

Amended Planning Proposal

Note: this Planning Proposal has been amended following site investigations in accordance with the conditional Gateway Determination issued by the Department of Planning and Environment dated 4 May 2016.

Rezoning of land at 379A and 387 Richmond Hill Road, Richmond Hill

March 2018



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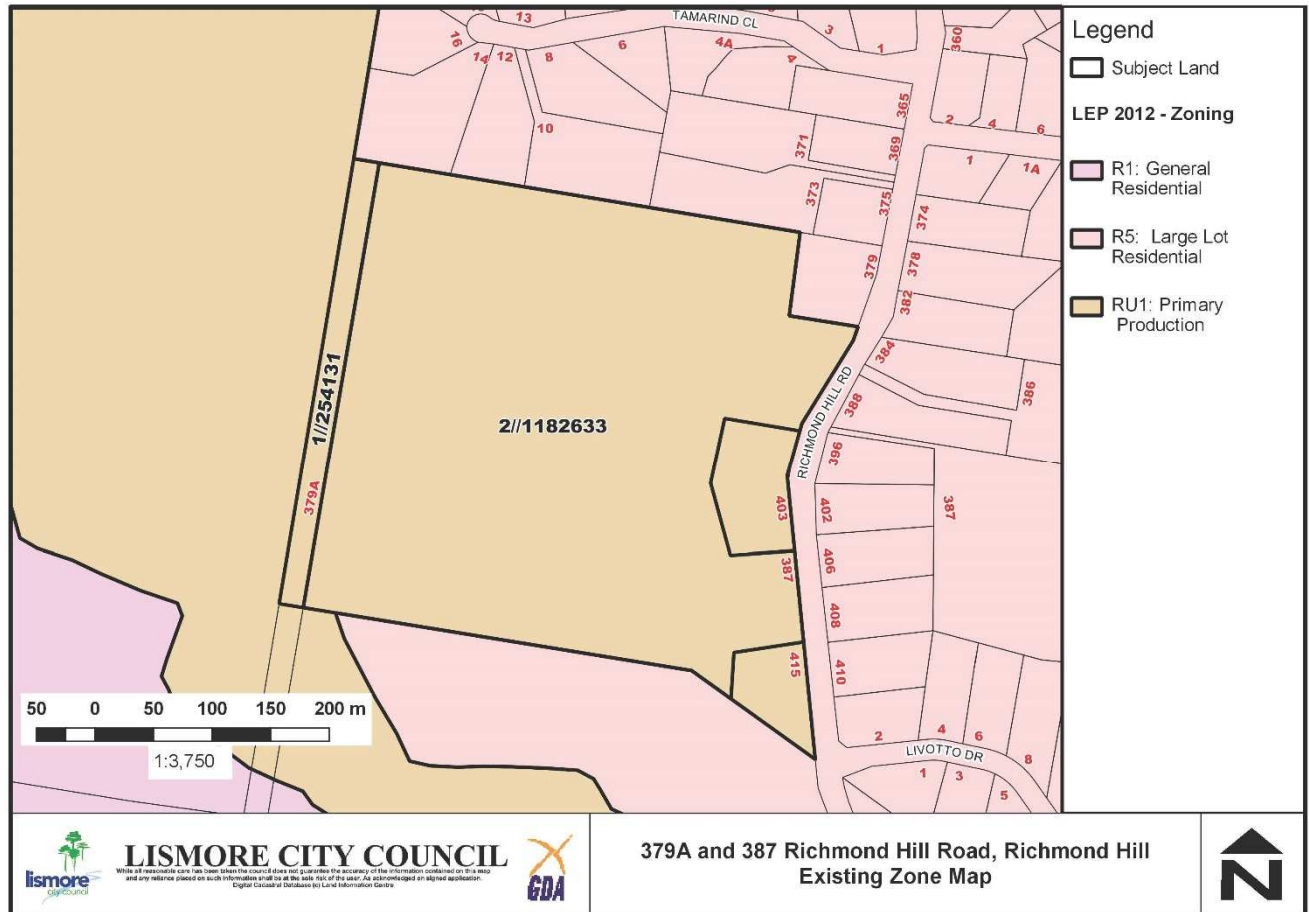
ATTACHMENTS

Attachment 1: Draft Structure Plan

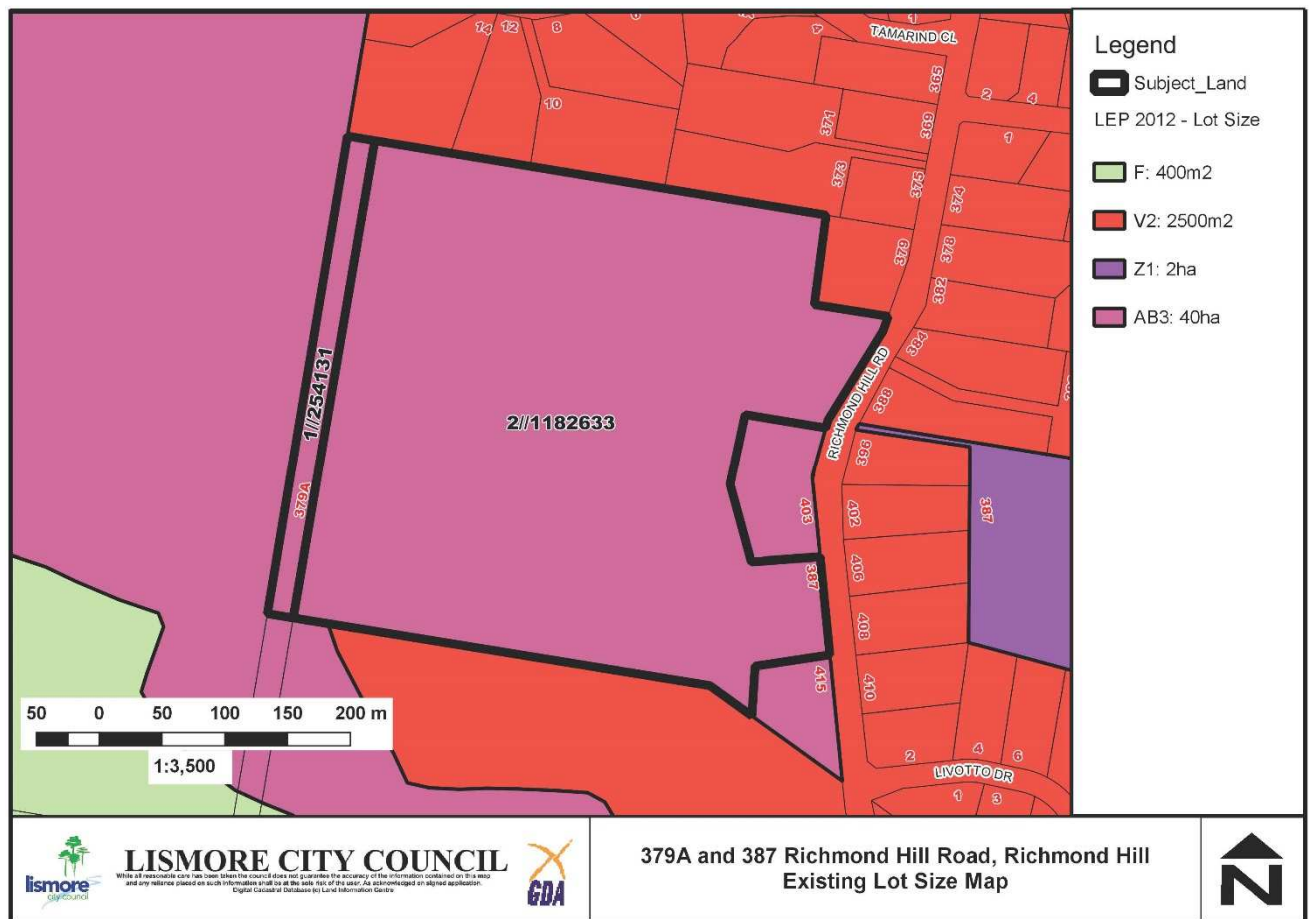
Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to enable large lot residential development on 379A and 387 Richmond Hill Road, Richmond Hill (Lot 1 DP 254131 and Lot 2 DP 1182633).

This objective will be achieved through an amendment to Lismore LEP 2012, specifically the maps for land use zones, minimum lot size and height of buildings. The current zone applying to the land is RU1 Primary Production with a minimum lot size of 40 hectares as shown in Map 1 and 2. There is currently no Height of Building control that applies to RU1 zoned land.



