

Planning Proposal

TRINITY DRIVE PRECINCT, GOONELLABAH & LAGOON GRASS

November 2015



TABLE OF CONTENTS

Executive Summary	Page 3
Part 1 – Proposal Objective	5
Part 2 – Explanation of Provisions	5
Part 3 – Justification	6
Section A – Need for the Planning Proposal	6
Section B – Relationship to Strategic Planning Framework	6
Section C – Environmental, Social and Economic Impact	8
Section D – State and Commonwealth Interests	12
Part 4 - Mapping.....	15
Part 5 – Community Consultation.....	21
Part 6 – Project Timeline	22
Part 7 – LEP Delegations	22

Appendices

Appendix 1 – Far North Coast Sustainability Criteria

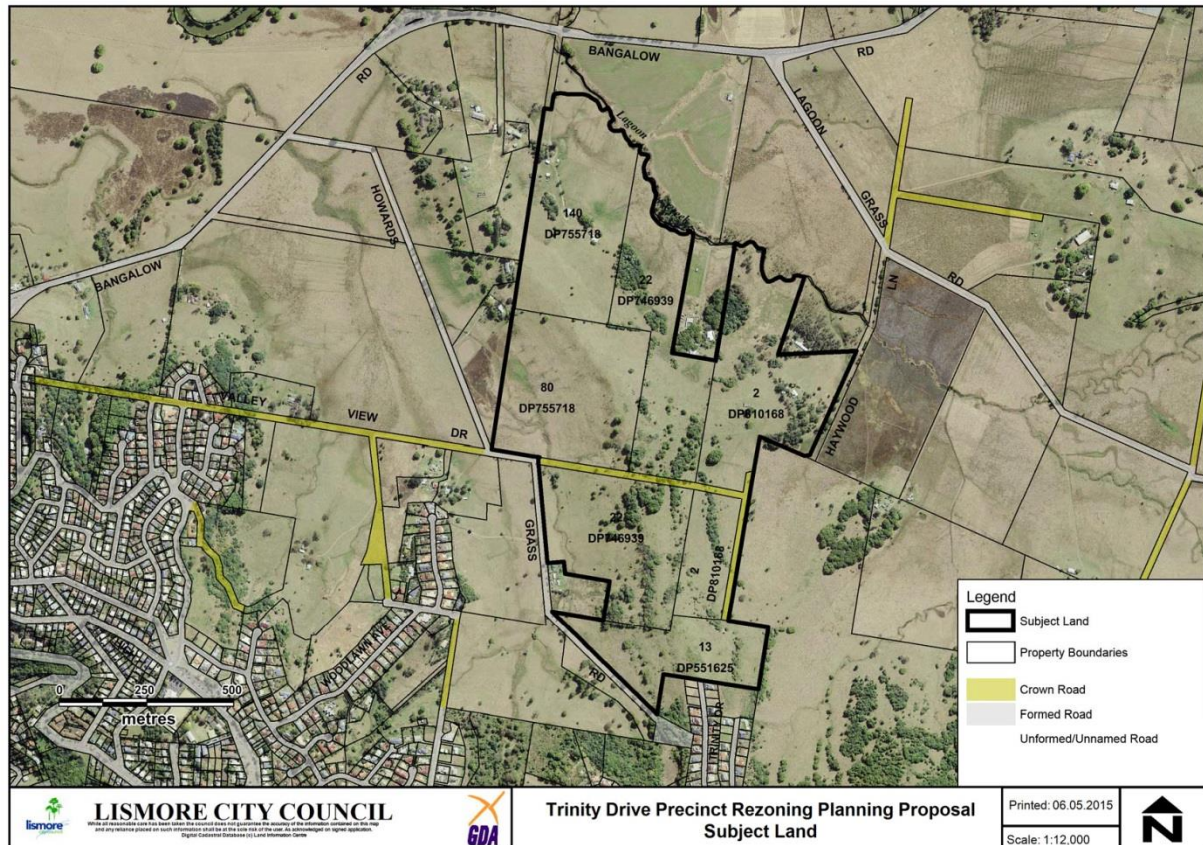
Appendix 2 – State Environmental Planning Policies

Appendix 3 – Section 117 Directions

EXECUTIVE SUMMARY

This planning proposal provides an assessment of the social, economic and environmental aspects of the proposed rezoning and has been prepared in accordance with the Department of Planning & Environment's guide to preparing planning proposals. The project area is referred to as the Trinity Drive Precinct (TDP) and is shown in Figure 1.

