

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 379A and 407, Richmond Hill Road, Richmond Hill.

June 2018



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Attachment 1: Advice from Landowner on E Zones

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Part 1 – Objectives or Intended Outcomes

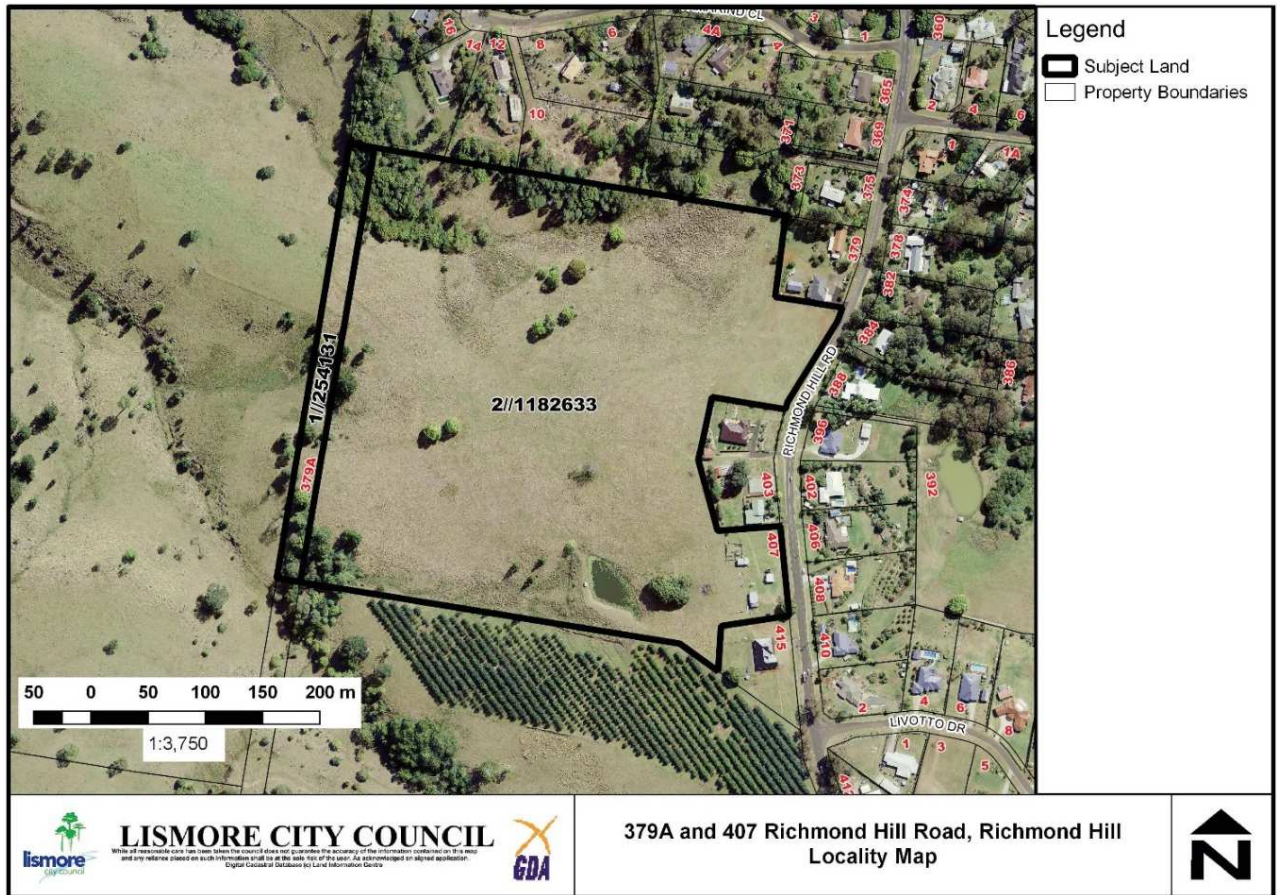
The objective of this Amended Planning Proposal is to enable large lot residential development and environment protection on 407 and 379A Richmond Hill Road, Richmond Hill (Lot 1 DP 1242157 and Lot 1 DP 254131). This objective will be achieved through an amendment to Lismore LEP 2012, specifically the maps for land use zones, minimum lot size and height of buildings.

Site Context and Setting

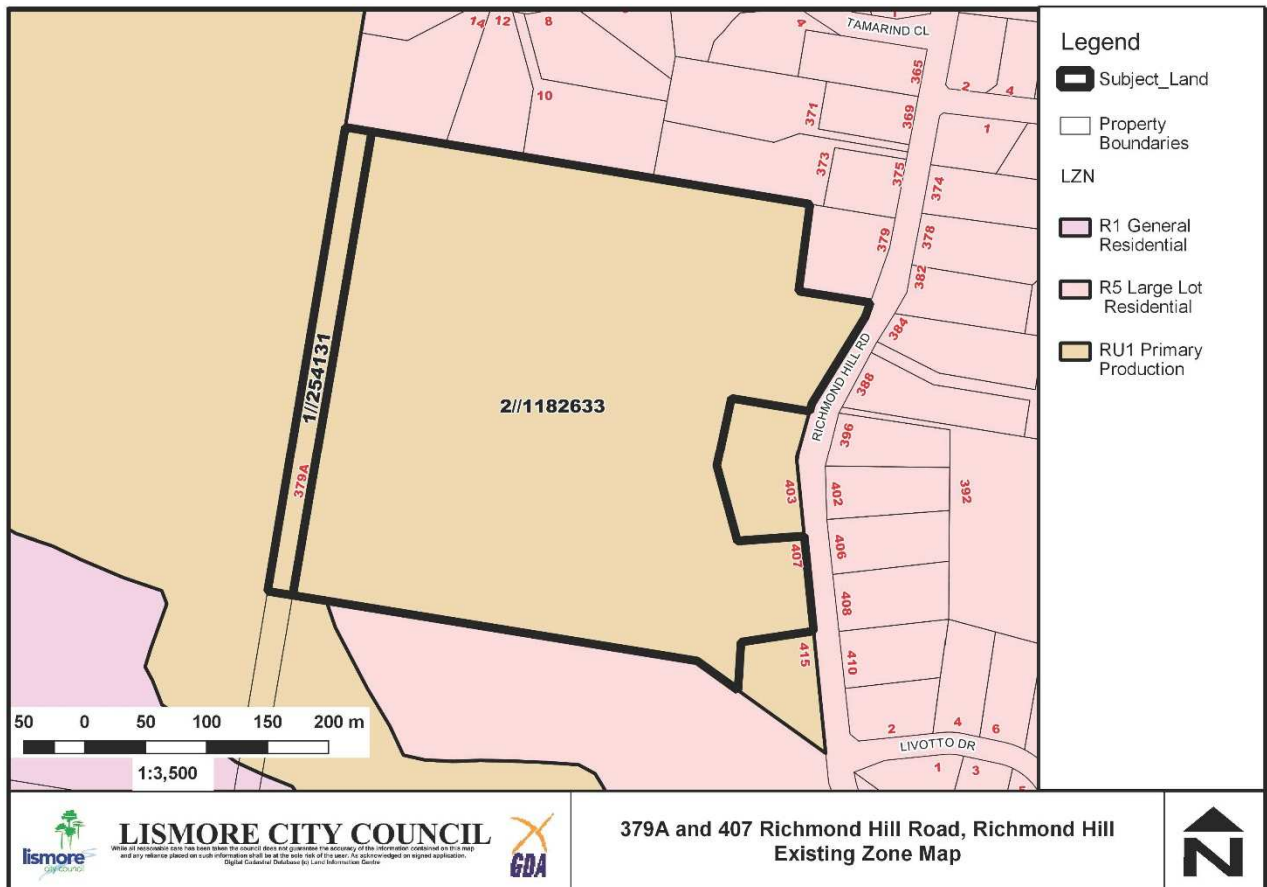
The Amended Planning Proposal applies to 407 and 379A Richmond Hill Road, Richmond Hill (Lot 1 DP 1242157 and Lot 1 DP 254131). The combined area of the two lots is approximately 15.5 hectares. 379A Richmond Hill Road is a closed road of approximately 0.77 hectares and is mostly open grassland with scattered camphor laurel and dry rainforest trees. 407 Richmond Hill Road is a larger parcel (14.6 hectares) located west of Richmond Hill Road which contains a single dwelling and associated sheds. It is mostly open grassland with scattered camphor laurel trees, remnant Eucalypt forest, a farm dam and two small wet steep sided gullies. No dwellings or structures exist on the closed road but it does contain a small farm dam and pump. Map 1 is an aerial photo of the site showing its locality.