Map 1: Current Zone map – 379A and 387 Richmond Hill Road, Richmond Hill



Map 2: Current Lot size map – 379A and 387 Richmond Hill Road, Richmond Hill

Site Context and Setting

The Planning Proposal applies to 379A and 387 Richmond Hill Road, Richmond Hill (Lot 1 DP 254131 and Lot 2 DP 1182633). The combined area of the two lots is approximately 15 hectares. Lot 1 is a closed road of approximately 0.77 hectares and is mostly open grassland with scattered camphor laurel and dry rainforest trees. Lot 2 comprises 14.5 hectares located west of Richmond Hill Road. Lot 2 is mostly open grassland with scattered camphor laurel trees, a farm dam and two small wet steep sided gullies. A single dwelling and associated sheds are located on Lot 2. Lot 1 contains a small farm dam and pump. Map 3 over the page identifies the constraints of the site.

Surrounding land is generally zoned and subdivided for rural residential purposes with a prevailing lot size of about 4000 m². Land immediately to the south of Lot 2 is currently being developed as part of the Pineapple Road Precinct into R5 Large Lot Residential allotments. The only land in this locality not zoned R5 is the RU1 land immediately to the west of the subject land which is part of a larger area of open grazing land. Beyond this land to the west is the R1 General Residential zone which is a new residential area known as the “Pineapple Road Urban Release Area”.

Map 3: Constraints map – 379A and 387 Richmond Hill Road, Richmond Hill

Part 2 – Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2012 be amended as follows:

- Amend the Land Zoning Map to change part of the subject land from RU1 Primary Production to R5 Large Lot Residential;
- Amend the Minimum Lot Size Map to change part of the subject land from 40 hectares to 3500 m²;
- Amend the Height of Building map to change part of the subject land from no maximum building height to a building height of 8.5 metres.

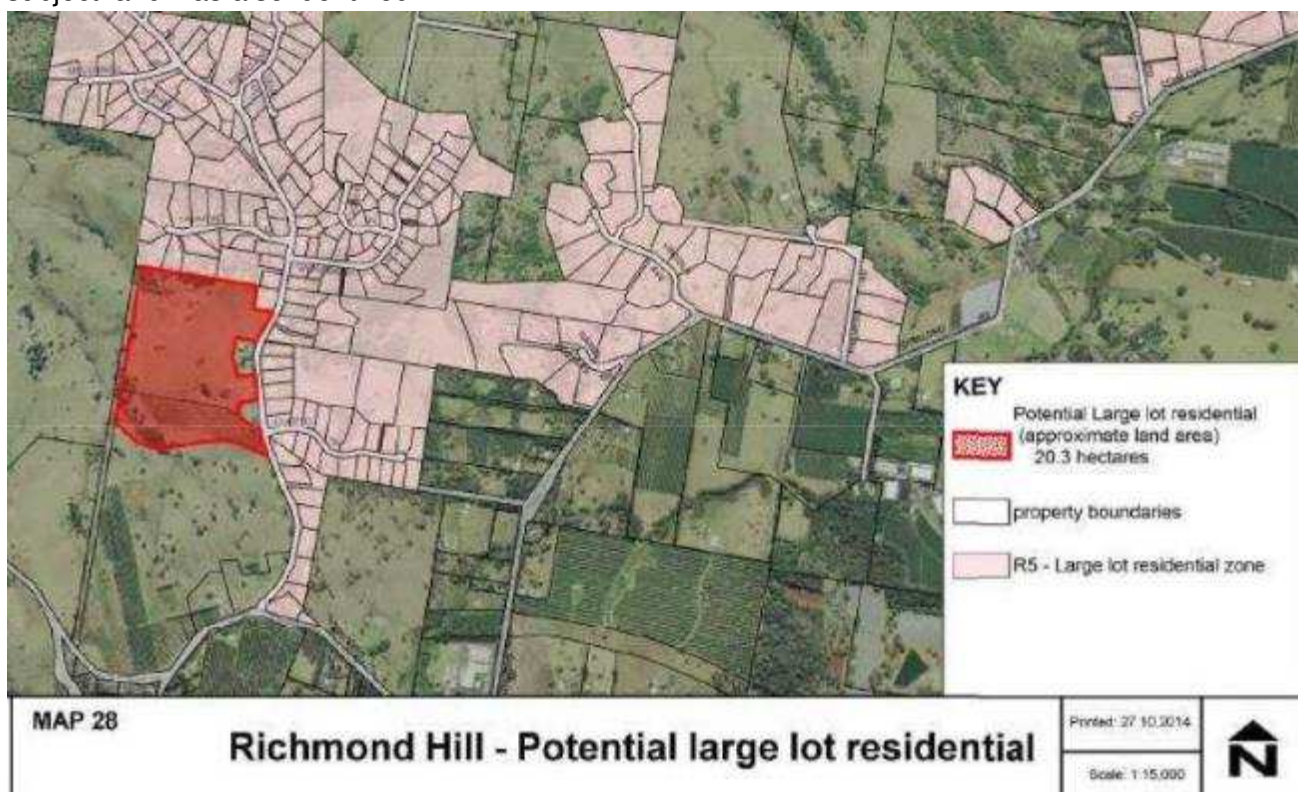
Changing the land use zone of part of the site to R5 Large Lot Residential in conjunction with reducing the Minimum Lot Size will allow subdivision into rural residential lots, each of which can be used for a dwelling.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The Lismore Growth Management Strategy (GMS) 2015-2035 clearly identifies the subject land on Map 28 “Richmond Hill – Potential Large Lot Residential”. It states on page 88, *“The rezoning of identified village and large lot residential expansion areas will occur by way of landowner initiated planning proposals.”* The Lismore Growth Management Strategy 2015-2035 was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. It replaces the Lismore Rural Housing Strategy 2002 in which the subject land was also identified.



Map 4: the subject site as identified in the Lismore GMS 2015-2035

It should be noted that Lot 1 DP 254131 is a narrow ex road reserve. It is not actually identified in the Lismore GMS. However, it is only 0.77 hectares (approximately), abuts the western edge of Lot 2 DP 1182633 and is a logical part of the Planning Proposal. Only part of Lot 1 is proposed to be zoned R5 Large Lot Residential (less than half) and its inclusion is of minor significance.

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

In order to increase the supply of rural residential land in accordance with Lismore GMS 2015-2035 Council needs to amend its LEP in response to appropriate landowner initiated planning proposals. There is no other way to achieve this.

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) is the overarching framework for the management of growth for the NSW North Coast. The NCRP identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes. The Urban Growth Area maps in this document do not show the subject land as being suitable for urban development or within a priority land release area, so in that regard, it is consistent. In relation to rural residential development the NCRP states that:

“The NSW Government will require that land is only zoned for future rural residential development if it is consistent with a strategy that is agreed between council and the Department of Planning and Environment; and consistent with the Settlement Planning Guidelines (2007).”

The rural settlement that arises from this Planning Proposal will be consistent with the local growth management strategy other than the inclusion of the ex-road reserve described as Lot 1 DP 254131. Lot 1 is only 0.77 hectares in area and forms a logical part of the subject land. Only part of it is proposed to be zoned R5 Large Lot Residential (less than half). Its inclusion in the Planning Proposal is of minor significance and is justifiable in the circumstances.

This Planning Proposal is substantially consistent with the GMS agreed to by DPE in August 2015. The GMS is consistent with the *Settlement Planning Guidelines* (2007). Accordingly, this Planning Proposal is consistent with the North Coast Regional Plan.

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

The Lismore Growth Management Strategy 2015-2035 was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. This Planning Proposal is consistent with that strategy other than the inclusion of the ex-road reserve described as Lot 1 DP 254131. Lot 1 is only 0.77 hectares in area and forms a logical part of the subject land. Only part of it is proposed to be zoned R5 Large Lot Residential (less than half). Its inclusion in the Planning Proposal is of minor significance and is justifiable in the circumstances.

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

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) or if there is an inconsistency it can be justified. Refer to the checklist against these SEPPs provided as Table 1.

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

The Planning Proposal is consistent with most Section 117 Directions. Where inconsistencies occur, they can be justified. Refer to the checklist against these Directions provided at Table 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?