Figure 1. Trinity Drive Precinct, Goonellabah and Lagoon Grass



The 92.5 hectare site that forms the subject of the planning proposal is described in Table 1. The land is located close to the fringe of existing urban development approximately 6km north east of the Lismore CBD. The site is bounded by Bangalow Road to the north, Lagoon Grass Road and Haywood Lane to the east, Trinity Drive and Ashgrove Drive to the south and Howards Grass Road to the west.

The elevation of the site ranges from approximately 70m AHD to 20m AHD with a north western ridgeline being the predominant landform adjoined by a smaller spur sloping to the east. The sloping faces of the ridge of the developable area have grades of typically between 5 – 20% with some steeper slopes up to 35%. Land identified within the LEP flood planning area is restricted to the residue Zone RU1 and outside of the proposed residential area. The surrounding land uses comprise a mixture of agricultural and residential development. The predominant land use of the rural land in the locality is grazing.

The predominantly cleared land does support some threatened flora species and an endangered ecological community pursuant to the *Threatened Species Conservation Act 1995* (TSC Act). Conservation measures are proposed under the biodiversity certification provisions of the TSC Act. It is proposed to publicly exhibit the planning proposal and the application for biodiversity certification concurrently.

The planning proposal aims to result in a Local Environmental Plan (LEP) which alters the zoning of part of the land to Zone R1 General Residential. Two areas of Zone E3 Environmental Management are proposed, essentially in the middle of the Zone R1 area. The Zone E3 areas will form part of the land to be used for biodiversity certification. The remaining areas of biodiversity certification are outside of the Zone R1 area and are proposed to remain within the residue Zone RU1 Primary Production.

It is proposed to apply a minimum lot size of 400m² and a maximum building height of 8.5m within the area proposed for Zone R1. Various minimum lot sizes are proposed for the non-contiguous residue Zone RU1 land which will prevent subdivision of residue Zone RU1 lots once created. This will enable the orderly and economic use of the land and the enhancement of the ecological values of the site. The proposed minimum lot sizes for Zone E3 will also prevent further subdivision once the E3 lots are created.

The land is mapped for potential residential development in the Lismore Growth Management Strategy 2015 – 2035, approved by the Department of Planning and Environment on 11 August, 2015 and the Far North Coast Regional Strategy 2006 – 2031.

The planning proposal is consistent with the provisions of the Far North Coast Regional Strategy and the relevant State Environmental Planning Policies. The proposal is consistent or the inconsistencies can be justified with the relevant s117 Ministerial Directions.

A Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is sought.

Table 1 – Land subject to the planning proposal

Lot & DP	Property address	Area	Current zone
Lot 13 DP 551625	174 Howards Grass Road, Goonellabah	9.3ha	RU1
Lot 22 DP 746939	132 Howards Grass road, Goonellabah	28.8ha	RU1
Lot 2 DP 810168	33 Haywood Lane, Lagoon Grass	21.7ha	RU1
Lot 80 DP 755718	116 Howards Grass Road, Lagoon Grass	16.2ha	RU1
Lot 140 DP 755718	116A Howards Grass Road, Lagoon Grass	16.5ha	RU1

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this proposal is to enable the future residential development of the Trinity Drive Precinct, whilst conserving and enhancing the ecological values of the site.