The subject land is currently zoned RU1 Primary Production as shown on Map 2. There is currently no height of building control that applies to RU1 zoned land and the current minimum lot size applying to the land is 40 hectares.

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 the subject land contains a 22 lot large residential subdivision known as Valley View Estate that is currently under construction. The land immediately to the west of the subject site is within Zone RU1 Primary Production 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 “Pineapple Road Urban Release Area”.



Map 1: Locality Map – 379A and 407 Richmond Hill Road, Richmond Hill



Map 2: Existing zone map – 379A and 407 Richmond Hill Road, Richmond Hill

Part 2 – Explanation of Provisions

It is proposed that the 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 part R5 Large Lot Residential and part E2 Environmental Conservation;
- Amend the Minimum Lot Size Map to change part of the subject land from 40 hectares to 3500 m² (that part zoned R5) and apply a minimum lot size to each area of E2, commensurate with the size of 3 different areas, those being 2ha, 1ha and 3500m²;
- 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 (that part zoned R5).

Changing the land use zone of most 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. The applicant estimates that the subdivision of the subject land would yield approximately 25 to 30 lots however, the actual number of lots will only be determined following a more detailed assessment at the DA stage.

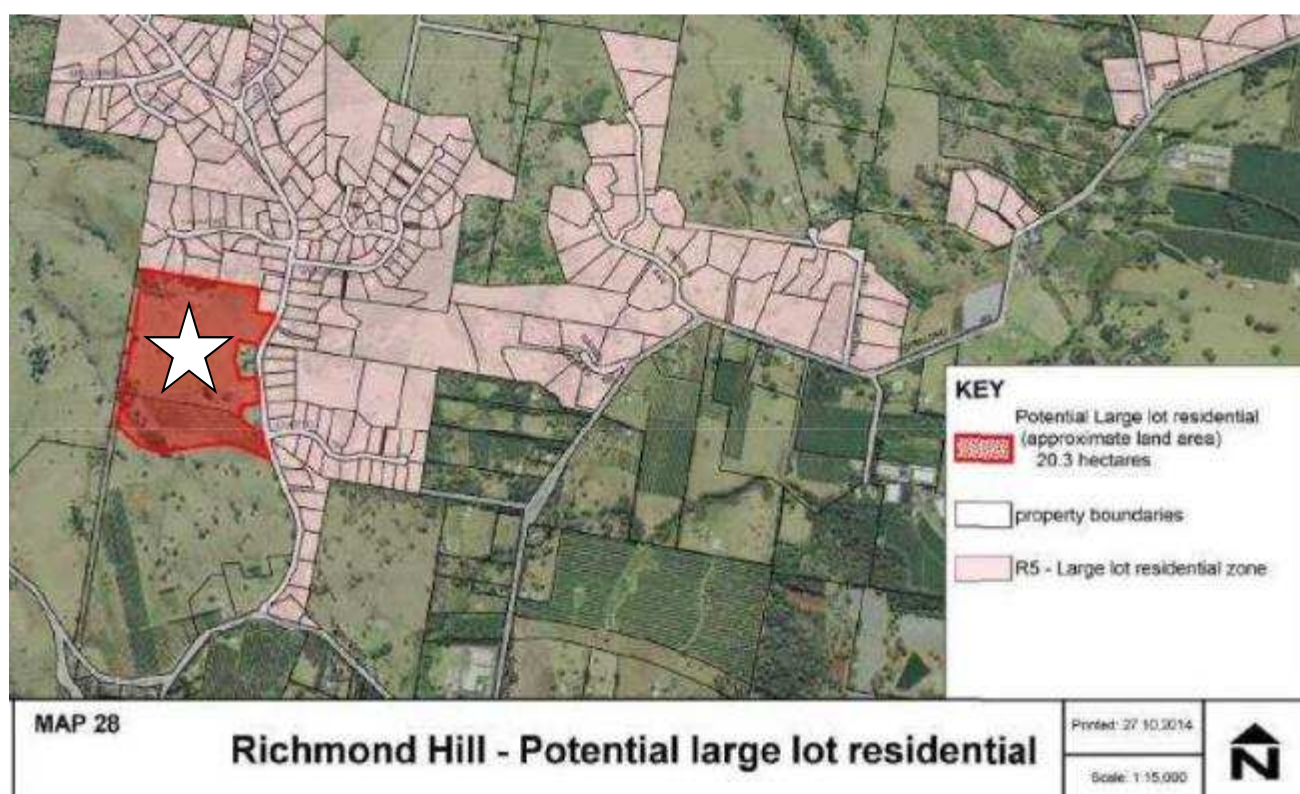
Changing three small parts of the site to E2 Environmental Conservation reflects the ecological values of these areas and prohibits dwellings and other inappropriate land uses. The land zoned E2 will not be able to be further subdivided allowing the environmental values of each area to be managed as single entities.

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 GMS 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 3: Map 28 from Lismore GMS 2015-2035 – star denotes subject site

It should be noted that 379A Richmond Hill Road is a narrow ex road reserve which is not identified in the Lismore GMS. However, this area is only approximately 0.77 hectares, is within the same ownership and abuts the western edge of 407 Richmond Hill Road. Therefore, this land is a logical part of the Planning Proposal.

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 the Lismore GMS 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 GMS other than the inclusion of the ex-road reserve at 379A Richmond Hill Road. This area is only 0.77 hectares and forms a logical part of the Planning Proposal. The inclusion of this land in the Planning Proposal is of minor significance and is justifiable in the circumstances. It does not warrant an assessment against the Sustainability Criteria in the FNCRS because it is not being promoted as a “stand alone” rural residential area and will not add significantly to the yield of the Planning Proposal.

This Amended 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 GMS 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 Amended Planning Proposal is consistent with that strategy other than the inclusion of the ex-road reserve at 379A Richmond Hill Road. The inclusion of this land in the Amended 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 Amended 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 (s9.1 directions)?

The Amended Planning Proposal is consistent with most Section 9.1 Directions. Where inconsistencies occur, they are justified. Studies supplied since this site was last considered by Council establish that the Amended Planning Proposal can be assessed as consistent or justify any inconsistency. Refer to the checklist against these Directions provided as 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?

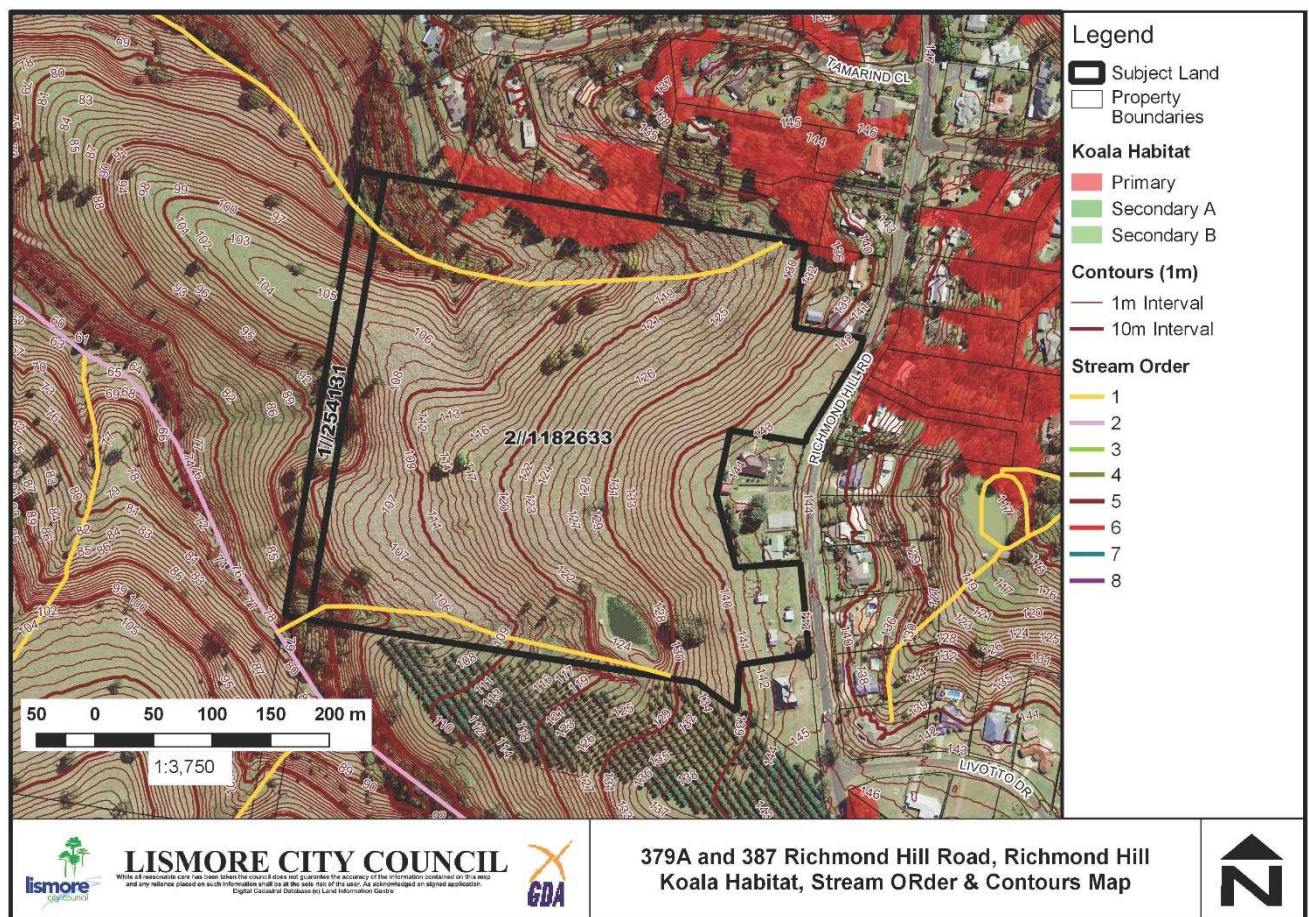
An ecological assessment has been undertaken for the subject land by the landowner’s consultant. This assessment found that the subject land has limited ecological values. No threatened fauna were identified on the site. There is no evidence of Koalas using the site even though there is a small patch of Forest Red Gum on the northern boundary of the site that is mapped as Primary Koala habitat in Council’s GIS mapping (shown on Map 4 over the page).