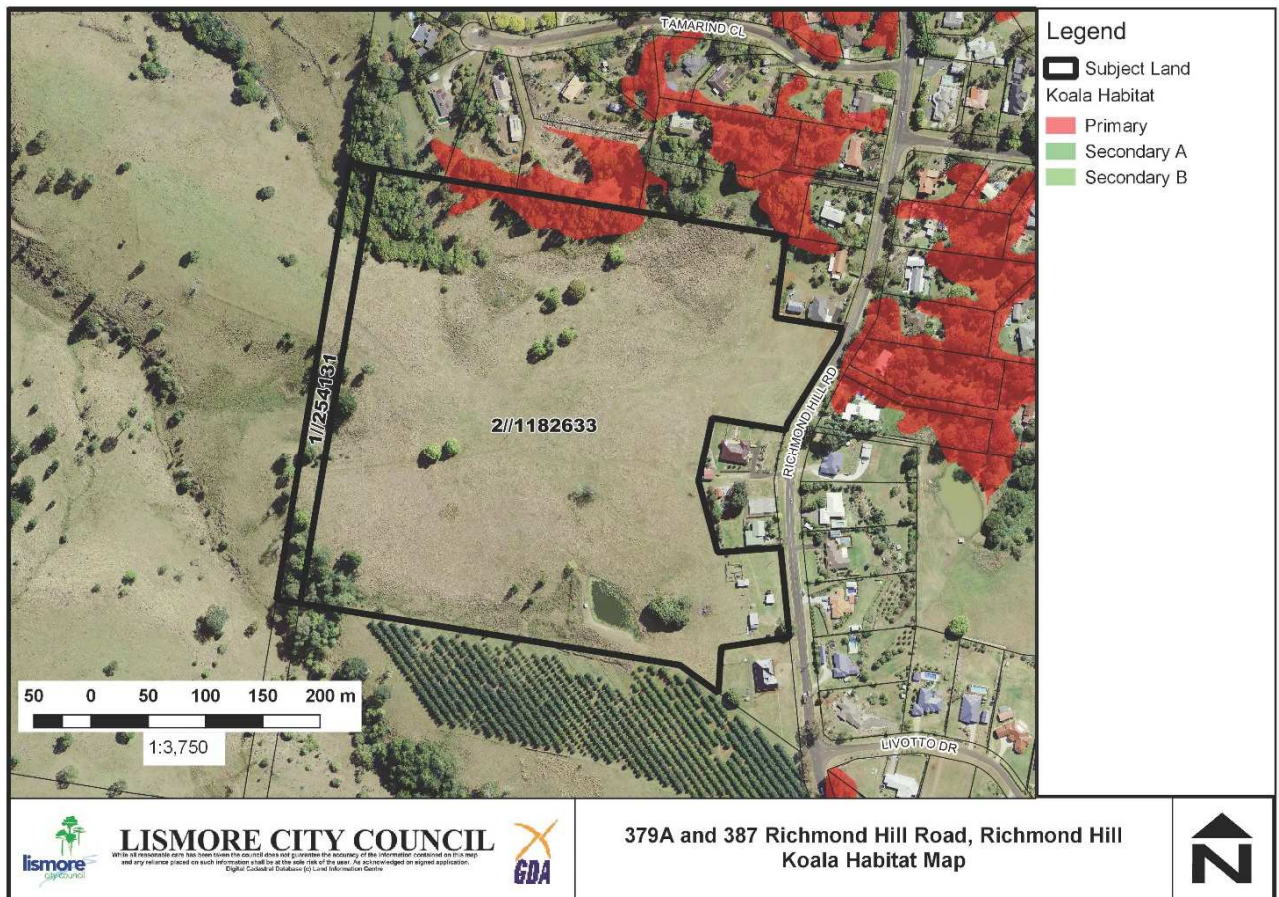
An ecological assessment has been undertaken for the subject land which found that the subject land has limited ecological values. No threatened fauna were identified on the site. There is no evidence of Koalas using the site even though there is a small patch of Forest Red Gum on the northern boundary of Lot 2 as shown on Map 5 on the next page.

A small patch of Lowland Rainforest EEC is located partly on Lot 2 (western part) and partly on Lot 1 in the far south western corner of the subject land. Although it is quite small it is worth retaining and would fit in well with a riparian rainforest restoration corridor proposed on neighbouring land to the west as part of the Pineapple Road Urban Release Area.

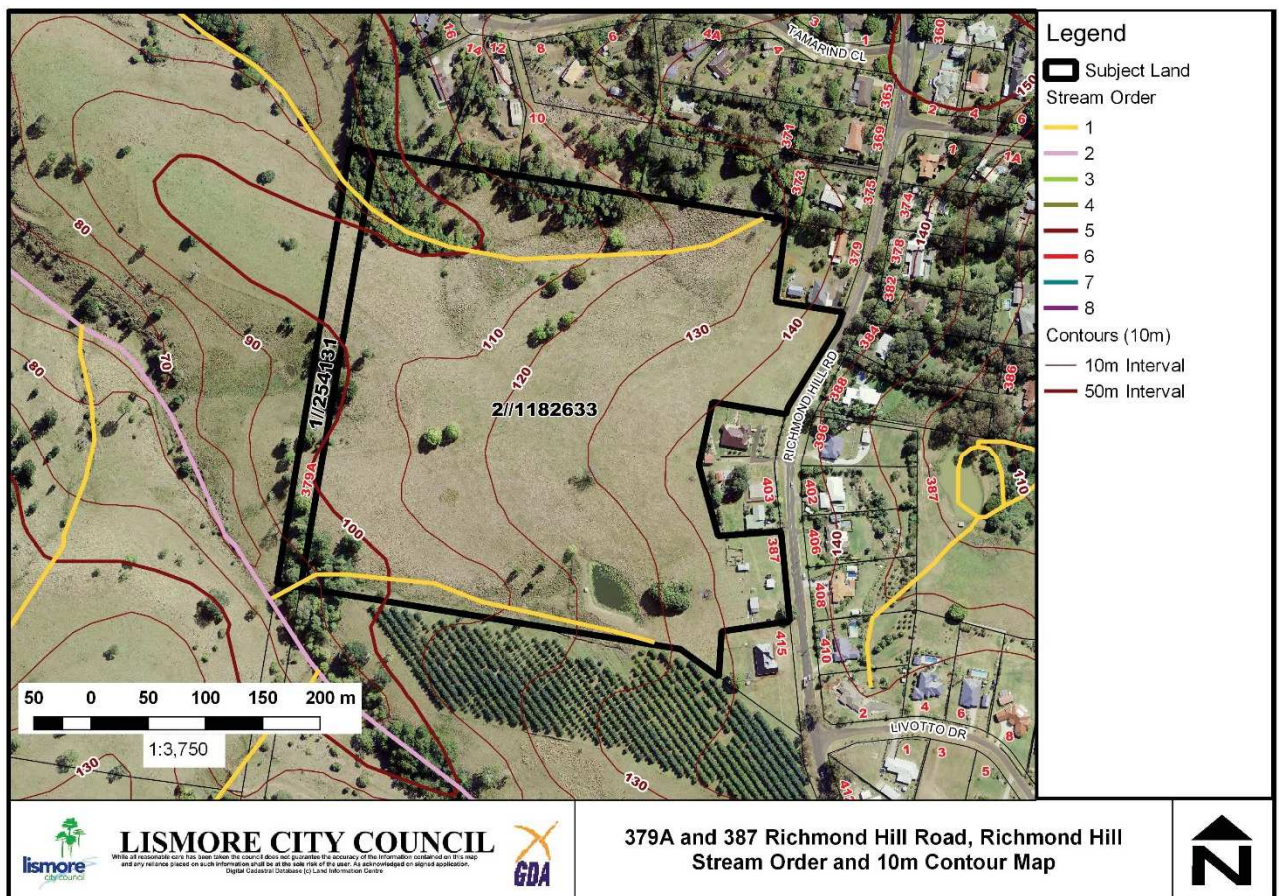
The vulnerable plant Hairy Joint Grass was located on the edge of drainage lines in amongst taller wet grassland. These areas are currently grazed regularly and slashed periodically.

Using the vegetation community mapping provided by the applicant (in conjunction with the contour mapping of the site) it is possible to identify three locations where the land should not be rezoned to R5 Large Lot Residential. Retaining these areas as RU1 Primary Production will not ensure they are protected, but will assist in minimising impacts from surrounding rural residential uses. These areas all have a history of grazing beef cattle over the last two years. This makes it difficult to meet the DPE requirement that the absence of agriculture is a requirement when applying either an E2 or E3 zone on this land. To avoid unnecessary controversy it is sufficient to leave these areas where the EEC and Hairy Joint Grass are found in the RU1 Primary Production zone. In each case the land is affected by slopes and drainage that make it unsuitable for rural dwellings. The 1st Order Streams located close to the northern and southern boundaries are shown on Map 6 over the page.

The ecological assessment is adequate to allow the planning proposal to proceed to public exhibition and no further assessment is required at this stage.