The aims of the planning proposal are outlined below:

- *Increase the supply and diversity of housing.*
- *Provide land conducive for well-designed residential development.*
- *Maximise the use of existing and planned infrastructure and services including schools, hospitals, retail, specialist services, road networks, water and sewer.*
- *Assist in achieving the aims of the Far North Coast Regional Strategy 2006-2031.*
- *Provide land with high levels of residential amenity including northern and north eastern aspects, panoramic district views and favourable breezes in close proximity to public open space.*
- *Provide opportunities for biodiversity conservation.*

The rezoning of the land to a residential zone would permit the following development:

- Torrens Title subdivision with an expected yield of approximately 275 – 325 lots.
- Environmental off-set areas under the *Threatened Species Conservation Act 1995* biodiversity certification provisions.
- Public open space and urban bushland areas.

PART 2 – EXPLANATION OF PROVISIONS

The outcomes of the planning proposal are to be achieved by amending the following maps as illustrated in part 4 of this report:

- Land Zoning Map – Sheet LZN_005AB to apply Zone R1 General Residential and Zone E3 Environmental Management to part of the site and maintain the existing Zone RU1 Primary Production for the residue rural land.
- Lot Size Map – LSZ_005AB to apply a 400m² minimum lot size to the part of the site proposed for Zone R1 General Residential. Apply a combination of 5000m², 1ha, 2ha, 3ha, 5ha, 10ha and 40ha to residue Zone RU1 Primary Production. Apply 5ha and 1ha to proposed Zone E3 Environmental Management.
- Height of Buildings Map – HOB_005AB to apply an 8.5m maximum building height to the part of the site proposed for Zone R1 General Residential and Zone E3 Environmental Management.

Note re the E3 zone and the LEP Instrument: As the North Lismore Plateau Planning Proposal proposes the introduction of Land Use Tables for the E2 and E3 zones along with associated clauses, and as it is expected to be finalised before the Trinity Drive Planning Proposal, no amendments to the LEP Instrument are anticipated as a result of the inclusion of land in the E3 zone at Trinity Drive.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

The subject land was first officially identified as a potential location for higher order development under the Lismore Local Environment Plan (1992) with the area designated 1(d) Investigation zone. The Lismore Local Environment Plan 2000 continued the designation of the land with the 1(d) Investigation zone.

The subject land was identified for potential residential development in the Lismore Urban Strategy 2003. A rezoning application was subsequently submitted for the inclusion of appropriate parts of the land to be in the R1 General Residential zone in the (then) new Local Environmental Plan. However, the site was found to contain a significant population of Thorny pea, a threatened flora species, and its inclusion in the draft LEP was delayed pending the satisfactory resolution of mitigation of impacts on the Thorny pea.

At its Ordinary meeting in December 2009 Council resolved to endorse in principle the inclusion of the land at Trinity Drive in a residential zone as a future amendment to the draft LEP 2009, subject to resolution of Thorny pea issue and the matter being reported in detail back to Council.

The land is included in the Lismore Growth Management Strategy 2015 – 2035 and the Far North Coast Regional Strategy 2006 – 2031.

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

Yes. In order for a development application to be considered for the subdivision and development of the land for residential purposes it is necessary to first amend the Land Zoning Map, the Lot Size Map and the Height of Buildings Map.

Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy 2006-2031. The purpose of the Strategy is to provide land use planning policy guidance for the sustainable development of the Far North Coast region between 2006 and 2031.

Chapter 7 of the Strategy lists several Actions regarding settlement and housing including:

Tweed Heads, Lismore and Ballina will be promoted and supported as major regional centres of population and service provision for the region.

The Strategy sets a target of 8,000 additional new dwellings for the Lismore Local Government Area by the year 2031. The Trinity Drive Precinct is generally contained within the Strategy's Town and Village Growth Boundary Map.

Where land is not within the Town and Village Growth Boundary, Chapter 3 of the FNCRS outlines the appropriate process for rezoning land located outside of this map:

...any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria.

A compliance table detailing consistency with the Far North Coast Regional Strategy's Sustainability Criteria is located at Appendix 1 of this report. The planning proposal is consistent with the Far North Coast Regional Strategy's outcomes and actions subject to further studies.

