land uses (macadamia orchards) and the Community Hall. The site has frontage to James Street which is the main thoroughfare through Dunoon that turns into Dunoon Road on either side of the town.

The land subject to this proposal totals 2 hectares in area and currently accommodates a dwelling, swimming pool and garden shed in the north eastern corner of the site. The site mainly comprises maintained grassland as well as areas of bamboo and planted rainforest including Hoop pines. The land is also used periodically to agist 3-4 horses.

The topography of the site is undulating with a large gully running in an east/west direction, dissecting the land into two roughly equal parts, leading to an intermittent Class 1 watercourse in the north western corner.



Figure 2: Aerial photo of 116 James Street, Dunoon

Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to rezone the land from the RU1 Primary Production zone to RU5 Village zone. The following map sheets are proposed for amendment. The proposed LEP maps are included in Part 4 of this planning proposal:

- Land Zoning Map – [Sheet LZN_005] to apply Zone RU5 Village.
- Lot Size Map – [Sheet LSZ_005] to apply a 1ha minimum lot size to the site.
- Height of Buildings Map – [Sheet HOB_005] to apply an 8.5m maximum building height to the site.

Part 3 - Justification

Section A - Need for the Planning Proposal

There is a need for the Planning Proposal to allow for the rezoning of the site from RU1 Primary Production to RU5 Village zone. 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 the only site in Dunoon that has potential for village expansion (see Figure 3 'Dunoon - Potential village').

The GMS states that this land will be the limit of Dunoon's expansion to the north "as the adjoining land and land further north is in active agricultural use", which is the reason for a recommended 30m buffer from the macadamia farm on the western and northern boundaries.

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

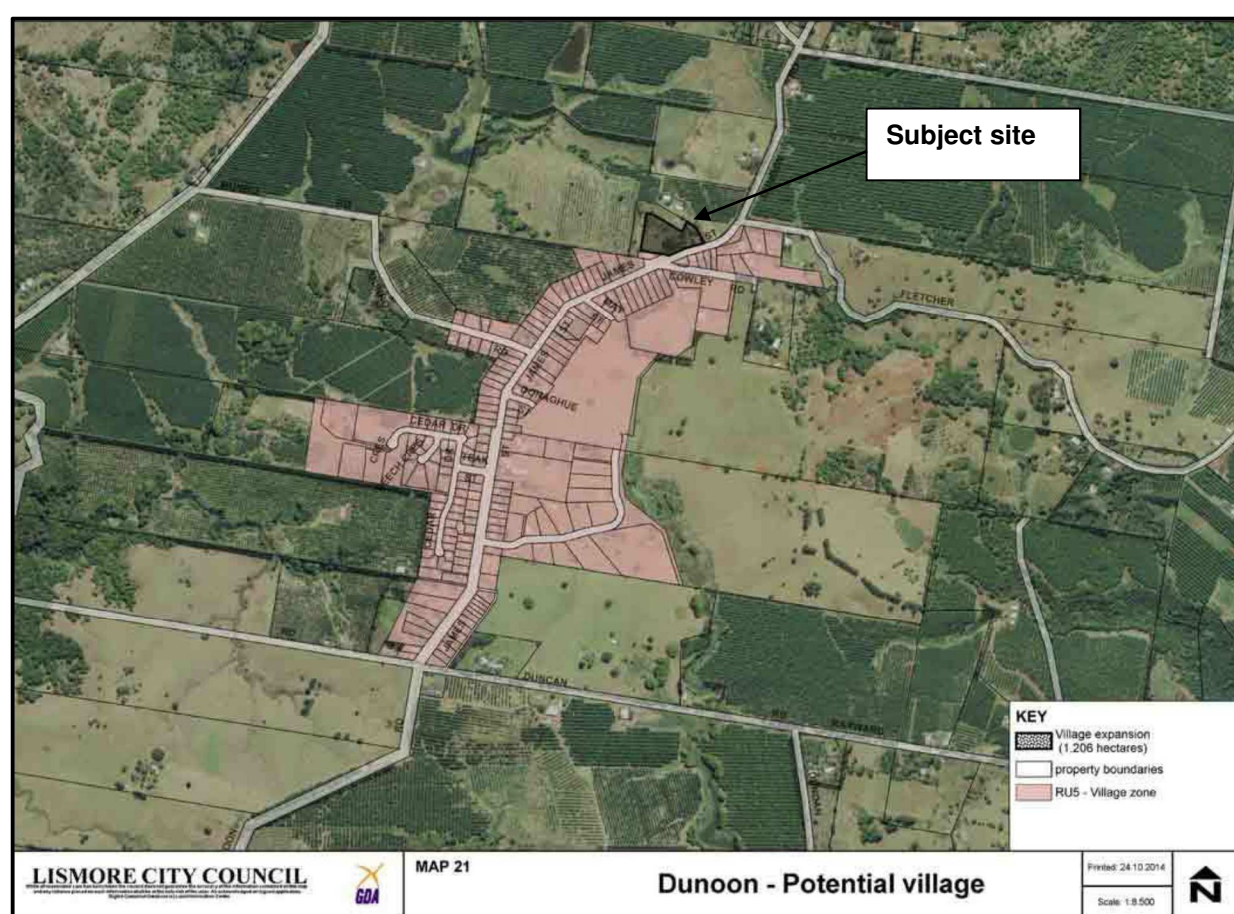


Figure 3: 116 James Street, Dunoon in GMS 2015-2035

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 rezone the land to RU5 Village and an associated amendment of the lot size and building height map is the best way to enable a subdivision to create an additional allotment for a dwelling.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in RU1 Primary Production zone on land that is at least the minimum lot size applying to the land. The current minimum lot size applying to the land is 20ha which precludes subdivision and the development

of an additional dwelling. Therefore, a change to the zoning and minimum lot size 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 (GMS) 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 2017) is the current overarching State Government framework to sustainably manage growth for the Far North Coast and allocate further development of land 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) 2013-2023
- Lismore Growth Management Strategy 2015-2035 (GMS)

Imagine Lismore (Lismore Community Strategic Plan) 2013-2023

Imagine Lismore 2013-2023 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 the residential development close to services and;
- The site is not flood prone.

Lismore Growth Management Strategy 2015-2035

The subject site is identified on Map 21 of the GMS as having potential for village expansion as shown in Figure 3.

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?

Following a site inspection, Council's Ecologist has confirmed that the area subject to rezoning has low ecological value as the site has been heavily disturbed and comprises exotic pasture, landscape plantings and weed species including Camphor Laurel adjacent to the James Street frontage.

The site was surveyed for Hairy Joint Grass and no occurrence of the species was recorded.

Council's GIS mapping does not show koala habitat being evident on the site. Notwithstanding this, Council's Ecologist observed a grouping of mature Tallowood koala habitat food trees. These trees are likely to be used by Koalas occasionally traversing the site. This view is based on observations from the landowners and a lack of available habitat and fragmented vegetation, as assessed by Council's Ecologist.