A small patch of Lowland Rainforest Endangered Ecological Community (EEC) is located 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.

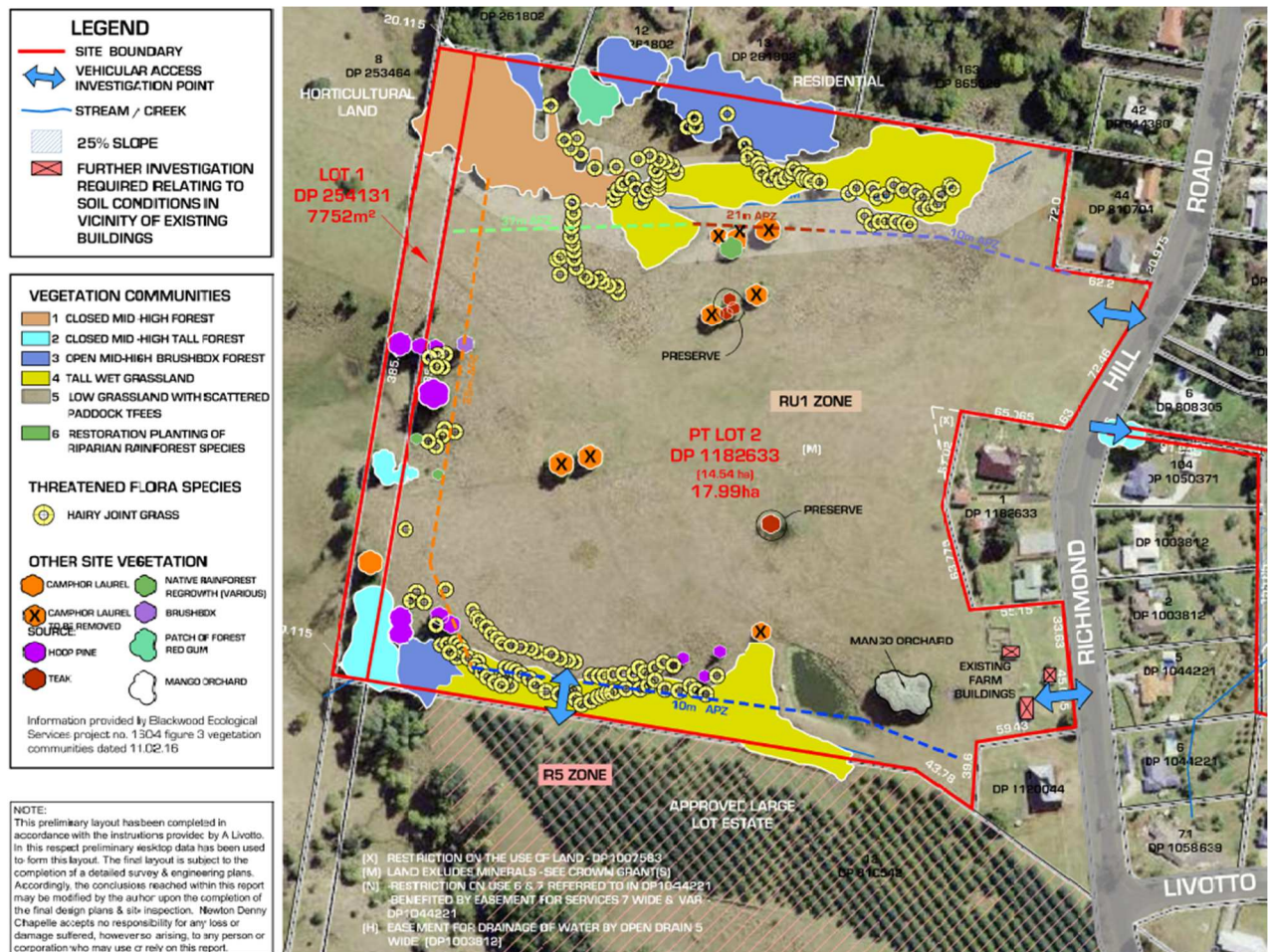
The vulnerable plant Hairy Joint Grass was located on the site on the edge of drainage lines in amongst taller wet grassland. These areas are currently grazed regularly and slashed periodically.

Using the vegetation community mapping provided by the applicant (see Map 5 over the page) and in conjunction with the contour mapping of the site, it is possible to identify three locations where the land should not be zoned R5 Large Lot Residential. After negotiations with the landowner it has been agreed that these areas should be protected by inclusion in Zone E2 Environmental Conservation. These areas all have a history of grazing beef cattle over the last two years. This makes it difficult to meet the DPE requirement about the primary use of the land for the last 2 years. However, the EEC and Hairy Joint Grass areas are found on land that is affected by slopes and drainage that make it unsuitable for rural dwellings. The landowner has agreed to retain remnant forest areas.

The ecological assessment is adequate to allow the planning proposal to proceed to public exhibition and no further assessment is required. The written advice from the landowner (Attachment 1) justifies the inclusion of the EEC, Hairy Joint Grass areas and remnant forest areas in Zone E2 Environmental Conservation.



Map 4: Primary Koala Habitat, Site Contours and Watercourses – 379A and 407 Richmond Hill Road, Richmond Hill