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

Yes. As outlined below, the planning proposal is consistent with the current range of local strategic planning documents including:

- Lismore Growth Management Strategy 2015 - 2035;
- Imagine Lismore (Community Strategic Plan) 2013 - 2023

Lismore Growth Management Strategy 2015 - 2035

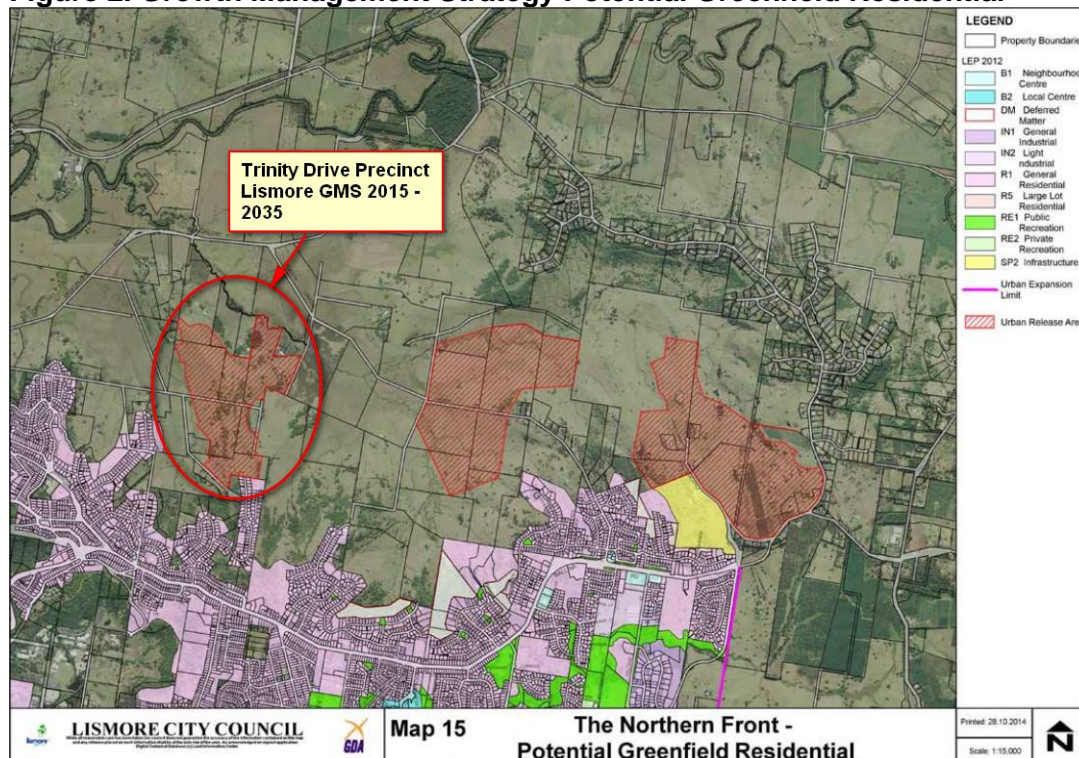
The subject land is identified as potential greenfield residential in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as illustrated in Figure 2 below.

The GMS is an important tool for Council and the community to ensure sustainable growth is planned and located in areas that have minimal constraints and can be serviced with the appropriate infrastructure. The following extract of section 5.2 of the GMS provides some commentary on the Trinity Drive Precinct:

The site was included in the former Lismore Urban Strategy 2005 as a greenfield residential release site. A rezoning application was subsequently submitted for the inclusion of appropriate parts of the land to be in the R1 General Residential zone in the (then) new Local Environmental Plan. However, the site was found to contain a significant population of Thorny pea, a threatened flora species, and its inclusion in the draft LEP was delayed pending the satisfactory resolution of mitigation of impacts on the Thorny pea.

At its Ordinary meeting in December 2009 Council resolved to endorse in principle the inclusion of the land at Trinity Drive in a residential zone as a future amendment to the draft LEP 2009, subject to resolution of Thorny pea issue and the matter being reported in detail back to Council.