Map 5 - Koala Habitat at 379A and 387 Richmond Hill Road, Richmond Hill



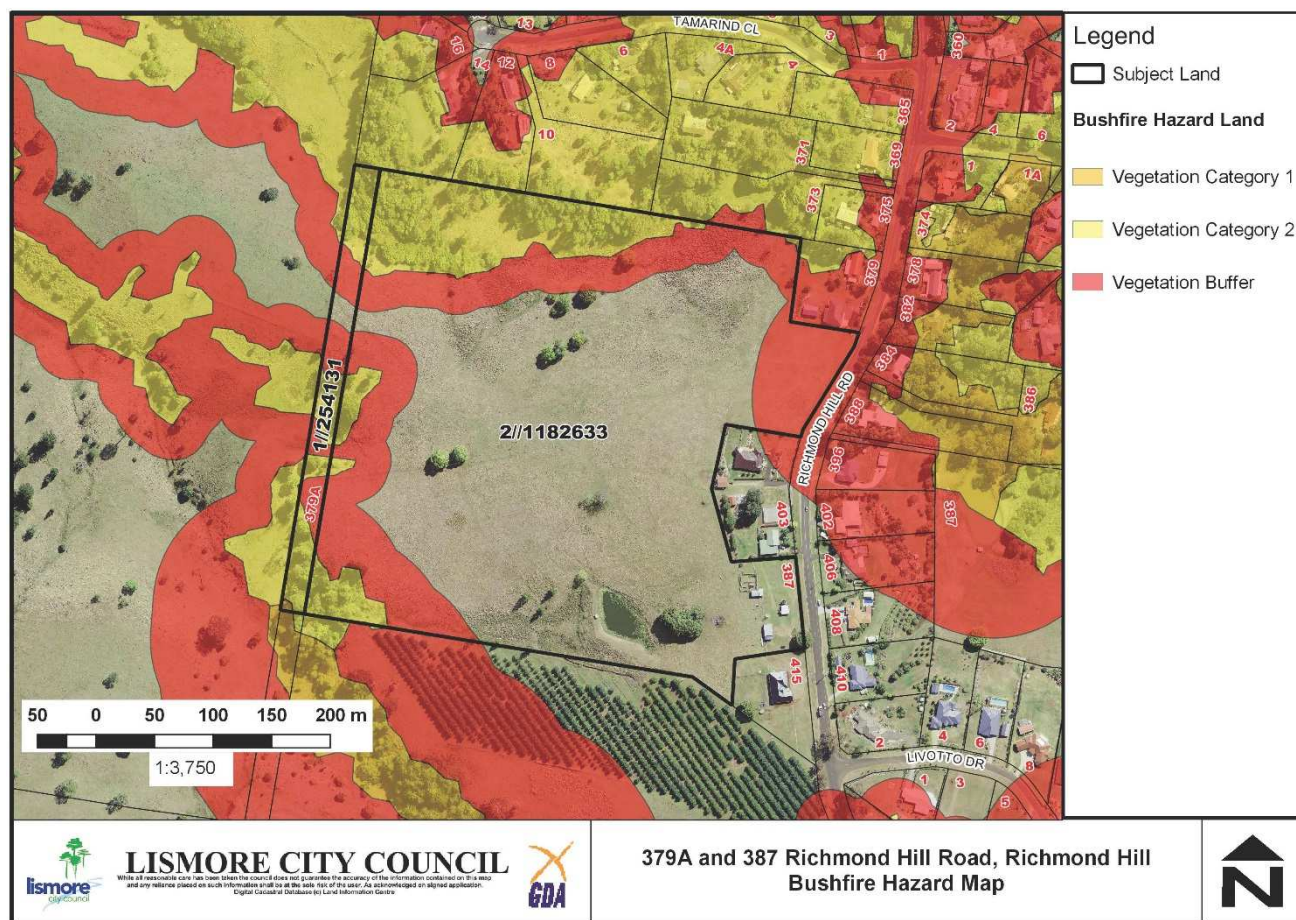
Map 6 - Stream order and contours at 379A and 387 Richmond Hill Road, Richmond Hill

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

Bush Fire

Scattered vegetation on the northern and western boundaries of the subject land is mapped as bush fire prone (Vegetation Category 2 and Vegetation Buffer) as shown in Map 7 below. A bushfire hazard assessment has been prepared and referred to the Rural Fire Service prior to public exhibition.

Given the neighboring land uses, absence of substantial sclerophyll forest and site topography it is likely that dwellings will be able to be located and constructed to comply with Planning for Bushfire Protection provisions and preliminary buffers (APZs) have been identified on the draft Structure Plan for the site at Attachment 1.



consideration at this stage. The potential interface with grazing on the western boundary can be addressed at the subdivision stage.

Storm water

It is not considered that technical reporting on storm water is required at this stage due to the scale of the Planning Proposal, slope of the land and scale of the future road and drainage works.

Land contamination

A preliminary contaminated land assessment has been prepared that suggests the site was historically used for cropping, farm sheds and dairy bales, and more recently for cattle grazing. A small area near the old farm sheds has been noted for further testing and a possible minor “clean up” due to lead paint contamination. The assessment at DA stage will need to include a detailed investigation of the extent of lead contamination and proposed remediation. It is likely the contamination can be remediated and that the land would be suitable for residential development after remediation. This can be dealt with at the subdivision stage.

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

Lismore Council has used its Lismore Growth Management Strategy 2015-2035 to focus future rural residential development within a 2 km range of small villages, 4 km of larger centres and as infill areas in existing rural residential locations. This will ensure that new residents can connect with existing social and community services such as halls, schools and local shops. The subject land is a logical infill addition to zoned rural residential land. It is approximately 2.5 km from the Richmond Hill Community Centre and Pre-school. It is also approximately 2.5 km from the Goonellabah shops and services. Overall, no adverse social or economic impacts are predicted as a result of this Planning Proposal and a social impact assessment is not warranted.

European and Aboriginal Cultural Heritage

The site does not contain registered sites or places listed in an Aboriginal Heritage Information Management System (AIHMS) search. In accordance with the Gateway Determination, an Aboriginal Cultural Heritage Assessment has been prepared which included consultation with a Traditional Owner and sites officer from the Ngulingah Local Aboriginal Land Council (LALC).

The Assessment found that no indigenous or European cultural heritage sites or relics were identified on the subject site, nor were any areas identified that contained potential archaeological deposits of Aboriginal significance. The subject site has been previously disturbed by historical farming practices and ancillary residential uses.

Section D – State and Commonwealth Interests

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

Onsite wastewater

On-site wastewater management is anticipated as has been the situation with neighbouring large lot subdivision. A wastewater management study has been conducted to demonstrate that it is feasible to service the proposed development with on-site sewage management systems. This study shows that some parts of the site have poor soils for wastewater disposal and engineered mounds for disposal areas will be required on some lots. Despite the soil and site limitations identified for this proposal, the management of effluent disposal is feasible for this site dependant on lot size and layout.

The proposed lots may require up to 1000m² of disposal area, including primary and reserve areas and buffers. In order to incorporate these areas on each lot a minimum lot size of 3,500m² is proposed for this development. This is an increase from the 2,500 m² anticipated initially. It is unlikely to have a major impact on site yield. The actual sizing of the lots will need to be determined at the sub-division stage with reference to both primary and reserve effluent disposal areas and any buffer setback requirements.

Traffic

A traffic assessment has been included with the Planning Proposal. Richmond Hill Road is classified as a Sub Arterial road. It is constructed to a six (6) metre wide bitumen sealed standard and carries 2,547 vehicles per day (2013). It is estimated to operate a level of service “B”. The Richmond Hill Road/ Bruxner Highway intersection currently experiences significant delays and operates at a much lower level of service. Council and the RMS have concerns about any reduction in the level of service and any increased risks for vehicles using the intersection. Typically a development of this type is likely to add a further 200 vehicles per day to Richmond Hill Road (based on an estimated 30 lots). An 8% increase in traffic could have a significant impact on the operation and safety of this intersection.

The applicants engineer has shown that the increase in traffic will not have a significant impact on the operation and safety of this intersection. The intersection of the new estate and Richmond Hill Road will need to Meet Austroads Guidelines. This can be addressed at the subdivision stage. In accordance with the Gateway Determination, Roads and Maritime Services will be consulted in relation to the Richmond Hill Road and Bruxner Highway intersection during the public exhibition period.

Water

Reticulated water is available to the site though augmentation and capacity in local reservoirs needs to be confirmed. Use of rainwater tanks is possible if reticulated water is not feasible. The Planning Proposal will be referred to Rous Water for comment on matters connected to water supply and the site's location in a Drinking Water Catchment.

A section 94 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?