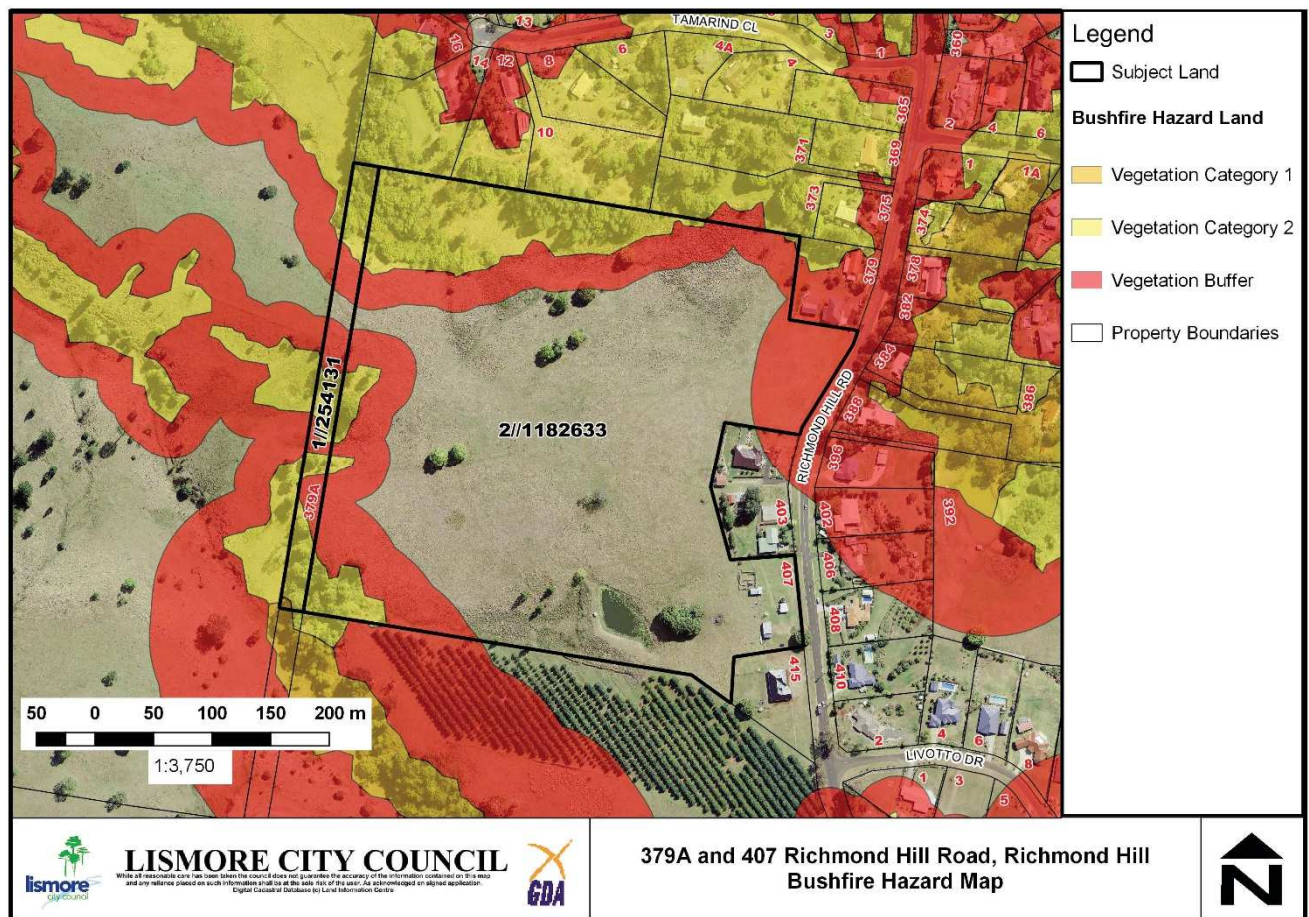


Map 5: Vegetation communities - 379A and 407 Richmond Hill Road, Richmond Hill (Source: Newton Denny Chapelle)

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

Bushfire

Parts of the subject land are mapped as bush fire prone in Category 2 and Vegetation buffer as shown on Map 6 over the page. A bushfire hazard assessment has been prepared. Given the neighbouring land uses, absence of substantial sclerophyll forest and site topography it is likely that dwellings can 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 (Attachment 2). However, consultation with the Rural Fire Service is still required.



Map 6: Bushfire prone land - 379A and 407 Richmond Hill Road, Richmond Hill

Significant Farmland

No part of the site is identified as State or regionally significant agricultural land under the Northern Rivers Farmland Protection Project. Rural industry conflicts are not anticipated with the low-key agriculture (mostly grazing) that is undertaken to the west of the subject land. The potential interface with grazing on the western boundary can be addressed at the subdivision stage.

The site is not flood prone. It is located in the Wilson River drinking water catchment. Storm water controls and onsite effluent disposal will be important issues at the subdivision and dwelling stages of any future development. It is also appropriate to establish riparian corridors for the gullies that occur on the site.

Land Contamination

The history of the site for grazing suggests a low probability that it will be contaminated from past land use. 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 the old farm sheds has been noted for further testing and a possible minor “clean up” which 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 GMS to focus future rural residential development within a 2 km range of small villages, 4 km of larger centres and as in fill 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 and 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 a social impact assessment is therefore not warranted.

European and Aboriginal Cultural Heritage

The applicant has supplied a European and Aboriginal cultural heritage assessment for the subject land. The site does not contain registered sites or places listed on AHIMs and no obvious features such as dry stone walls. The study by Everick Consultants found no evidence of European heritage or Aboriginal cultural heritage. Consultation with the Ngulingah LALC has also taken place and it raises no objections.

Section D – State and Commonwealth Interests

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

Roads and Traffic

A traffic assessment has been assessed as part of the Amended 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 at 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). 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. Consultation with Roads and Maritime Services in relation to the Richmond Hill Road and Bruxner Highway intersection is also required.

The applicant has supplied a draft Structure Plan (shown at Attachment 2) which shows an indicative location for the internal road that provides connectivity to the rural residential estate that abuts the southern boundary.

Water

Reticulated water is available to the site though augmentation and capacity in local reservoirs needs to be confirmed. Rous County Council needs to be involved in these discussions as the existing water supply along Richmond Hill Rd is owned and operated by them. Use of rainwater tanks is possible if reticulated water is not feasible.

On-site wastewater management

A wastewater management study has been conducted to demonstrate it is feasible to service the proposed development with on-site sewage management systems. This study showed 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 which is unlikely to have a major impact on site yield. The actual sizing of the lots will be determined at sub-division stage with reference to both primary and reserve effluent disposal areas and any buffer setback requirements.

Council will require stormwater to be addressed as a design issue at the subdivision stage.

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?

It is proposed that the authorities listed below are consulted in relation to this Amended Planning Proposal during public exhibition:

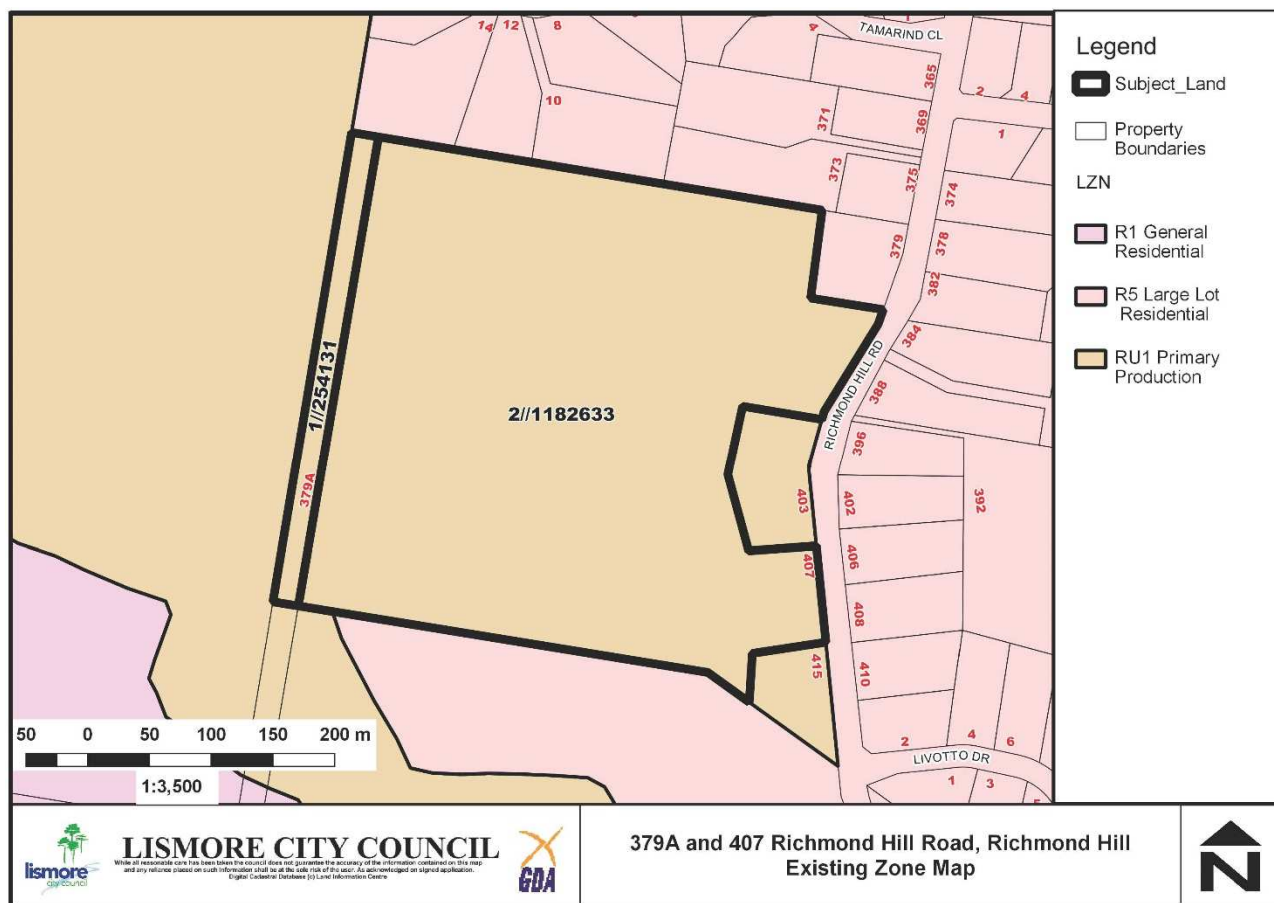
- Roads and Maritime Services,
- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage,
- Ngulingah Local Aboriginal Land Council

The Amended Planning Proposal will also be referred to Rous Water for comment on matters connected to water supply and the site's location in a Drinking Water Catchment.