Figure 2. Growth Management Strategy Potential Greenfield Residential



Imagine Lismore (Community Strategic Plan) 2013 - 2023

The planning proposal is consistent with *Imagine Lismore's* community visions and aspirations for growth as follows:

- The subject site is identified in the Lismore Growth Management Strategy 2015 - 2035;
- Timely processing of planning proposals to support land releases is included in 16. Strategic planning, assessment and construction in Section 4 Our Services.
- The proposal is in close proximity to existing development and services;
- The loss of agricultural land is offset by the net benefit of the residential development in such close proximity to services;
- The land proposed for Zone R1 General Residential is not flood prone;
- The Zone E3 and residue Zone RU1 land is large enough to accommodate any vegetation offset requirements that may be needed as a result of future development of the land.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Appendix 2.

6. *Is the planning proposal consistent with applicable s117 Ministerial Directions?*

The planning proposal is consistent, or the inconsistencies can be justified with the applicable s117 Ministerial Directions. A Section 117 checklist for the planning proposal is provided at Appendix 3.

The proposed use of Zone E3 Environmental Management

A media release issued by the Minister for Planning, dated 20 October 2015, provided notification to affected councils regarding the North Coast Environmental Zone Reforms. Environmental Protection Zones, including Zone E2 Environmental Conservation and Zone E3 Environmental Management can now be used subject to the Department of Planning and Environment's *Northern Councils E Zone Review – Final Recommendation Report*. The report provides criteria for the application of the E zones. These criteria will also be provided in a yet to be produced Section 117 Ministerial Direction. Council staff have been advised by the Department of Planning and Environment that a planning proposal can be considered for Gateway determination prior to the issuance of the s117 Direction. The proposed use of Zone E3 (refer to Map 2) is consistent with the report's recommendations for the application of the E3 zone as it will form part of a designated offset area for Thorny Pea (threatened species). Moreover, the landholders concur with the use of Zone E3.

Section C – Environmental, social and economic impact

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

The site's original vegetation has been completely cleared and the land planted to pasture. Regrowth has occurred in recent decades, although it is largely dominated by Camphor laurel and other woody weeds. Rainforest regrowth occurs in some lower eastern and northern sections of the site. Enhancement planting and weed management of some of this vegetation is

proposed under the biodiversity certification provisions of the *Threatened Species Conservation Act 1995*.

The vulnerable Thorny Pea (*Desmodium acanthocladum*) is scattered across the site with specimens both within and outside of the proposed residential zone. The indicative lot layout is designed to exclude as many individuals and clumps as possible, although this is complicated by the main populations being located along the spine of the ridge which is the area most suitable for development.

The vulnerable Arrow-head Vine (*Tinospora tinosporoides*) occurs in a patch of Camphor Laurel regrowth to the east of the proposed residential area, and in the main clump of dry rainforest in the north of the site also outside the proposed residential area.

The applicant's intention to work with Council to seek biodiversity certification of certain land within the Trinity Drive Precinct to compensate for likely impacts on biodiversity is supported by Council's Ecologist. Biodiversity certification offers planning authorities a streamlined biodiversity assessment process for areas marked for development at the strategic planning stage, along with a range of secure options for offsetting biodiversity impacts. After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the *Environmental Planning and Assessment Act 1979* for site-by-site threatened species assessment.

It is recommended that the applicant provide a Biodiversity Assessment Report and a Biodiversity Certification Strategy both prepared in accordance with the requirements of Part 7AA of the *Threatened Species Conservation Act 1995*. This will enable the planning proposal and the application for biodiversity certification to be publicly exhibited concurrently.

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

Land contamination

Tim Fitzroy & Associates undertook a preliminary soil contamination assessment for the original 2007 rezoning submission. However, the footprint of the proposed Zone R1 General Residential has increased in the recent 2015 rezoning planning proposal and additional reporting will be required in order to satisfy the provisions of SEPP 55.