It is noted that this proposal will not affect the koala food trees observed on site because they do not occur near the proposed driveway and potential dwelling site. The only trees expected to be removed as part of this proposal (for construction of the driveway) are exotic species.

No further technical reporting on ecology is required.

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

Land Contamination

A preliminary contaminated land assessment has been prepared which outlines the soil sampling methodology undertaken on site in the location of the proposed dwelling and surrounds.

The chemicals tested for were ones likely to be used during the previous agricultural/horticultural operations on the site. Council's Environmental Health Officer (EHO) has reviewed the report and advises that the sampling did not identify any chemicals above the health investigation levels for residential development.

No further technical reporting is required.

Bush Fire

Most of the perimeter of the site is mapped as bushfire prone land, mainly in the Vegetation Buffer category and a small portion in Vegetation 'Category 2' as shown in Figure 4. A Bushfire Threat Assessment has been submitted as part of this proposal which indicates that the proposed development will comply with Planning for Bushfire Protection 2006. Measures that will be provided to ensure compliance include appropriate Asset Protection Zone/s, water supply, construction standards, landscaping and access.

The planning proposal will require referral to the NSW Rural Fire Service due to the land being identified as prone to bushfire.

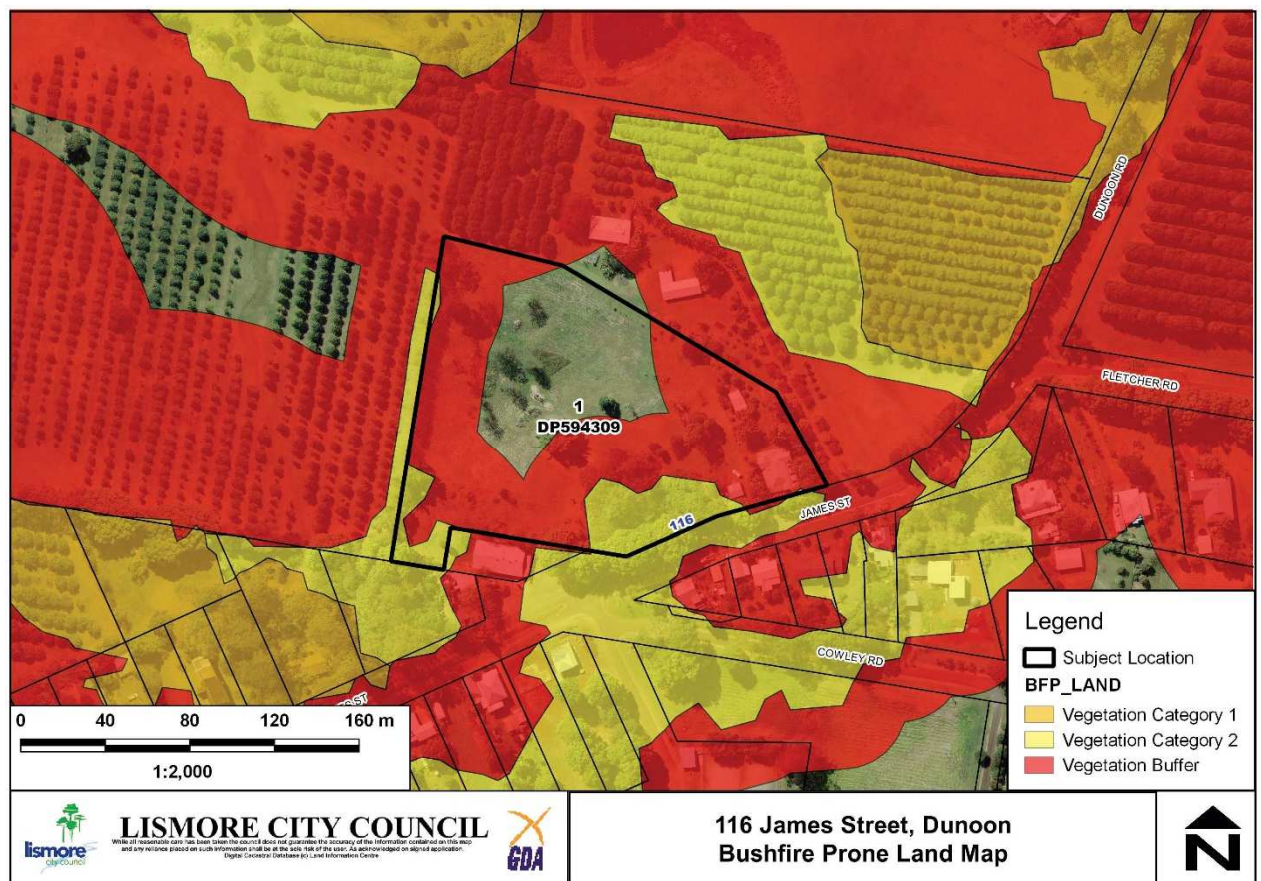


Figure 4: Bushfire prone land 116 James Street, Dunoon

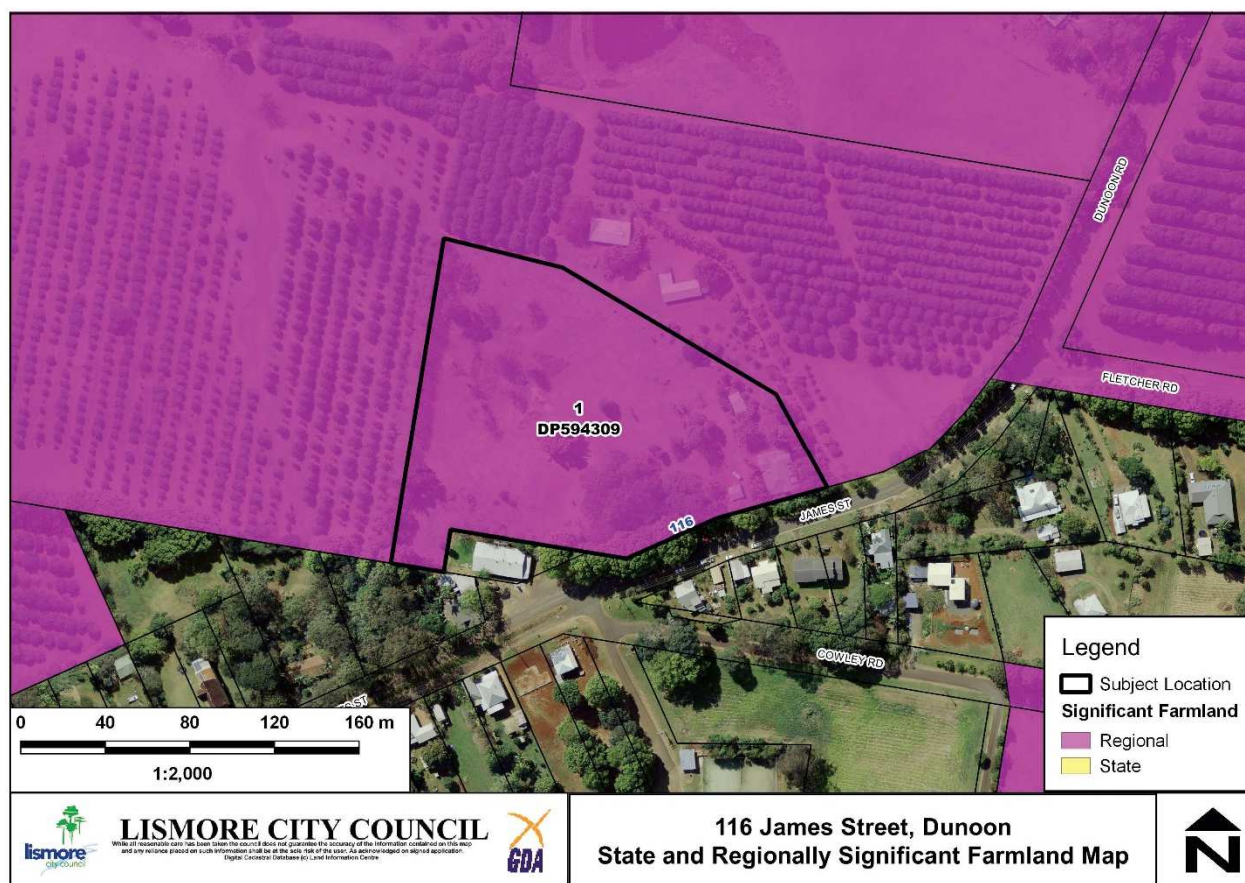


Figure 5: Regionally Significant land at 116 James Street, Dunoon

Regionally Significant Farmland

The whole site is defined as 'Regionally Significant Farmland' according to the Northern Rivers Farmland Protection Project (NRFPP) as shown in Figure 5.

The NRFPP outlines planning principles to be applied in instances when regionally significant farmland may be included in an urban settlement strategy. These principles were applied in justifying this site for inclusion in the GMS for 'village expansion'. Moreover, this planning proposal is consistent with these principles for the following reasons:

- by way of its 1977 subdivision, the land has previously been fragmented from contiguous horticultural uses into a 2ha allotment and subsequent development with a dwelling.
- the soils are not suitable for commercial cultivation or horticulture due to the steep slope and proximity to the intermittent watercourse located in the northwest corner.
- the land does not meet the key bio-physical thresholds for prime crop and pasture land according to the NSW Agricultural land classification 2002.