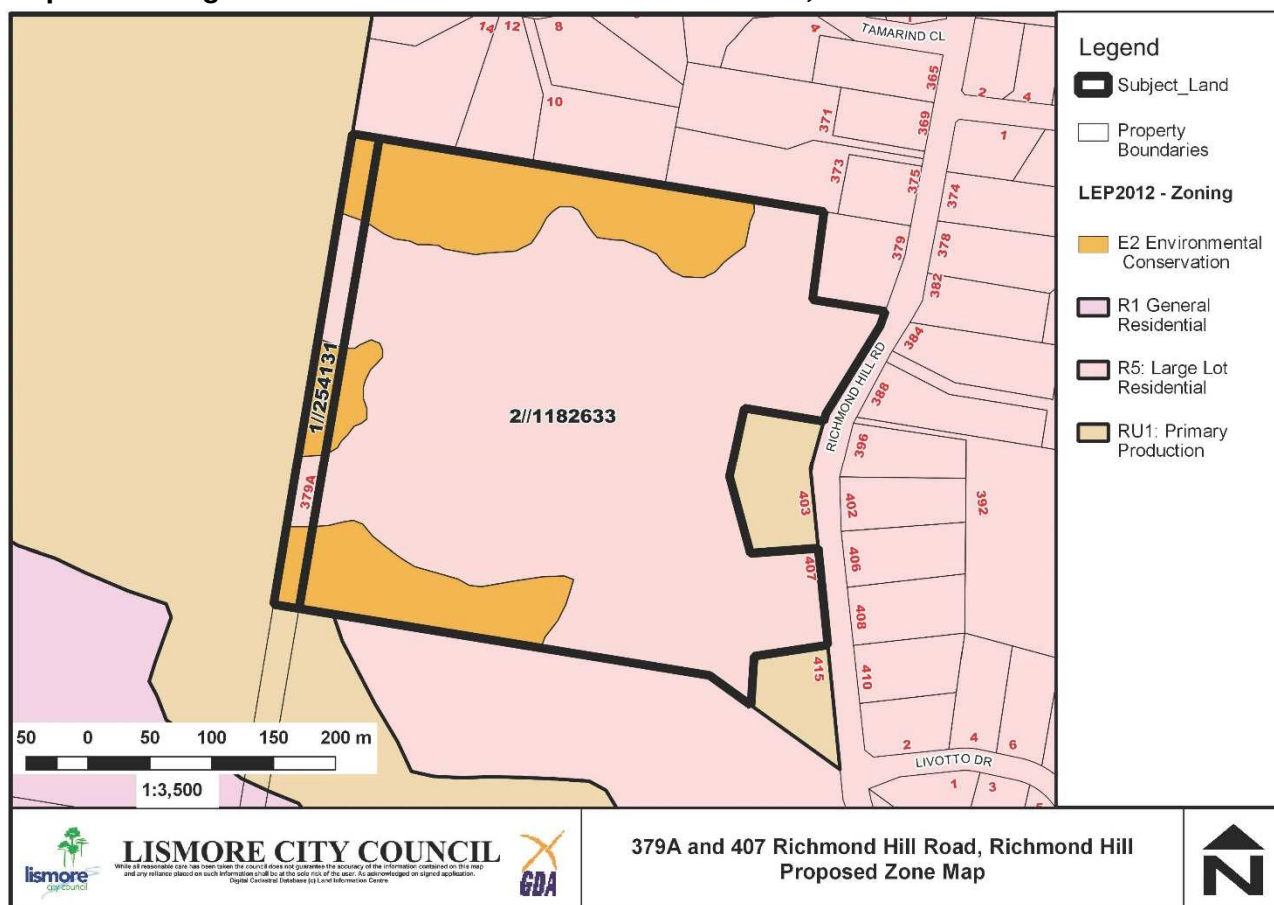
Part 4 – Mapping

It is proposed to rezone part of the subject land to Zone R5 Large Lot Residential, apply a minimum lot size of 3500 m² and a maximum building height of 8.5 metres to the area. It is also proposed to rezone part of the land to Zone E2 Environmental Conservation and apply a minimum lot size to each of the 3 different areas commensurate with its size, those being 2ha, 1ha and 3500m².

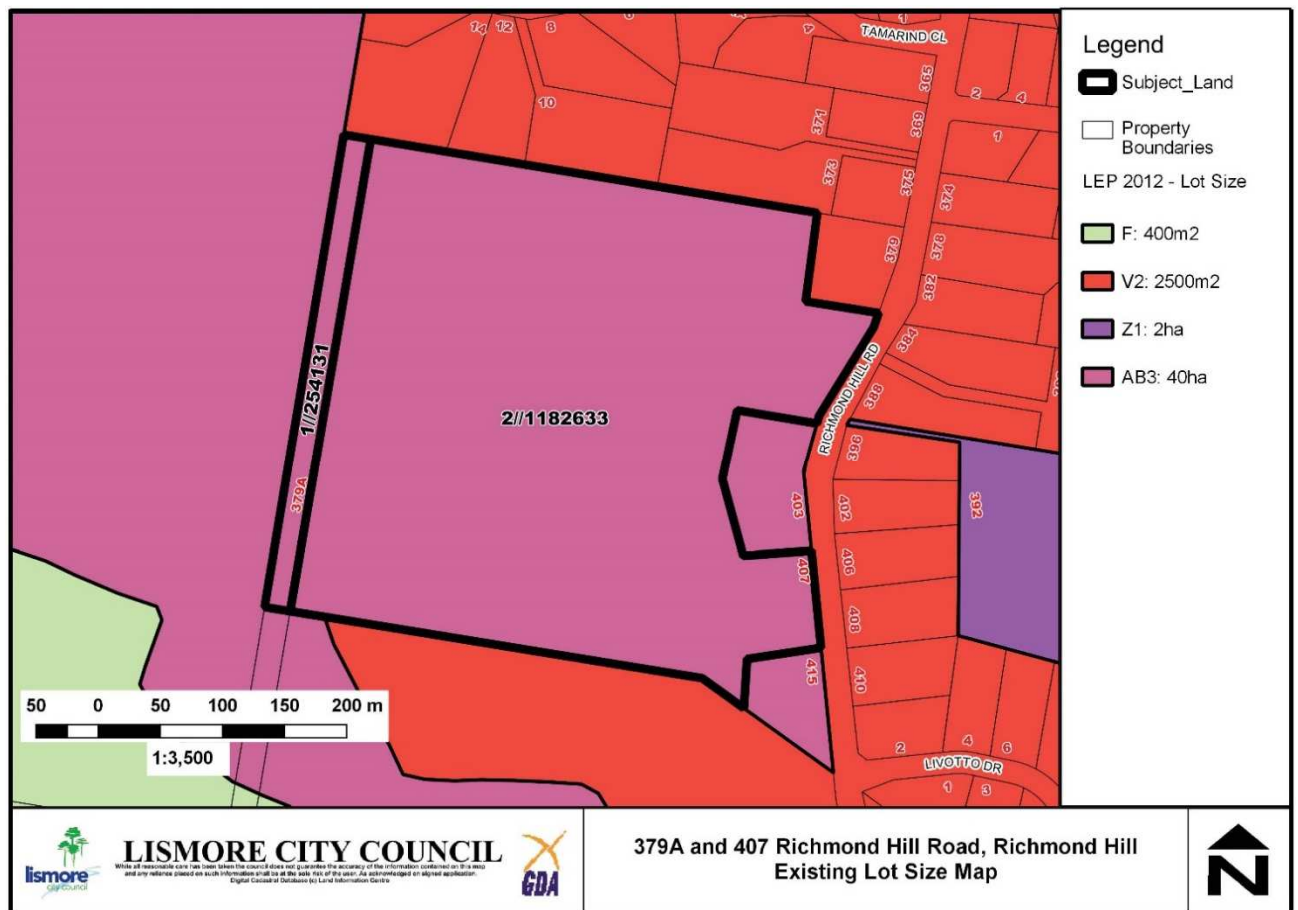
This will be achieved by amending Lismore LEP 2012 map sheets:
LZN_005, LSZ_005 and HOB_005