In accordance with the Gateway Determination, the following Government Agencies will be consulted during the public exhibition period:

- Roads and Maritime Services,
- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage,
- Department of Industry Resources and Energy and
- The Local Aboriginal Land Council
- Rous Water

Part 4 – Mapping

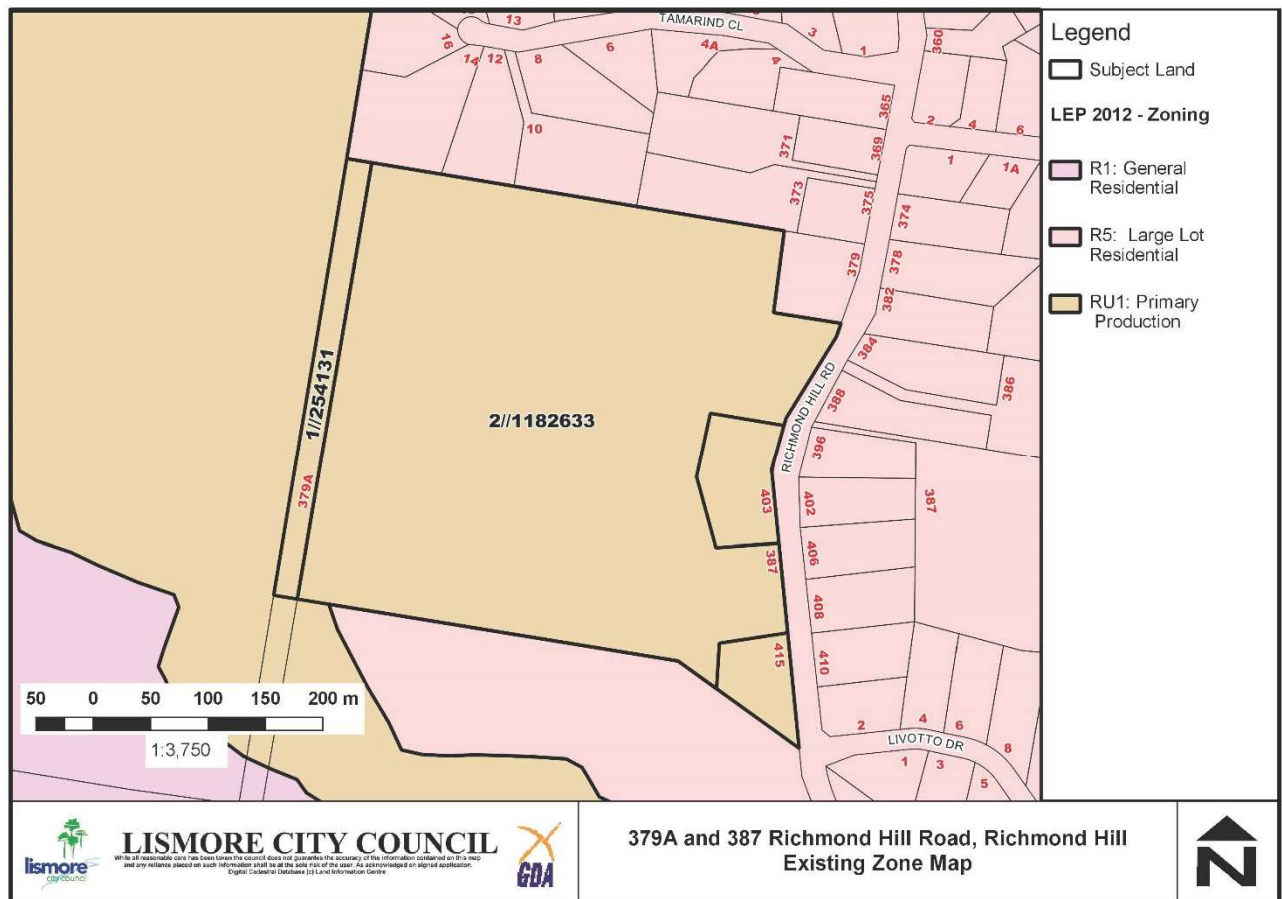
It is proposed to rezone part of the subject land to R5 Large Lot Residential. The R5 area will be subject to a Minimum Lot Size of 3500 m² and a maximum building height of 8.5 metres.

This will be achieved by amending Lismore LEP 2012 map sheets:

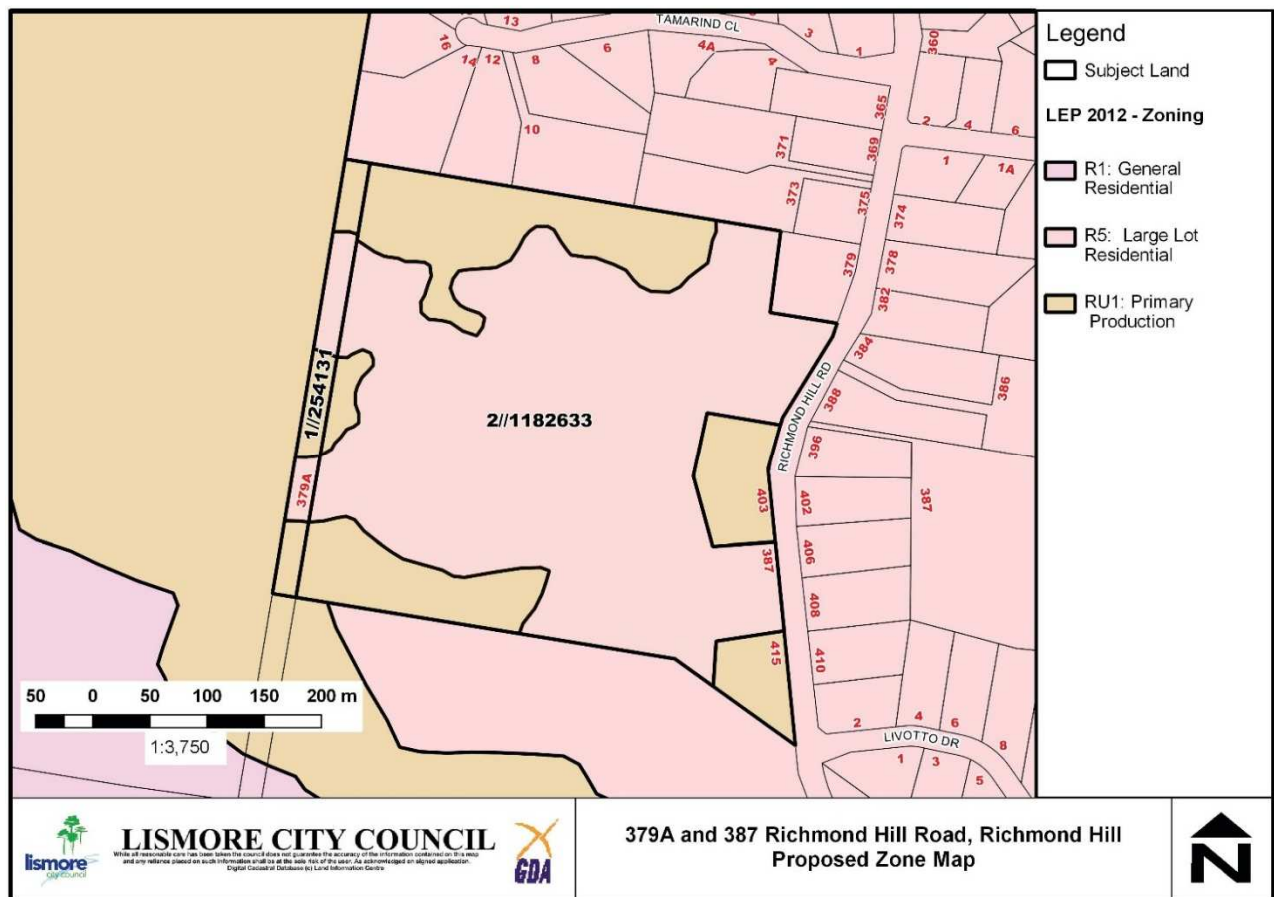
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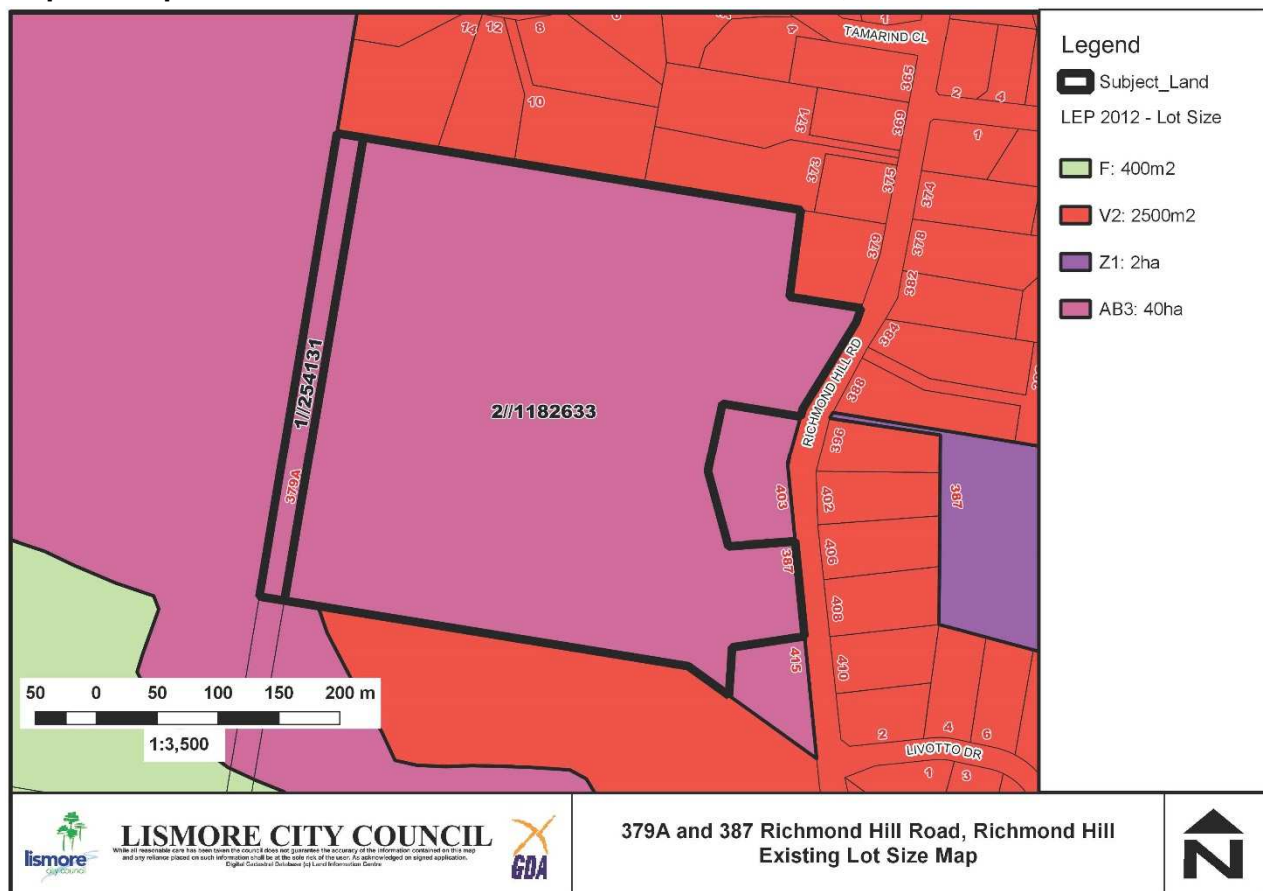
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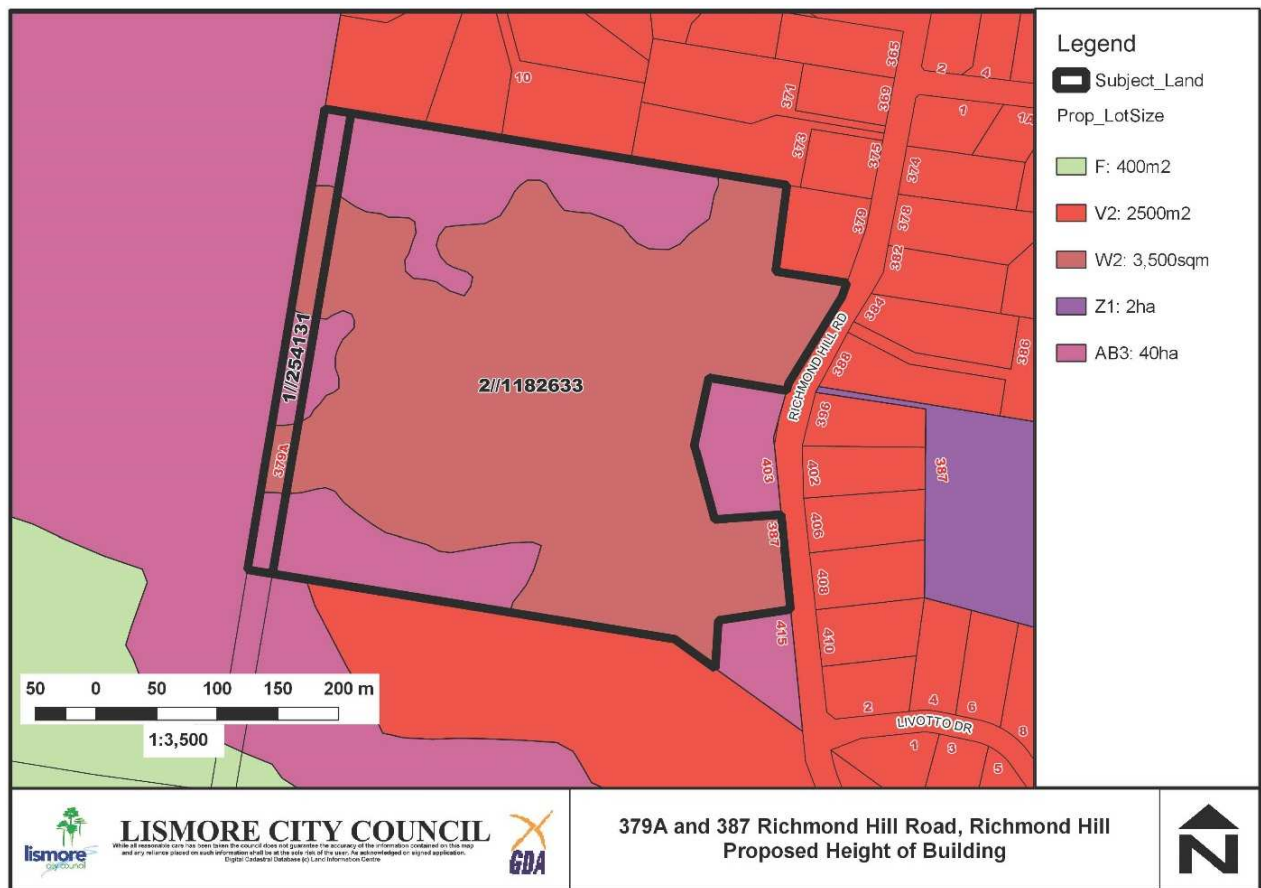
Map 8 – Existing zone at 379A and 387 Richmond Hill Road, Richmond Hill