- the proposal is minor in nature and the likely impacts of one additional dwelling on adjoining horticultural uses are insignificant
- an appropriate buffer to intensive agriculture (macadamia orchards) has been assessed as an effective means to reduce potential for land use conflict

Land use conflict

The planning proposal will result in an additional dwelling on land adjoining rural land which has the potential to generate land use conflict.

Council's EHO has advised that the DCP Chapter 11 'Buffers' requires a 150m buffer between residential and intensive agriculture uses that can be reduced to 80m where a biological buffer of 30m is planted. In this instance, the 30m biological buffer is deemed an acceptable outcome given that:

- the Land Use Conflict Resolution Assessment (LUCRA) has assessed the potential for land use conflict to be low and acceptable
- this buffer is consistent with the recommendation in the GMS for a 30m wide planted biological buffer along the western and northern boundaries to separate the new residential use from the existing macadamia orchard
- the current landowners have not experienced land use conflict relating to the surrounding macadamia orchard operation
- most of the existing residential development in Dunoon does not have a buffer to surrounding macadamia orchards. This has not resulted in complaints regarding spray drift, noise or similar amenity issues to Council's compliance area.

While it is acknowledged that the Environmental Protection Agency (EPA), rather Council, is the appropriate Regulatory Authority to deal with complains under the NSW Pesticides Act 1999, relatively few complaints have been received regarding insecticide spray drift from macadamia farms located adjacent to the Dunoon township. For example, the EPA has advised Council that out of 10 complaints received since 2012, only 4 resulted from the spraying operations on macadamia farms adjacent to the Dunoon township. The remainder of complaints were directed toward operations undertaken on macadamia farms located in the greater Dunoon district.

Geotechnical Hazards

The site is characterised by a gully that runs in a north westerly direction and dissects the site into approximately equal parts. A first order stream is located in the north western corner. The slope is gentle to undulating adjacent to James Street and changes to an estimated 20% grade running down towards the gully. The site does not comprise areas of mass soil movement. Figure 6 below shows the drainage, slope and contours at the site.

The proposed dwelling site is shown on the preliminary site plan as located in an area with a gently undulating slope.

No further technical reporting on geotechnical hazards is required.