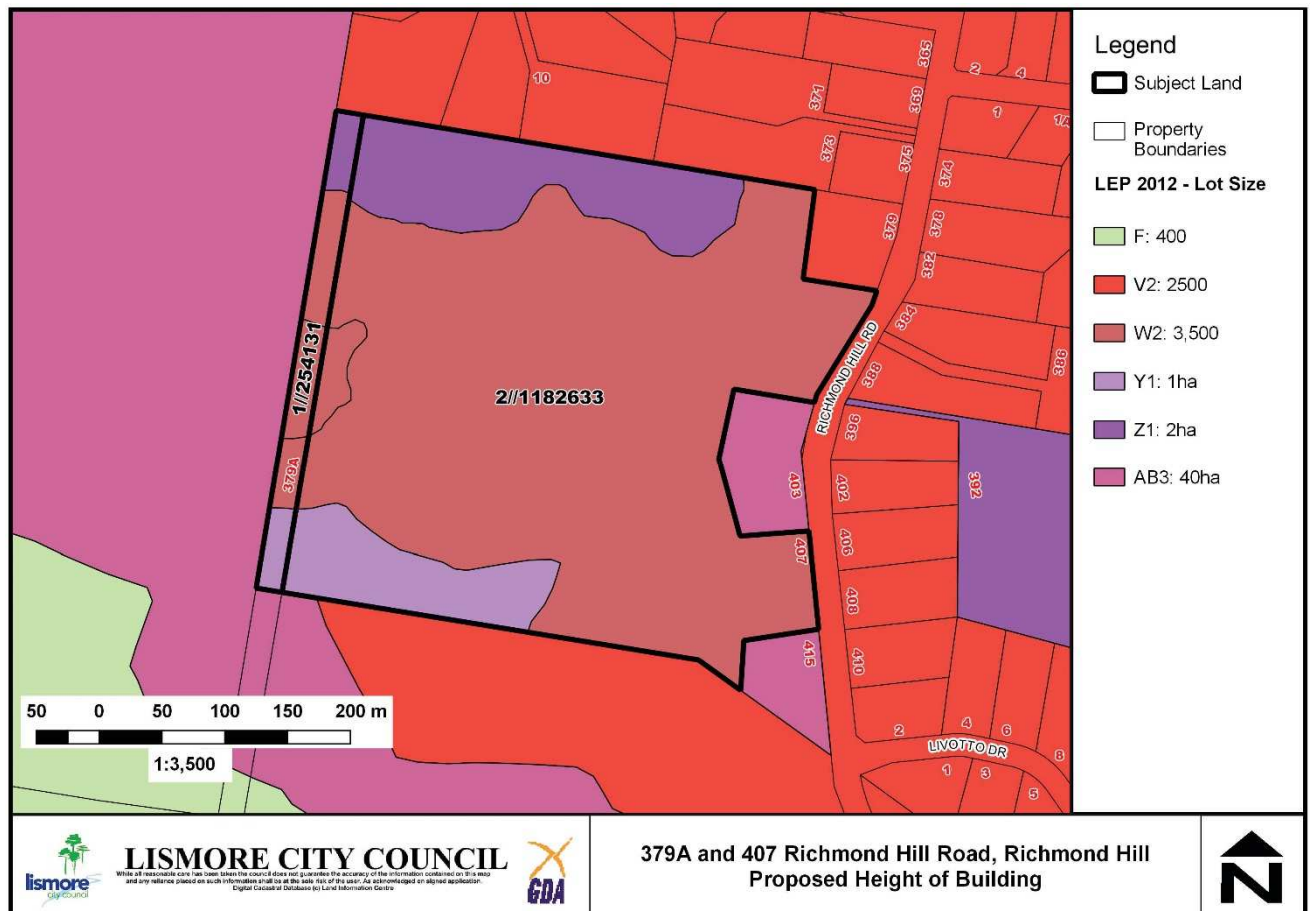
Map 7: Existing Zone – 379A and 407 Richmond Hill Road, Richmond Hill



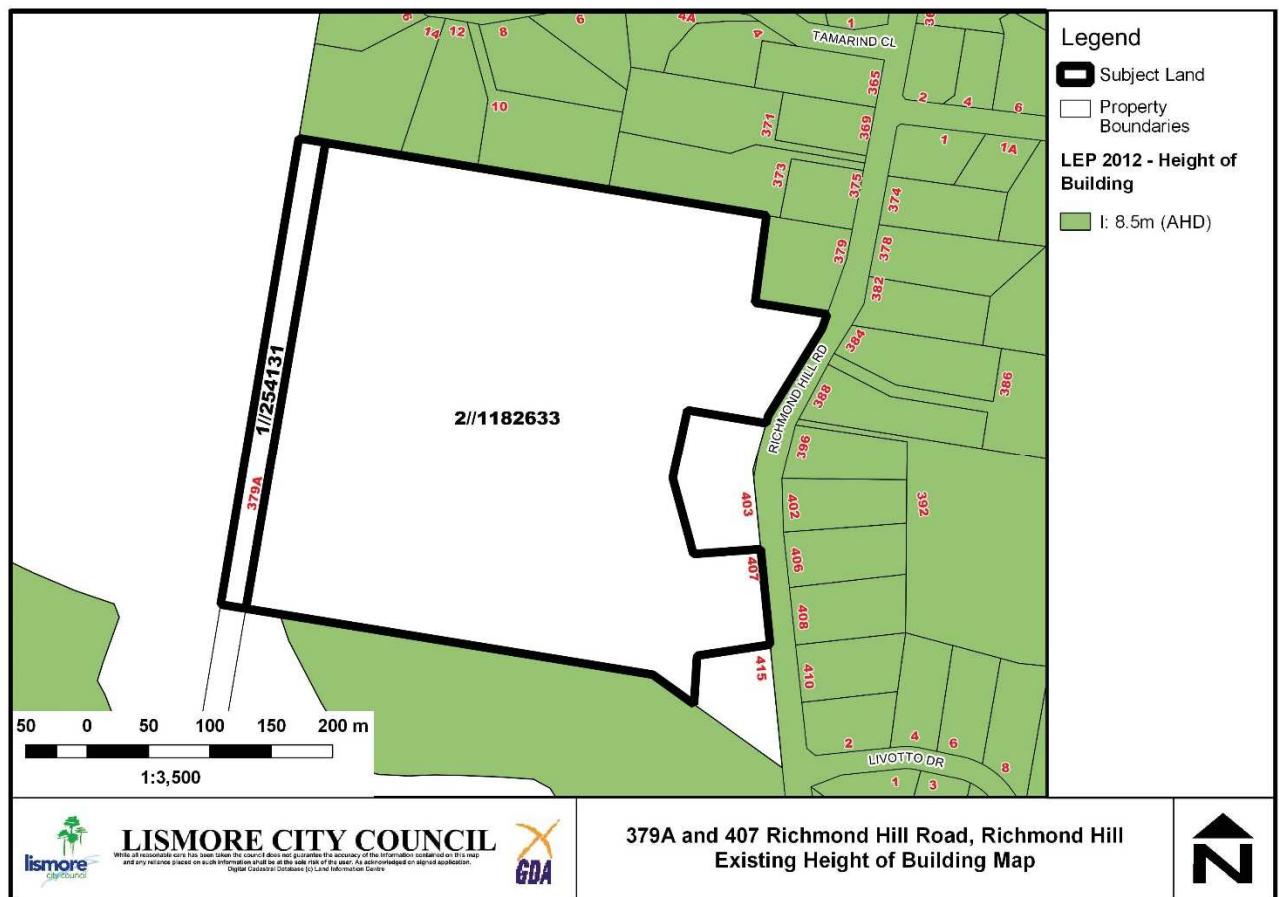
Map 8: Proposed Zone - 379A and 407 Richmond Hill Road, Richmond Hill