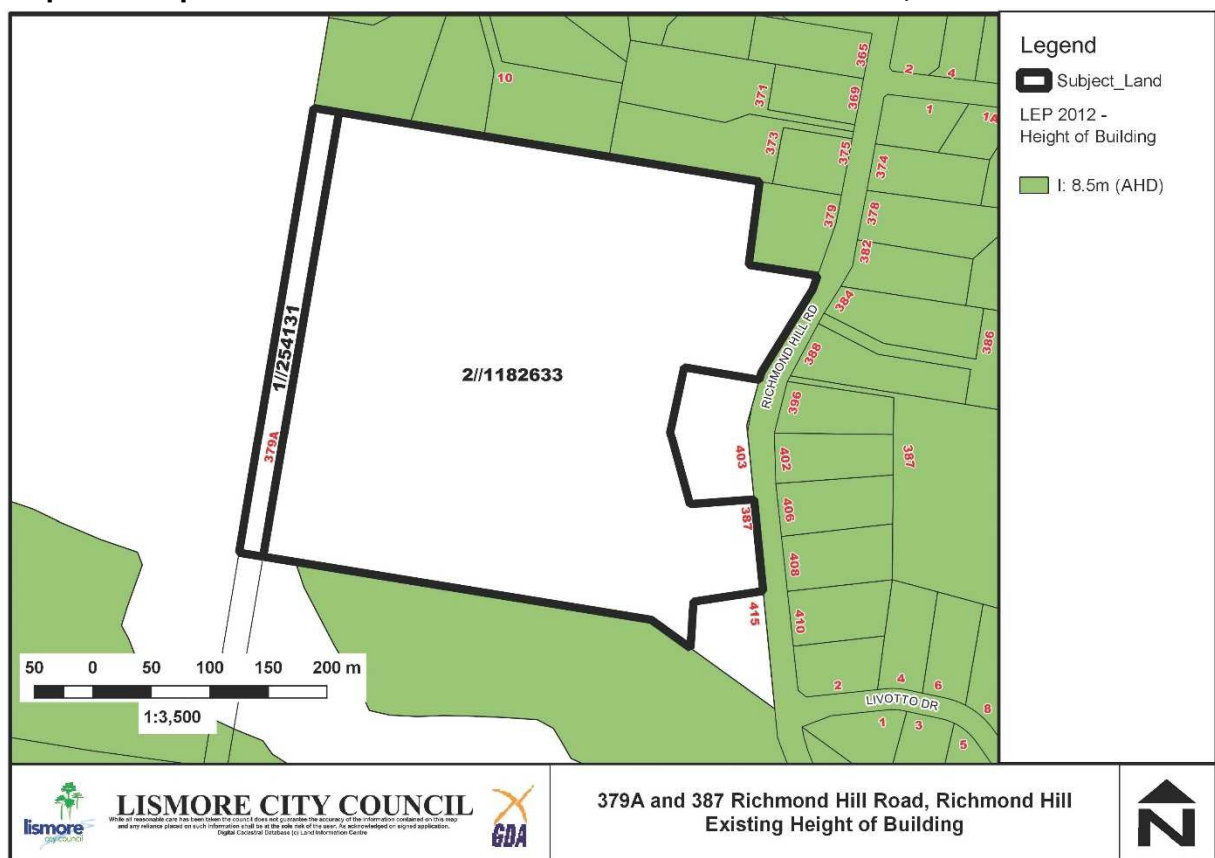
Map 9 - Proposed zone at 379A and 387 Richmond Hill Road, Richmond Hill