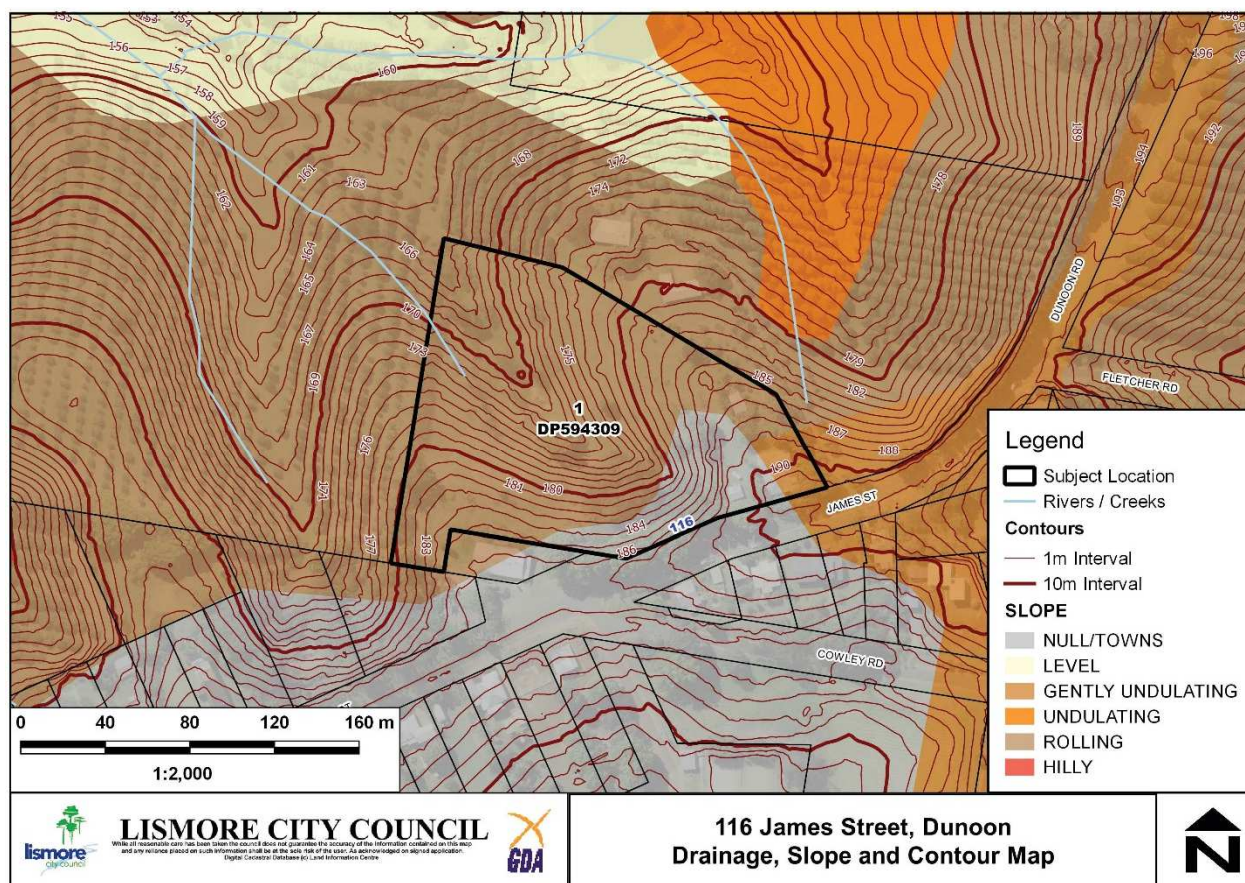


Figure 6 – Drainage, Slope and Contours for 116 James Street, Dunoon

Flooding

The subject site is not in the Flood Planning Area of the Lismore Local Environmental Plan 2012.

Stormwater Management

Council's Strategic Engineer has advised that at the subdivision stage, the application will need to demonstrate that there will be no net increase in stormwater discharge from the development.

No further technical reporting on storm water quality is required.

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

Economic Impacts

It is expected that this planning proposal and its resultant residential development is likely to have a minimal but positive economic impact on Dunoon by generating additional economic activity from construction works.

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.

It is noted that the applicant consulted the Ngulingah Local Aboriginal Land Council (LALC) directly prior to lodging the Planning Proposal. The LALC advised that it is highly unlikely the land would

contain any Aboriginal Cultural Heritage objects due to its location and past long term agricultural disturbance of the land.

Based on this advice, Council's Environmental and Cultural Heritage Contractor did not believe a site inspection was required or any further site assessment.

Therefore it is not anticipated that the Planning Proposal will have an adverse impact on cultural heritage that would warrant a formal referral to the Ngulingah LALC or the requirement for an Aboriginal Cultural Heritage Assessment.

No further technical reporting is required.

Social Impacts

Due to the minor nature and scale of the proposal there are not expected to be any adverse social impacts. The provision of one additional allotment for residential development will result in a slight increase to housing supply and choice in Dunoon.

Education, Health and Emergency Services

Dunoon has a wide range of services and facilities including a Sports and Recreation club, General Store and Service Station, Community Hall, Primary school and health services and a Bush Fire Brigade.

Section D – State and Commonwealth interests

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

Water supply

The subject site is not currently serviced by reticulated water and is unable to be serviced in the future. Therefore, it is recommended that water be obtained through roof collection and stored in domestic rainwater tanks.

Management of effluent

The site is not currently serviced by reticulated sewerage. Therefore, it is proposed to service future development through an on-site wastewater management system.

The preliminary on-site wastewater assessment identifies a reed bed system with Evapotranspiration (ETA) beds for disposal located within the proposed 30m biological buffer on the western boundary. However, Council's EHO has advised that this is not an acceptable location because ETA beds should be setback 5m from trees to avoid root intrusion. As an alternative location, the south western corner of the site would be appropriate given it is relatively flat and outside the 40m buffer to the first order stream.

The site is capable of accommodating a wastewater disposal system that supports the intended subdivision/residential development. The alternative location for the onsite wastewater disposal system can be confirmed through the submission of an amended onsite wastewater assessment when the development application is lodged for the dwelling. This issue does not preclude the land being suitable for the intended residential development.

No further technical reporting is required.

Roads and Traffic

The planning proposal will create the potential for one (1) additional allotment and generate an additional 4-6 vehicle movements per day, estimated to have a negligible impact on James Street.

It is proposed that the additional allotment be accessed from James Street near the existing Community Hall and Right of Carriageway (ROC) at the southern boundary of the lot. This has been determined as the most appropriate position because it minimises tree removal and substantial earthworks, utilises the existing ROC and achieves good site distances and visibility.

Given the slope, the applicant will need to ensure the access complies with the DCP, in particular, that the driveway grade is not greater than 25% and indicative long section and cross sections for the driveway will be required with the future development application.

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014 which outlines contributions for public infrastructure that apply to new rural dwellings and rural lots.

Q11. 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 and in accordance with any s117 directions and conditions of the determination:

- Rural Fire Service
- Department of Primary Industries

Part 4 - Mapping

Current zoning

The land is currently in the RU1 Primary Production zone 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. There is no maximum height of buildings that applies to the land. Extracts of the relevant Lismore LEP 2012 maps are included below at Figures 9-14.

Proposed land zoning, lot size and height of buildings

It is proposed to rezone the land from Zone RU1 Primary Production to Zone RU5 Village. The change to the zoning map will require corresponding changes to the following as shown in Figures 9-14 below:

- a. Land Zoning Map – RU5 Village
- b. Height of Buildings Map – 8.5 metres maximum
- c. Lot Size Map – minimum 1ha

This will be achieved by amending map sheets:

LZN_005

LSZ_005

HOB_005

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

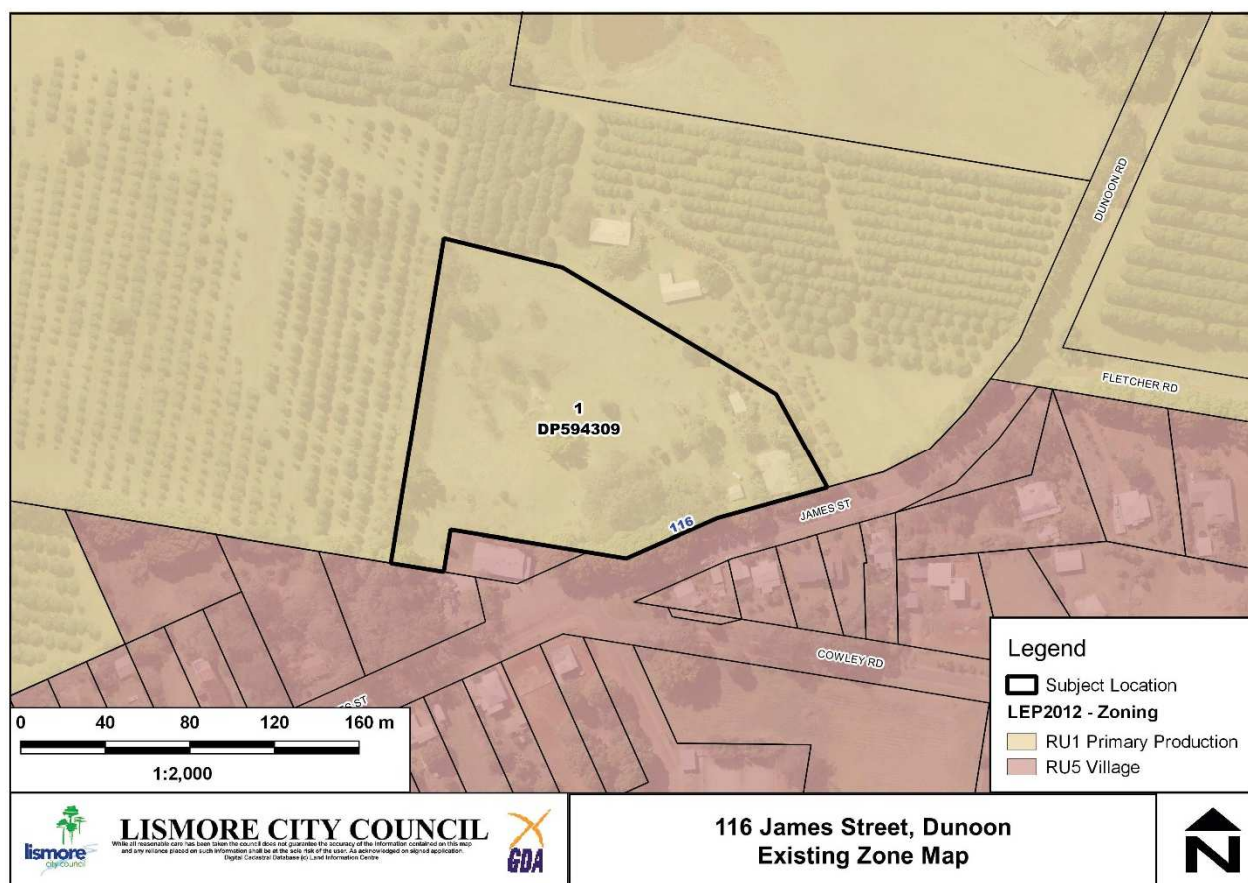


Figure 9: Existing Land Zoning

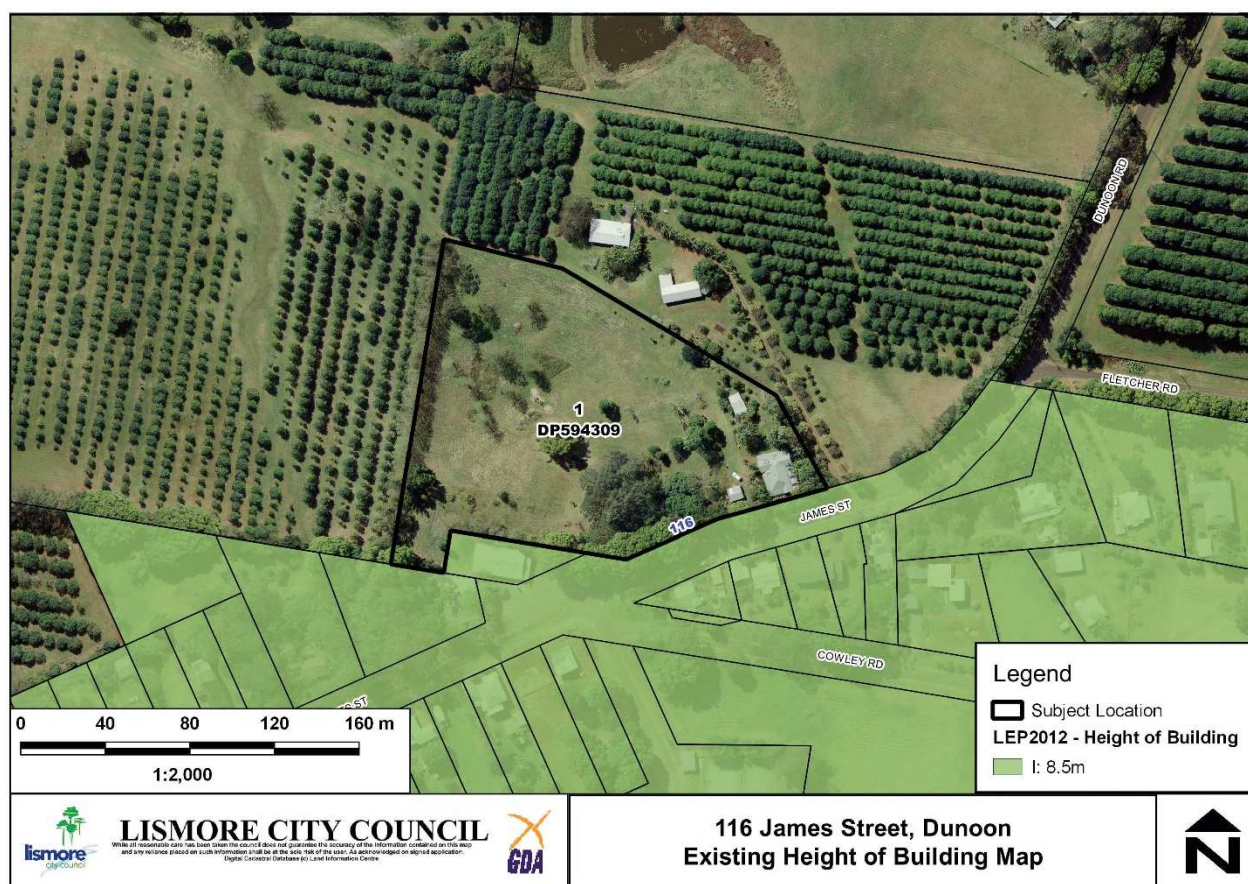


Figure 10: Existing Height of Buildings

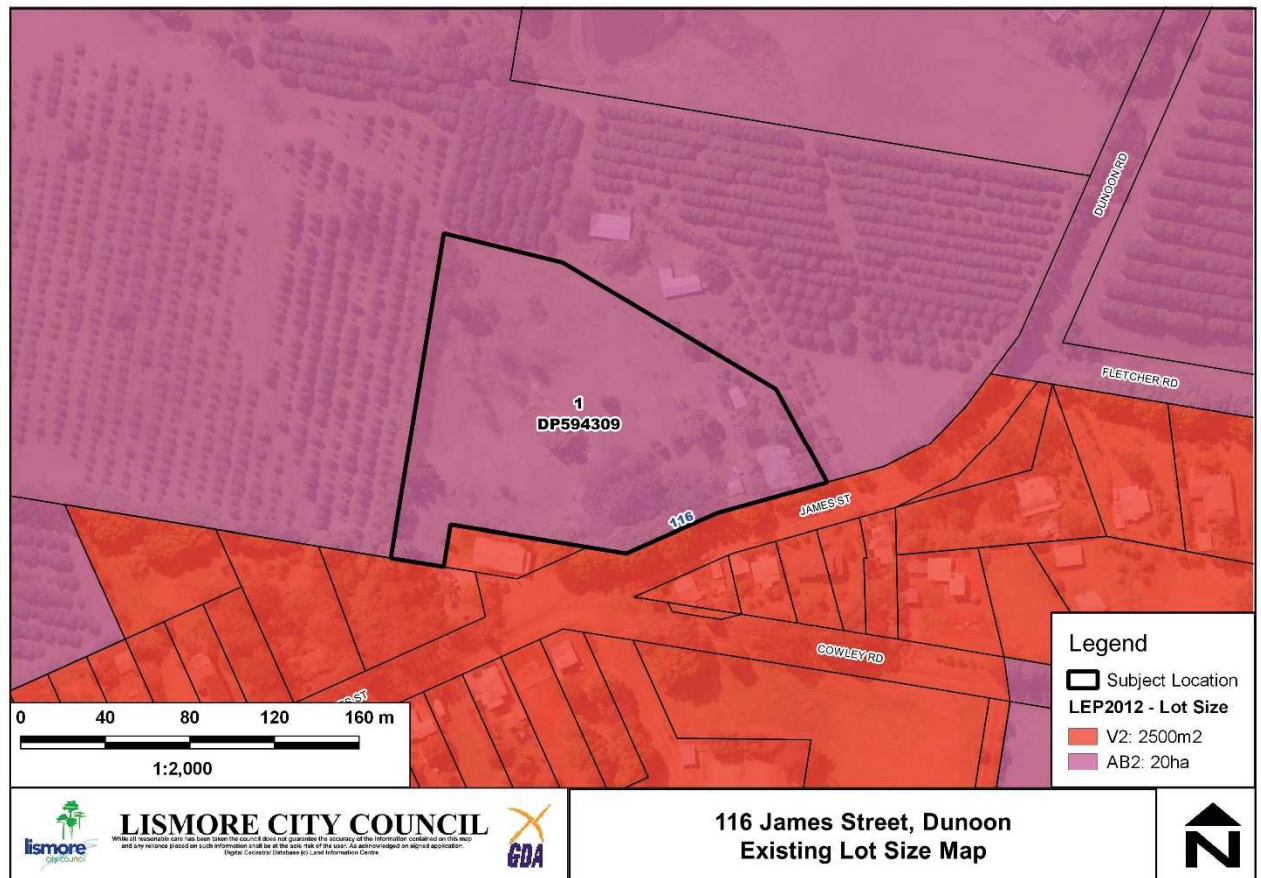


Figure 11: Existing Lot Size

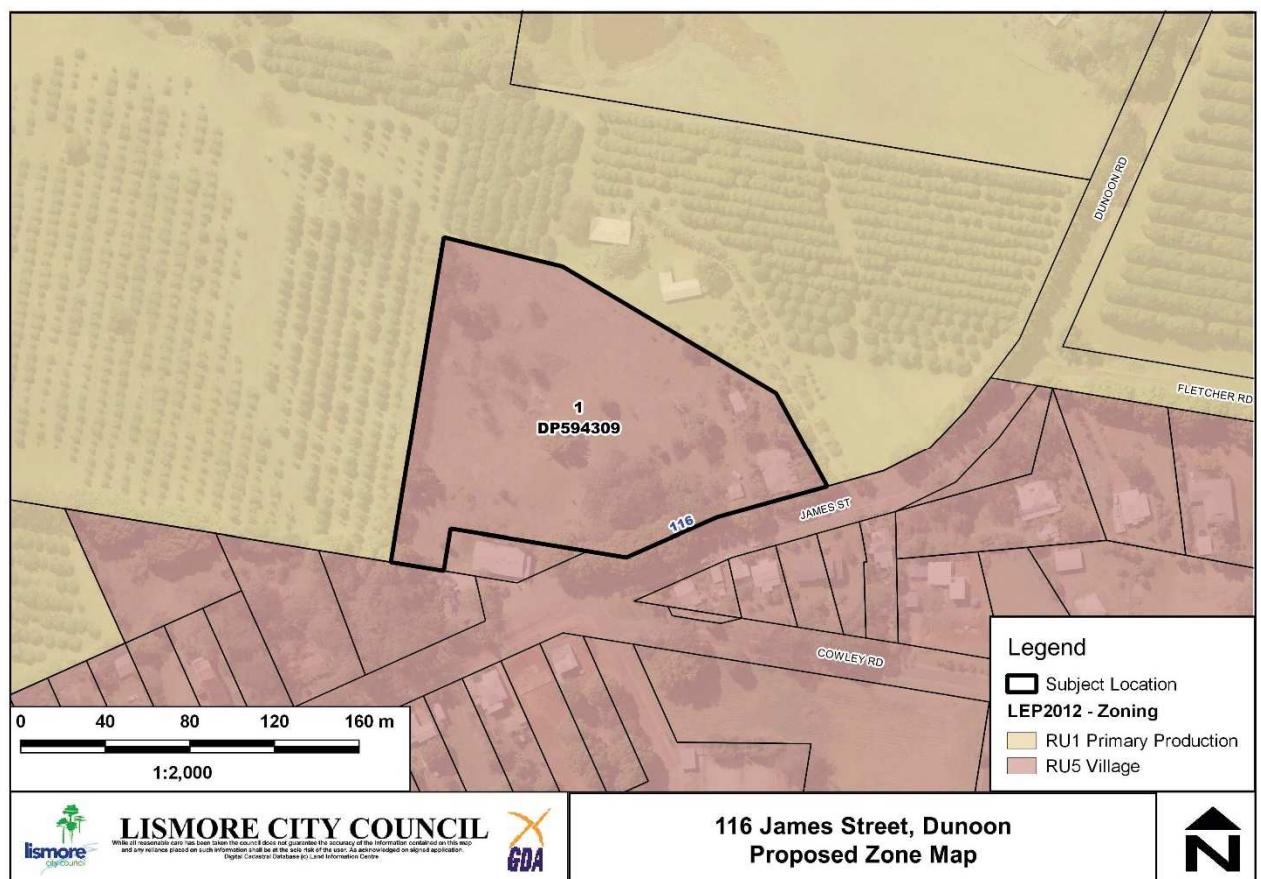