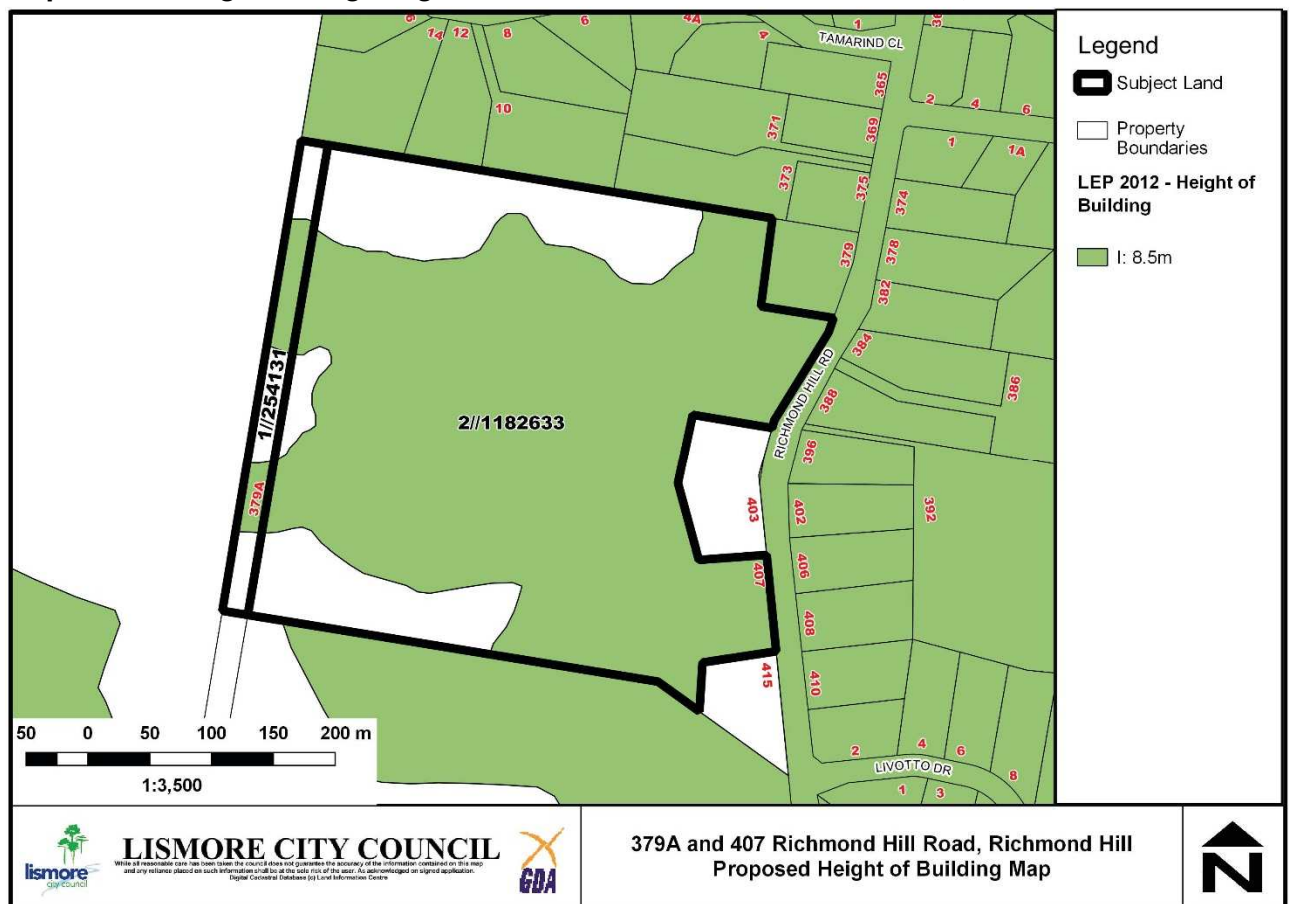
Map 9: Existing Lot Size - 379A and 407 Richmond Hill Road, Richmond Hill



Map 10: Proposed Lot Size - 379A and 407 Richmond Hill Road, Richmond Hill



Map 11: Existing Building Height - 379A and 407 Richmond Hill Road, Richmond Hill



Map 12: Proposed Building Height - 379A and 407 Richmond Hill Road, Richmond Hill

Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. All studies supplied by the proponent will be placed on the Council web site. For the purposes of public notification, Council considers that a twenty-eight (28) day public exhibition period is appropriate.

Notification of the exhibited Amended 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,
- Letter to the Ngulingah LALC.

The written notice will:

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

Exhibition Material:

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

The Gateway Determination will confirm the public consultation requirements.

Part 6 – Project Timeline

- Report to Council – **August 2018**
- Gateway determination issued - **September 2018**
- Timeframe for government agency consultation and public consultation – **October 2018**
- Timeframe for consideration of submissions – **November 2018**
- Timeframe for consideration of the Planning Proposal, post-exhibition, by Council – **December 2019**
- Date of submission to the Department to finalise the LEP – **January 2019**
- Anticipated date for plan making – **February 2019**

Conclusion

This Amended Planning Proposal seeks to amend Lismore LEP 2012 to permit rural residential subdivision of 379A and 407 Richmond Hill Road, Richmond Hill by rezoning part of the land to R5 Large Lot Residential. This will be achieved by amending the zone map, applying a minimum lot size of 3500 m² and maximum building height of 8.5 metres. Three small areas of the site will be zoned E2 Environmental Conservation to reflect mapped areas of environmental value as agreed by the landowner.

The Amended Planning Proposal is a result of the Lismore GMS, which has been endorsed by Council and the Department of Planning and Environment. The applicant has supplied additional studies required by Council. An assessment of the Amended Planning Proposal indicates that it is generally consistent (or justifiably inconsistent) with relevant SEPPs, s9.1 Ministerial Directions and where inconsistencies occur they can be justified. It is also consistent with the North Coast Regional Plan.

There is sufficient information to enable Council to support the Amended Planning Proposal and forward it to the Department of Planning and Environment for its consideration and Gateway Determination before placing it on public exhibition.

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 mapping of ecologically sensitive areas for the Lismore Growth Management Strategy 2015-2035 excluded significant koala habitat from areas mapped as potential rural land sharing communities.</p> <p>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 be included in an E2 zone in any case.</p> <p>The Amended 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,</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
	<p>(d) to identify State significant agricultural land, (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</p>	<p>exacerbate the likelihood of conflict given the infill nature of this proposal.</p> <p>The Amended 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>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> <p>The subject site is not affect by the Coastal Use or Coastal Environment area mapping or the Coastal Wetland and proximity area for Coastal Wetland mapping.</p>
SEPP (Coastal Management) 2018	Not applicable	

TABLE 2 – COMPLIANCE WITH SECTION 9.1 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 Amended 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 (justifiably). This Amended 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 lot sizes of 3500 m ² . This land is identified in the endorsed Lismore GMSt 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 Amended Planning Proposal is also consistent with the North Coast Regional Plan.
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: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance	Consistent. The Amended 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 significant socio-economic benefits of rural land uses. No significant farm land will be lost as a result of this Planning Proposal. Council has identified natural

Ministerial Directions	Requirements	Compliance
	<p>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>(e) ensuring that planning for dwelling opportunities takes account of those constraints.</p>	<p>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 minimized the pressure for subdivision of other rural land by focusing smaller rural lots in appropriate locations. Land use conflicts are not anticipated but a land use conflict risk assessment will be undertaken to minimize the risk to neighboring rural land.</p> <p>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 will ensure dwelling opportunities reflect physical and natural constraints.</p>

Ministerial Directions	Requirements	Compliance
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 Amended Planning Proposal will not remove any environment protection zones or reduce the environment protection standards that apply to the land. The subject land does contain a small area of EEC (Lowland rainforest) and some patches of Hairy Joint Grass and remnant Eucalypt forest. These areas will be included in an E2 zone with no subdivision potential and dwellings prohibited. The landowner has agreed to the E2 zone applying to the land.
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. No European or Aboriginal heritage is known to occur on the subject land. No sites, relics or places are registered on the AHIMS site for this land. There has been consultation with the Ngulingah LALC and they have no objections. A European and Aboriginal cultural heritage assessment has not found any sites or relics on the land. 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.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must: (a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.	Consistent. The subject land does contain a small area of EEC (Lowland rainforest) and some patches of Hairy Joint Grass (a threatened species) as well as remnant Eucalypt forest. However, the predominant use of this land over the last two years has been agriculture (beef cattle grazing). Notwithstanding this, the landowner has agreed to the E2 zone applying to the land. These areas will be included in an E2 zone with no subdivision potential and dwellings prohibited. This is consistent with the Northern Councils E Zone Review Final Recommendations as follows: <i>"Private land may be zoned E2 or E3, despite being inconsistent with the criteria, only if it is consistent with a</i>

Ministerial Directions	Requirements	Compliance
		<i>negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner."</i>
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: (a) help reduce reliance on cars and moderate the demand for car travel (b) encourage multi-purpose trips</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 Amended Planning Proposal will reinforce the Richmond Hill rural residential area.</p>

Ministerial Directions	Requirements	Compliance
	(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 Amended 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 Amended Planning Proposal does not alter those provisions. The subject land is not affected by acid sulfate soils.
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:	Not applicable. None of the subject land is flood prone.