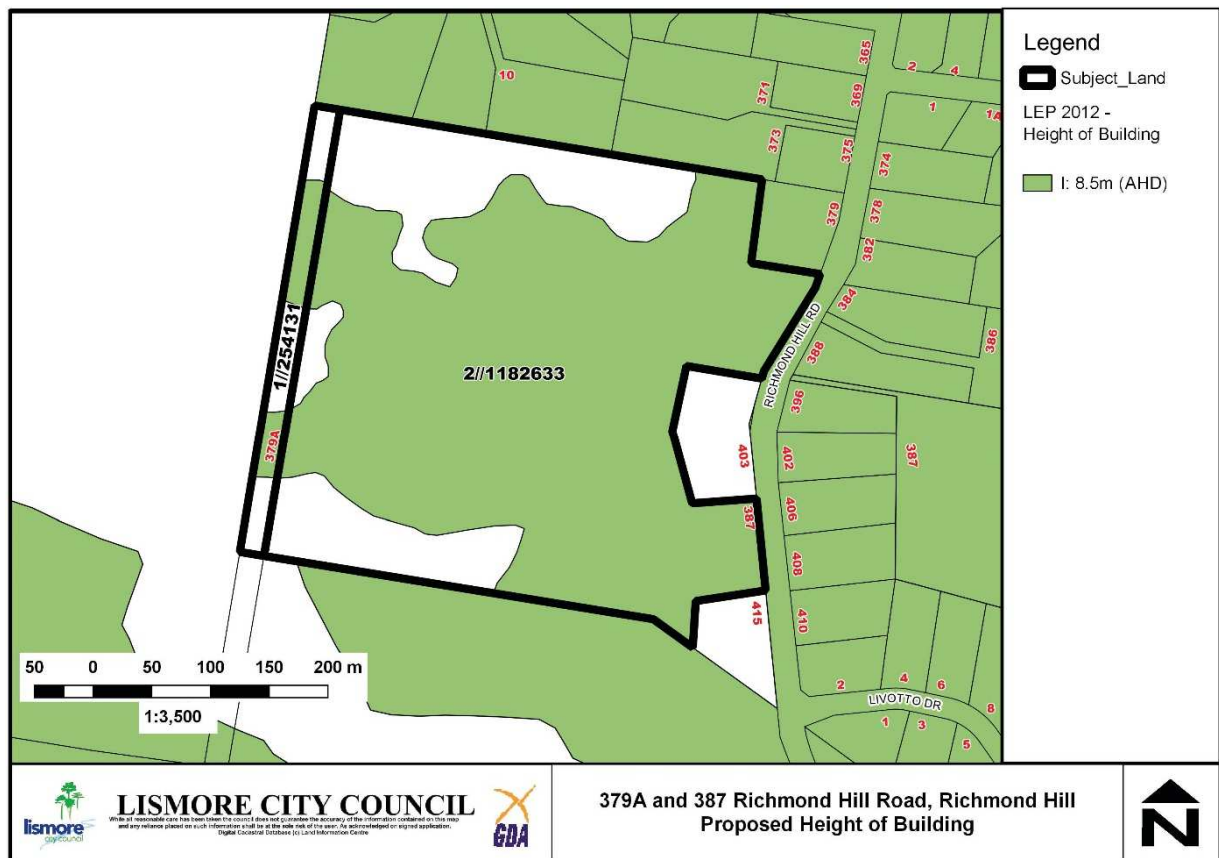
Map 10 – Existing Lot Size at 379A and 387 Richmond Hill Road, Richmond Hill



Map 11 - Proposed Lot Size at 379A and 387 Richmond Hill Road, Richmond Hill



Map 12 – Existing Height of Buildings at 379A and 387 Richmond Hill Road, Richmond Hill



Map 13 - Proposed Height of Buildings at 379A and 387 Richmond Hill Road, Richmond Hill

Part 5 – Community Consultation

In accordance with the Gateway Determination, the Planning Proposal will be placed on exhibition for twenty-eight (28) days.

Notification of the exhibited Planning Proposal will include:

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

The written notice will:

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

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment;
- The Gateway Determination; and
- All studies relevant to the site.

Part 6 – Project Timeline

- Report to Council – **12 April 2016**
- Gateway determination issued **May 2016**
- Anticipate that additional studies will be required. These will need to be prepared by the applicant and submitted to Council – **July 2016 to December 2017**
- Timeframe for government agency consultation and public consultation – **February to April 2018**
- Timeframe for consideration of submissions – **May 2018**
- Timeframe for consideration of the Planning Proposal, post-exhibition, by Council – **June 2018**
- Date of submission to the Department to finalise the LEP – **July 2018**
- Anticipated date for plan making – **August 2018**

Conclusion

This Planning Proposal seeks to amend Lismore LEP 2012 to permit rural residential subdivision of Lot 1 DP 254131 and Lot 2 DP 1182633 Richmond Hill Road, Richmond Hill. The preferred method to achieve this will be to amend the zone map to apply a R5 Large Lot Residential zone to part of the subject land. The proposed R5 land will also be subject to a Minimum Lot Size of 3500 m² and a maximum building height of 8.5 metres.

The Planning Proposal is a result of the Lismore Growth Management Strategy 2015-2035, which has been endorsed by Council and the Department of Planning and Environment. The Lismore Growth Management Strategy 2015-2035 was underpinned by extensive work and wide community and agency consultation.

An assessment of the Planning Proposal indicates that it is generally consistent (or justifiably inconsistent) with relevant SEPPs. It is also consistent with most of the relevant s117 Directions and the North Coast Regional Plan.

TABLE 1 – COMPLIANCE WITH 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 forest vegetation on the subject land has been assessed as containing one small area of Forest Red Gum but there is no evidence of this being used by Koalas. There is no core Koala habitat on the site. The Forest Red Gum area will not be included in an R5 zone in any case.</p> <p>The Planning Proposal is consistent with the aims and objectives of SEPP 44.</p>
SEPP 55 – Remediation of Land	<p>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.</p>	<p>Consistent. In compliance with SEPP 55, a preliminary contaminated land assessment has been undertaken and the site has minimal risk of being contaminated. A small area near old farm sheds has been noted for further testing and a possible minor “clean up” due to lead paint contamination. The assessment at DA stage will need to include a detailed investigation of the extent of lead contamination and proposed remediation. It is likely the contamination can be remediated and that the land would be suitable for residential development after remediation. This can be dealt with at the subdivision stage.</p>
SEPP (Affordable Rental Housing) 2009	No specific requirement regarding rezoning land.	Consistent.
SEPP (Housing for Seniors or People with a Disability) 2004	No specific requirement regarding rezoning land.	Consistent.
SEPP (Infrastructure) 2007	No specific requirement regarding rezoning land.	Consistent.
SEPP (Rural Lands) 2008	<p>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, (d) to identify State significant agricultural land,</p>	<p>Consistent. No state or regionally significant agricultural land occurs on the subject land. The site is currently used for cattle grazing. Agriculture in the locality is limited to small scale cattle grazing. Most of the surrounding land is already zoned and used for rural residential living. There is a low probability that additional rural residential dwellings will have a significant impact on rural land or</p>

State Environmental Planning Policy	Requirements	Compliance
	(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	<p>exacerbate the likelihood of conflict given the infill nature of this proposal.</p> <p>The Planning Proposal is consistent with the Rural Planning Principles in clause 7 of the Rural Lands SEPP because:</p> <ul style="list-style-type: none"> the proposed use is of benefit to the Lismore LGA economy and will not reduce significantly the current and potential productive and sustainable economic activities in rural areas, it balances the social, economic and environmental interests of the community and it is consistent with the North Coast Regional Plan as well as the Lismore Growth Management Strategy. <p>The land is not identified in the biophysical strategic agricultural land (BSAL) mapping for Lismore LGA.</p> <p>The planning proposal is consistent with the SEPP.</p> <p>There is going to be a rural / rural residential interface on the western edge of the subject land. This will need to be addressed at the subdivision design phase to ensure conflict is avoided.</p>