Figure 12: Proposed Land Zoning

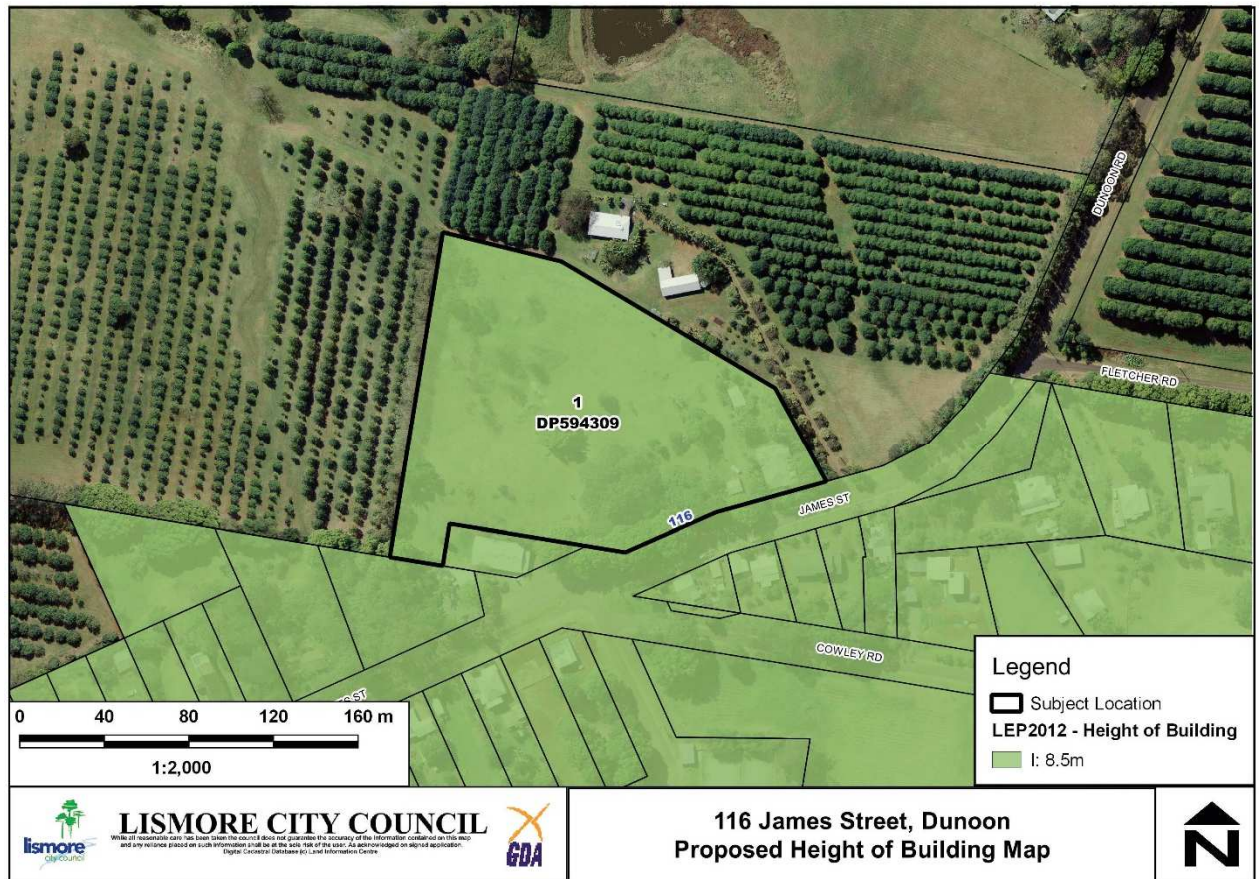


Figure 13: Proposed Height of Buildings

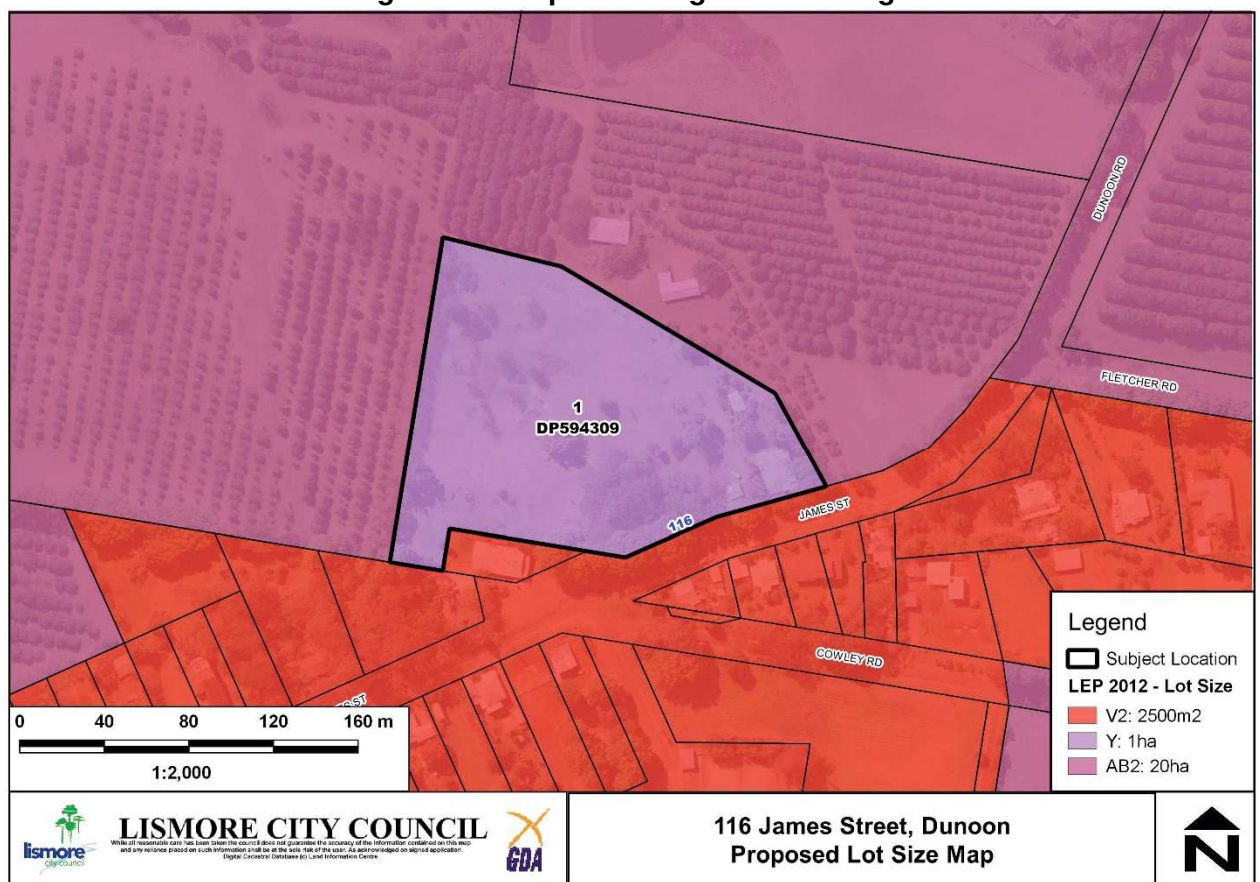


Figure 14: Proposed Lot Size

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 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 website of Lismore City Council and the Department of Planning and Environment.
- Letter to adjoining landholders.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal.
- Indicate the land that is the subject of the Planning Proposal.
- State where and when the Planning Proposal can be inspected.
- Provide 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 nine (9) months with an indicative timeline shown below:

- Report to Council – **April 2017**
- Gateway determination issued - **May 2017**
- Agency and public consultation - **May 2017 to June 2017**
- Consideration of submissions - **June 2017**
- Council consideration of the proposal post exhibition - **July 2017**
- Anticipated date of submission to the Department for notification of the making of the LEP - **August 2017**
- Anticipated date for plan making - **August 2017**

Conclusion

The subject land has been identified in the Lismore Local Growth Management Strategy 2015-2035 as having potential for village expansion. 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	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. 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.	Consistent. Council's GIS mapping does not identify the site as containing Koala habitat. However, Council's Ecologist observed a grouping of Koala food trees that are likely to be used by Koalas traversing, rather than permanently occupying the site due to the lack of available habitat. This proposal is not expected to impact koala food trees as the only trees expected to be removed are exotic species. Although the site is greater than 1ha in area, it does not meet the definition of core or potential koala habitat. Therefore, the planning proposal is consistent with the provisions of SEPP 44.
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal Council is required to consider whether the land is contaminated when rezoning for residential development.	Consistent. A preliminary contaminated land assessment has been prepared. Council's EHO has reviewed this assessment and advises that the sampling did not identify any chemicals above the health investigation levels for residential development.
SEPP (Affordable Rental Housing) 2009	No specific requirement regarding rezoning land.	Not applicable.
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 (Rural Lands) 2008	2 Aims of Policy The aims of this Policy are as follows: (a) orderly and economic use and development of rural lands, (b) regard to Rural Planning Principles and the Rural Subdivision Principles, (c) to implement measures designed to reduce land use conflicts,	Consistent. The whole site is identified as regionally significant farmland in the Far North Coast Farmland Protection Project. However, the site has not been used for agriculture for several years and is constrained by steep slope, a Class 1 watercourse and a gully traversing the site. The planning proposal is relatively minor so will not impact nearby horticultural operations. The planning proposal is consistent with the SEPP because the land is identified in the Lismore Growth Management Strategy 2015-

State Environmental Planning Policy	Requirements	Compliance
	(d) to identify State significant agricultural (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	2035 (GMS) as having potential for village expansion. In preparing the GMS Council has had consideration for the Rural Planning Principles within the SEPP. Therefore, the planning proposal is consistent with the SEPP.

APPENDIX 2 – Compliance with Section 117 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.	Justified inconsistency. The inconsistency is justified because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 as having potential for village expansion.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal: 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. 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 <i>SEPP (Mining, Petroleum Production and 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). The land does not accommodate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not applicable	Not applicable.
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. Rural Planning Principles The Rural Planning Principles are as follows: (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,	Consistent. This proposal is consistent with this Direction because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for village expansion. In preparing the GMS, Council has recognised the significance of socio-economic benefits of rural land uses. While the whole site is mapped as regionally significant farmland, it has not been used for productive agriculture for several years and is constrained by steep slope, a Class 1 watercourse and gully that traverses the site.

Ministerial Directions	Requirements	Compliance
	(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.	
2. Environment and Heritage		
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 has no environmentally sensitive areas. The Planning Proposal does not involve existing or proposed environmental protection zones.
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. Preliminary 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. The Ngulingah Local Aboriginal Land Council has confirmed that it is unlikely the site contains any objects of Aboriginal Cultural Heritage. Council's Environmental and Cultural Heritage contractor concurs with this advice. It is recommended that consultation is not required with the LALC nor is an Aboriginal cultural heritage assessment required.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental	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	Not applicable. This planning proposal does not introduce or alter E Zones or overlays.

Ministerial Directions	Requirements	Compliance
Overlays in Far North Coast LEPs	E Zone Review Final Recommendations	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Where applicable a Planning Proposal must include provisions that encourage housing that will: (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services. (c) Reduce consumption of land on the urban fringe. (d) Housing of good design. In addition, a planning proposal must: • 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.	Consistent. This proposal is consistent with the Direction because: • The proposal will result in a minor increase to housing choice and diversity • The subject site is situated adjacent to an established village which contains community, commercial and social facilities and is serviced by existing infrastructure. Therefore, the planning proposal will make more efficient use of these services and infrastructure. Lismore LEP 2012 stipulates the provision of services prior to development consent for residential development. The planning proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	(a) Retain provisions that permit development of caravan parks. (b) Retain zonings of existing caravan parks. (c) Take into account principles for siting manufactured home estates.	Consistent. This planning proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates. The site does not contain an existing caravan park.
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent. 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.
3.4 Integrating Land Use and Transport	The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of: 1. <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) • 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. 2. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001)	Consistent. This proposal is consistent with this Direction because the site is less than 1km from the village center and is well positioned to allow for easy walking and cycling into the village. Journeys by car will be less than 1km to the village which contains health, education, recreational facilities and commercial operations. The planning proposal will facilitate development that will access services and facilities in Dunoon.

Ministerial Directions	Requirements	Compliance
	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: • 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	Applies to mine subsidence areas Applies to areas identified as unstable	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 within a Flood Planning Area in the Lismore LEP 2012.
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: (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. (b) Have regard to Planning for Bush Fire Protection 2006. (c) Restrict inappropriate development from hazardous areas. (d) Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent. Most of the perimeter of the site is mapped as bushfire prone land, predominately under the 'Vegetation buffer' category with a small portion in the Vegetation 'Category 2'. A preliminary bush fire threat 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. 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

Ministerial Directions	Requirements	Compliance
		consultation in satisfaction of section 57 of the EP&A Act, and take into account any comments. The planning proposal is consistent with this Direction.
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the North Coast Regional Plan	Consistent. This proposal is consistent with the North Coast Regional Plan because it has been identified in a Departmental approved Local Growth Management Strategy (Lismore GMS 2015-2035). This proposal is also consistent with the Goals and Actions of the North Coast Regional Plan (NCRP) (March 2017) with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established.
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project. The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.	Not applicable. The subject site contains regionally significant farmland; however, it has not been used for productive agriculture for several years and is constrained by steep slope, a Class 1 watercourse and a gully that traverses the site. Therefore, the proposal is consistent with this Direction.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Not applicable.
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.	Consistent. The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.
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.	Consistent. This planning proposal does not affect public land.

Ministerial Directions	Requirements	Compliance
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.	Consistent. The proposed RU5 Village Zone is the most appropriate zone for village expansion. No additional development standards are applied that are not already in use.
7. Metropolitan Planning – Not applicable		