The 2007 contaminated land report, with a reduced residential zone, included a limited oral history, site inspection and soil sampling. The soil sampling results indicate that the site is unlikely to contain any significant levels of contaminants above the nominated threshold limits.

It is recommended that a preliminary soil contamination assessment is provided by the proponents post Gateway determination for the whole of the area proposed for Zone R1 General Residential.

Bush fire

Parts of the site are identified as bush fire prone land. A bush fire hazard assessment prepared by Place Environmental was submitted with the 2007 rezoning submission; however, the report is superseded due to the expanded area of proposed Zone R1 and the existence of updated bush fire mapping.

A bush fire threat assessment report, in accordance with the provisions of Planning for Bush Fire Protection 2006, will be required after the receipt of the Gateway determination. Amongst other things, the report is required to clearly indicate bush fire prone land proposed for clearing and bush fire prone land proposed for retention and enhancement as part of the proposed biodiversity certification process.

Council is required under Section 117 of the *EP&A Act 1979*, Ministerial Direction 4.4, to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments received.

Land use conflict

This planning proposal will result in the creation of an interface between existing rural and proposed residential land uses which has the potential to generate land use conflict. Given the likely nature of the agricultural use of the land for cattle grazing, it is recommended that a land use conflict risk assessment (LUCRA) be undertaken at subdivision application stage consistent with the publication *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*.

The LUCRA is a development design tool to avoid or better manage the potential conflicts between different and incompatible land uses in rural areas. The LUCRA will be used in conjunction with Council's development controls to prescribe appropriate spatial separation or buffer distances between incompatible land uses.

Geotechnical

Shaw Urquhart Pty Ltd completed a preliminary geotechnical assessment for the 2007 rezoning submission for the land. The key finding by Shaw Urquhart was that the site's slope stability is generally suitable for residential housing in areas where gradients are of 18° or less (<30%). This finding is qualified by the recommendation for a detailed site-specific geotechnical assessment of the final lot layout on those lots which are of slopes between 12° (20%) to 18° (30%). The site inspection by the proponent's geotechnical engineers identified some isolated landslip areas, mostly on the western slopes.

It is recommended that a detailed geotechnical report and associated risk assessment be submitted by the proponent post Gateway determination in order to inform any constraints mapping on a Trinity Drive Precinct structure plan.

Water catchment

The Trinity Drive Precinct is located within the Wilsons River catchment and is included in the LEP 2012 Drinking Water Catchment Map. The majority of the land is set within the Lagoon Creek sub-catchment, approximately 1.2km upstream of the point where Lagoon Creek discharges to the Wilsons River. The confluence of Lagoon Creek and the Wilsons River is located 300m upstream from the Rous Water 'Wilson River Source'. Water from the river at this point is pumped via a 20km long rising main to the Nightcap water treatment plant.

A conceptual stormwater management plan was submitted as part of the 2007 rezoning application prepared by Black Earth Environmental Services. This report demonstrates that appropriate stormwater management can be achieved within the site. A detailed stormwater management plan will be required at development application stage that demonstrates consistency with the relevant LEP and DCP (LEP clause 6.4 – *Drinking water catchments* and

DCP Chapter 22 *Water Sensitive Design*) water quality requirements. The use of the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) will be required to reduce any uncertainty associated with the development of an appropriate stormwater management strategy for the site.

9. How has the planning proposal adequately addressed any social and economic effects?

Aboriginal and European cultural heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the five subject allotments on 31 July 2015. No Aboriginal sites or places were recorded or declared on that date.

The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.

Further assessment is required of Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that a Due Diligence Aboriginal heritage assessment is undertaken for the site prior to public exhibition.

Social impact

A Social Impact Assessment and Community Facilities Needs Assessment was prepared by TS Consulting as part of the 2007 rezoning application. The report combines a social impact assessment with a community facilities needs assessment. It identifies the required community, and recreation facilities for the proposed development, with a potential population of approximately 700 –1,000 persons and includes an audit of the existing community/recreation facilities within the Goonellabah area.