Ministerial Directions	Requirements	Compliance
	<p>(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</p> <p>(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.</p>	
4.4 Planning for Bushfire Protection	<p>A planning proposal in bushfire 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 bushfire hazard reduction is not prohibited within the APZ. 	<p>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.</p> <p>A bushfire hazard assessment has been undertaken for the site. It concluded that buffers (APZs) can be accommodated on the subject site.</p>
5 Regional Planning		
5.1 Implementation of Regional Plans	The planning proposal must be consistent with the North Coast Regional Plan.	<p>Consistent. The NCRP requires that rural residential development should be consistent with an agreed local strategy. In this case the Amended Planning Proposal affects a site specifically identified in the Lismore Growth Management Strategy 2015-2035, which was endorsed by DPE on 11 August 2015.</p> <p>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 Amended Planning Proposal is of minor significance and is justifiable in the circumstances.</p> <p>The DPE Gateway determination of 4 May 2016 agrees that any inconsistency is justifiable and no further approval is required.</p>
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 for agriculture; to provide for certainty on the status of land and thereby assist with strategic	Consistent. None of the subject land is mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.

Ministerial Directions	Requirements	Compliance
	<p>planning; and to reduce conflict caused by urban encroachment into farming areas.</p> <p>The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>Justification for an inconsistency includes consistency with the North Coast Regional Plan and identification of the land in a council strategy.</p>	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.
5.10 Implementation of Regional Plans	The planning proposal must be consistent with the North Coast Regional Plan.	<p>Inconsistent, (justifiable).The NCRP requires that rural residential development should be consistent with an agreed local strategy. In this case the Amended Planning Proposal affects a site substantially identified in the Lismore GMS, which was endorsed by DPE on 11 August 2015.</p> <p>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.</p>
6 Local Plan Making		
6.1 Approval and Referral Requirements	<p>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.</p> <p>Not identify development as designated development unless justified.</p>	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	<p>The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>A planning proposal to allow a particular land use must rezone</p>	Consistent. The Planning Proposal will include the existing R5 and E2 zones .

Ministerial Directions	Requirements	Compliance
	the site to an existing zone that allows the land use, without additional development standards to those already in use in that zone.	
7 Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable.	Not applicable.

Table 3 – North Coast Regional Plan 2036 Compliance Table

Action	Requirement	Compliance
Direction 1: Deliver environmentally sustainable growth		
1.1	Urban development in mapped areas.	N/A
1.2	Review mapped areas for high environmental value.	Council's Ecologist has reviewed GIS mapping to identify areas of high environmental value that showed the land comprises one threatened flora species (Hairy Joint Grass), small patches of rainforest vegetation and seven young Forest Red Gum koala food trees (mapped as Primary Koala Habitat). This mapping was generally consistent with the ecological assessment.
1.3	Identify residential, commercial or industrial uses in GMS.	N/A
1.4	Prepare land release criteria to assess appropriate locations for future urban growth.	N/A
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	The application of Zone E2 Environmental Conservation would severely limit allowable land uses to protect areas of high biodiversity value.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	The subject site is within the Wilson River Drinking Water Catchment. Any impacts on the groundwater catchment will be assessed at the DA stage.
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing	N/A
3.2	Review flood risk, bushfire and coastal management mapping.	Council's bushfire prone land mapping identifies the site as having vegetation in Category 2 and vegetation buffer areas. The Planning Proposal will be referred to the Rural Fire Service.
3.3	Use latest knowledge on regional climate projections for new urban development.	N/A
Direction 4: Promote renewable energy opportunities		
4.1	Identifying renewable energy resource precincts and infrastructure corridors.	N/A
4.2	Enable appropriate smaller-scale renewable energy	N/A

Action	Requirement	Compliance
	projects	
4.3	Promote appropriate smaller and community-scale renewable energy projects.	N/A
Direction 5: Strengthen communities of interest and cross-regional relationships		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A
5.2	Integrate cross-border land use planning between NSW and SE Qld.	N/A
5.2	Cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	N/A
5.4	Prepare a regional economic development strategy.	N/A
Direction 6: Develop successful centres of employment		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A
6.2	Flexible planning controls, business park development opportunities and opportunities for start-up industries.	N/A
6.3	Reinforce centres through LGMS and LEP as primary mixed-use locations	N/A
6.4	Focus commercial activities in existing centres; place-making focused planning	N/A
6.5	Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land	N/A
6.6	Deliver employment land through LGMS and LEP	N/A
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A
Direction 7: Coordinate the growth of regional cities		
7.1	Prepare action plans for regional cities	N/A
Direction 8: Promote the growth of tourism		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas.	N/A
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through LGMS and LEP.	N/A
8.3	Prepare destination management plans or other tourism focused strategies.	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation.	N/A
Direction 9: Strengthen regionally significant transport corridors		
9.1	Encouraging business and employment activities that leverage major transport connections.	N/A
9.2	Minimise impact of development on regionally significant transport infrastructure.	N/A
9.3	Ensure the effective management of the State and	N/A

Action	Requirement	Compliance
	regional road network.	
Direction 10: Facilitate air, rail and public transport infrastructure		
10.1	Deliver airport precinct plans that maximise potential of value-adding industries close to airports.	N/A
10.2	Consider airport-related employment/precincts that capitalise on future expanded Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor.	N/A
10.4	Provide public transport where urban area has potential to generate sufficient demand.	N/A
10.5	Deliver a safe and efficient transport network to serve future release areas.	N/A
Direction 11: Protect and enhance productive agricultural lands		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	N/A
11.2	Update the Northern Rivers Farmland Protection Project (2005).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans.	N/A
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	N/A
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
Direction 12: Grow agribusiness across the region		
12.1	Promote the expansion agribusiness in LGMS and LEPs.	N/A
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A
12.3	Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness.	N/A
12.4	Facilitate investment in the agricultural supply chain.	N/A
Direction 13: Sustainably manage natural resources		
13.1	Locate sensitive development eg residential away from region's natural mineral and forestry resources.	N/A
13.2	Plan for the ongoing use of lands with regionally significant construction material resources.	N/A
Direction 14: Provide great places to live and work		
14.1	Prepare precinct plans in growth areas or centres bypassed by the Pacific Highway. Establish appropriate zoning, development standards & S94.	N/A
14.2	Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	N/A
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver guidelines for healthy built environments.	N/A
15.2	Facilitate more recreational walking and cycling paths.	N/A
15.3	Implement actions and invest in boating infrastructure priorities.	N/A

Action	Requirement	Compliance
15.4	Create socially inclusive communities.	N/A
15.5	Deliver CPTED.	N/A
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	N/A
16.2	Engage with Aboriginal communities with preparation of LGMS and LEP.	N/A
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities.	N/A
17.2	Foster closer cooperation with LALC.	N/A
17.3	Identify priority sites with economic development potential that LALC may wish to investigate.	N/A
Direction 18: Respect and protect the North Coast's Aboriginal Heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	N/A
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	N/A
18.3	Adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas to protect Aboriginal heritage.	N/A
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	N/A
19.2	Prepare, review and update heritage studies and include appropriate local planning controls.	N/A
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	N/A
Direction 20: Maintain the region's distinctive built character		
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	N/A
20.2	Review the North Coast Urban Design Guidelines (2009).	N/A
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A
21.2	Maximise the cost-effective and efficient use of infrastructure.	N/A
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	This rezoning will result in approximately 25 rural residential lots being supplied to the market in accordance with the Lismore GMS.
22.2	Facilitate housing and accommodation options for temporary residents.	N/A
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	N/A
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity - target 40% of new	N/A

Action	Requirement	Compliance
	housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m ² , by 2036.	
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	N/A
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	The Amended Planning Proposal will facilitate a well-designed rural residential subdivision that protects areas of significant environmental value and allows for internal road connectivity to a rural residential subdivision located on the southern boundary.
24.2	Enable sustainable use of the region's sensitive coastal strip - new rural residential areas located outside the coastal strip, unless in LGMS	N/A
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing.	N/A
25.2	Prepare guidelines for local housing strategies to plan for local affordable housing needs.	N/A

ATTACHMENT 1: ADVICE FROM LANDOWNER ON E ZONES

NEWTON DENNY CHAPELLE

LANDOWNER AUTHORITY

To Whom It May Concern:

This is to advise that Newton Denny Chapelle has been authorised by the landowner:

Landowner Name: Alf Livotto

Postal Address: ...403 Richmond Hill Road, Richmond Hill.....

Contact Phone Number:02 6624 4519.....

Property Address: Lot 1 DP 254131 & Lot 2 DP 1182633 Richmond Hill Road, Richmond Hill

TO:

Consent is provided to permit Lismore City Council to rezone parts of Lot 1 DP 254131 and Lot 2 DP 1182633 to E2 Environmental Conservation zone as identified on the proposed zoning map provided to Newton Denny Chapelle via email 12 June 2018.


Signature

Alf Livotto
Name

13-6-18
Date

Lismore City Council – Rezoning of 379A and 407 Richmond Hill Road, Richmond Hill