TABLE 2 – COMPLIANCE WITH SECTION 117 MINISTERIAL DIRECTIONS

Ministerial Directions	Requirements	Compliance
1 Employment and Resources		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Consistent. This Planning Proposal will not affect the boundaries or extent of business or industrial zones.
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 (local or regional).	Inconsistent. This Planning Proposal will rezone part of the subject land from RU1 to R5 Large Lot Residential. This will permit rural residential subdivision of the land down to a minimum lot size of 3500 m ² . This land is identified in the endorsed Lismore Growth Management Strategy 2015-2035 other than the inclusion of the ex-road reserve described as Lot 1 DP 254131. Lot 1 is only 0.77 hectares in area and forms a logical part of the subject land. Only part of it is proposed to be zoned R5 Large Lot Residential (less than half). Its inclusion in the Planning Proposal is of minor significance and is justifiable in the circumstances. The Planning Proposal is also consistent with the North Coast Regional Plan. The DPE Gateway determination of 4 May 2016 agrees the inconsistency is justifiable and no further approval is required.
1.3 Mining, Petroleum Production and Extractive Industries	This Direction applies when the planning proposal has the effect of: (a) Prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; (b) Restricting the potential of State or regionally significant mineral resources.	Inconsistent. Mining or extractive industries will not be able to be carried out once the land is zoned R5. However, no State or regional extractive resources (or buffers) affect the subject land. It is a logical expansion / infill to an existing rural residential area, and there is minimal potential conflict with any future extraction sites in nearby land. It is a minor inconsistency and is justifiable as part of an agreed strategy.
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 if it impacts on rural zoned land. Rural Planning Principles The Rural Planning Principles are as follows:	Consistent. The Planning Proposal will not reduce the current and potential productive rural activities in the Richmond Hill locality. It is consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. In preparing its Growth Management Strategy Council has recognised the

Ministerial Directions	Requirements	Compliance
	<p>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</p> <p>(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,</p> <p>(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,</p> <p>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</p> <p>(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,</p> <p>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</p> <p>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</p> <p>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</p> <p>Rural Subdivision Principles The Rural Subdivision Principles are as follows:</p> <p>(a) the minimisation of rural land fragmentation,</p> <p>(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</p> <p>(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,</p> <p>(d) the consideration of the natural and physical constraints and opportunities of land,</p>	<p>significant socio-economic benefits of rural land uses. No significant farm land will be lost as a result of this Planning Proposal.</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 provides for a reasonable supply of rural housing in a range of locations with adequate services and infrastructure.</p> <p>This Planning Proposal will make use of existing infrastructure and services, and will fit well with the Richmond Hill community. It is consistent with the endorsed Lismore Growth Management Strategy 2015-2035 and the North Coast Regional Plan.</p> <p>It is consistent with the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.</p> <p>By adopting a GMS Council has minimised the pressure for subdivision of other rural land by focusing smaller rural lots in appropriate locations. The adoption of a comprehensive GMS that identifies this site is partly in response to existing holdings and surrounding land use.</p> <p>The work done in preparing the GMS includes assessment of the natural and physical constraints of land and this site is largely unconstrained.</p> <p>The studies undertaken to date in conjunction with a series of further studies prior to public exhibition will ensure dwelling opportunities reflect physical and natural constraints.</p>

Ministerial Directions	Requirements	Compliance
	(e) ensuring that planning for dwelling opportunities takes account of those constraints.	
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 environment protection zones.	Consistent. The Planning Proposal will not remove any environment protection zones or reduce the environment protection standards that apply to the land. The subject land does not contain a small area of EEC (Lowland rainforest) and some patches of Hairy Joint Grass. These areas will be excluded from the R5 zone and will remain RU1 Primary Production. It is not currently clear if they can be incorporated into an environment protection zone given the history of agriculture on the site. The DPE Gateway determination of 4 May 2016 agrees that if there is an inconsistency with this Direction it is justifiable and no further approval is required.
2.2 Coastal Protection	Not applicable.	Not applicable.
2.3 Heritage Conservation	The planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent. Lismore LEP 2012 already contains provisions for the protection of European and Aboriginal heritage items or places. The subject land does not contain registered sites or places listed in an Aboriginal Heritage Information Management System (AIHMS) search. In accordance with the Gateway Determination, an Aboriginal Cultural Heritage Assessment has been prepared which included consultation with a Traditional Owner and sites officer from the Ngulingah Local Aboriginal Land Council (LALC). The Assessment found that no indigenous or European cultural heritage sites or relics were identified on the subject site, nor were any areas identified that contained potential archaeological deposits of Aboriginal significance. The subject site has been previously disturbed by historical farming practices and ancillary residential uses. In accordance with the Gateway Determination, the Planning Proposal will be referred to the Ngulingah LALC for comment during public exhibition.

Ministerial Directions	Requirements	Compliance
		If any Aboriginal items or places are found to occur on this site at a later date, they will be protected by legislation unless the landowners obtain approval through an Aboriginal Heritage Impact Permit.
2.4 Recreation Vehicle Areas	Not applicable.	Not applicable.
3 Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services. (c) Reduce consumption of land. (d) Housing of good design. (e) Residential development not permitted until land is adequately serviced. (f) Not contain provisions that will reduce residential density.	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	Retain provisions that permit development of 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	<p>The planning proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <p><i>Improving Transport Choice</i> – Guidelines for planning and development (DUAP 2001), and <i>The Right Place for Business and Services</i> – Planning Policy (DUAP 2001)</p> <p><i>Improving Transport Choice.</i> This policy aims to 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.</p> <p><i>The Right Place for Business and Services</i> This policy aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p>	<p>Consistent. Even though it is in a semi-rural area the subject land is within a short drive of schools, halls, shops and other urban services (Goonellabah). Council selected this site in its GMS because it is effectively an infill area and this better integrates land use, transport and services.</p> <p>This Planning Proposal will reinforce the Richmond Hill rural residential area.</p>

Ministerial Directions	Requirements	Compliance
	(a) help reduce reliance on cars and moderate the demand for car travel (b) encourage multi-purpose trips (c) encourage people to travel on public transport, walk or cycle (d) provide people with equitable and efficient access (e) protect and maximise community investment in centres, and in transport infrastructure and facilities (f) foster growth, competition, innovation and investment confidence in centres.	
3.5 Development Near Licensed Aerodromes	The three objectives of this Direction are to: (a) ensure safe operations of aerodromes; (b) ensure operations are not compromised by development causing obstruction or hazard to flying aircraft; and (c) ensure development for human occupation is not exposed to Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25 unless appropriate noise mitigation is proposed.	Consistent. The Planning Proposal is beyond the 4 km radius of the Lismore Airport that represents the area of concern for Obstacle Height Limitation. It is also well beyond the 20 and 25 or above ANEF contours.
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.	Consistent. Shooting ranges are located at Rifle Range Road, Tuncester and Wyrallah Road, Monaltrie. The subject land is not within the buffers to these two ranges.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	Consistent. LEP 2012 includes provisions for the management of acid sulfate soils. This Planning Proposal does not alter those provisions. The subject land is not affected by acid sulfate soils.

Ministerial Directions	Requirements	Compliance
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas. Applies to areas identified as unstable.	Not applicable. No steep, unstable or mine subsidence areas are included on the land proposed to be zoned R5.
4.3 Flood Prone Land	The objectives of this Direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Not applicable. None of the subject land is flood prone.
4.4 Planning for Bushfire Protection	A planning proposal in bushfire prone land: <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 bushfire hazard reduction is not prohibited within the APZ. 	Inconsistent at this stage pending consultation with RFS. Some of the subject land is mapped as Vegetation Category 2. Some of the subject land is within a buffer to this vegetation category. A bushfire hazard assessment has been undertaken for the site. It concluded that buffers (APZs) can be accommodated on the subject site.
5 Regional Planning		
5.1 Implementation of Regional Strategies	The planning proposal must be consistent with the North Coast Regional Plan 2036.	Consistent. The NCRP requires that rural residential development should be consistent with an agreed local strategy. In this case the Planning Proposal affects a site specifically identified in the Lismore Growth Management Strategy 2015-2035, which was endorsed by DPE on 11 August 2015. That part of the subject land which was omitted from the Lismore GMS is a small ex road reserve on the western edge of the subject land. It is only 0.77 hectares in area and forms a logical part of the subject land. Less than half this area is proposed for inclusion in the R5 zone. Its inclusion in the Planning Proposal is of minor significance and is justifiable in the circumstances.
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 three objectives of this Direction are to ensure the best agricultural land will be available	Consistent. None of the subject land is mapped as State or regionally

Ministerial Directions	Requirements	Compliance
	for agriculture; to provide for certainty on the status of land and thereby assist with strategic planning; and to reduce conflict caused by urban encroachment into farming areas. The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project. Justification for an inconsistency includes consistency with the Far North Coast Regional Strategy 2006 and identification of the land in a council strategy.	significant farmland under the Northern Rivers Farmland Protection Project.
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 DPE. Not identify development as designated development unless justified.	Consistent. No such provisions are proposed.
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 DPE.	Not applicable.
6.3 Site Specific Provisions	The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal to allow a particular land use must rezone the site to an existing zone that allows the land use, without additional development standards to those already in use in that zone.	Consistent. The Planning Proposal will include that part of the subject land that can be developed in a R5 Large Lot Residential zone.
7 Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable.	Not applicable.

Lismore City Council – Rezoning of 379A and 387 Richmond Hill Road, Richmond Hill