An information day for the Trinity Drive rezoning proposal was held on Saturday, July 14, 2007 at the Goonellabah Community Centre. Invitations to attend the open day had been hand delivered to all households 200 letterboxes on the following streets: Trinity Drive, Mountain View Drive, Asunta Place, Range Court, Ashgrove Drive, Knox Place, and Woodlawn Avenue. The letterbox drop included the invitation to attend the open day, a two-page summary sheet of information on the project and a map of the site area.

The community consultation process raised a number of potential negative impacts associated with the proposed rezoning and these include:

- Increased traffic
- Loss of visual amenity
- Loss of sense of community
- Loss of play area for children
- Increased risk of crime

Potential positive impacts of the planning proposal for the immediate vicinity and the wider area include:

- Increased provision and diversity of housing
- Provision of community/recreation facilities in the area

- Direct link to Bangalow Road will assist with traffic management
- Increased opportunity for public transport
- Employment generation during construction and operation phases
- Positive economic impacts

Through the community consultation process, surveys, discussions with Council officers and the project team there were a number of measures capable of being introduced so as to mitigate against the identified and perceived negative impacts of the proposal. These measures include:

- Lot design and layout
- Road design
- Landscape design
- Staged development
- Additional public open space areas
- Enhanced permeability for pedestrians, cyclists and motorists

Section D – State and Commonwealth interests

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

Water

A potable water supply shall be via conventional reticulation system from Trinity Drive. The proponent's 2007 engineering services report indicates that a new 0.5ML balance tank would be located in the southern end of the estate. Future residential development of the site would be subject to Section 64 contributions under the *Local Government Act 1993*.

Council's Water and Sewer Engineer has advised that water trunk main upgrades for the Trinity Drive Precinct are scheduled for 2019/2020. Initial stages of the development could connect to existing water mains in the vicinity.

Sewer

The Lismore City Council Strategic Business Plan for Water Supply and Wastewater Services 2014 provides for the construction of the "Northern Front" which will service Pineapple Road, Lagoon Grass and Trinity Drive urban release areas. All of the proposed lots will have capacity to be serviced by the northern front; however, the subject land will be required to integrate with the Pineapple Road Precinct as part of the network design and construction.

The point of connection for this catchment is to be provided by Lismore City Council in accordance with the Northern Front Servicing Strategy. Council's Water and Sewer Engineer has advised that capital works are scheduled for 2019/20. Temporary servicing measures may be required if the site is developed prior to the servicing strategy being implemented.

Traffic

The preliminary traffic assessment was submitted as part of the 2007 rezoning application with a yield of approximately 220 lots, compared with the current planning proposal with an estimated 280 lot yield. Council's Strategic engineer is satisfied that the outdated report provides sufficient information for progress of the proposal to Gateway determination; however, a detailed traffic assessment will be required prior to public exhibition.

The preliminary structure plan submitted with the current planning proposal provides for the following key road network elements listed below. It is worth noting that the draft Lismore DCP

residential subdivision chapter will most likely be adopted by Council prior to the finalisation of this planning proposal and some of the detail below may be subject to change in the final version of the structure plan.

Preliminary Structure Plan components:

- The collector road is proposed to be 11m wide along the north south ridgeline and then divides into a separated median (5m wide) road formation on the east/west ridgeline down to Hayward Lane and Lagoon Grass Road;
- The existing Lagoon Grass Road and Hayward Lane will be upgraded to a 6m seal on an 8m pavement;
- Creek crossing over Lagoon Creek;
- No development frontage to Lagoon Grass Road frontage is proposed;
- The early stages of the development to be accessed via Lagoon Grass Road;
- Coinciding with the implementation of the Trinity Drive connection, works may be required within the existing Trinity Drive to accommodate additional traffic flow;
- Upgrade Bangalow Road and Lagoon Grass Road intersection.

Stormwater

The majority of the subject site drains via overland flow into Lagoon Creek (Strahler 4th order stream) within the lower reaches of its catchment area. The catchment area for Lagoon Creek comprises rural agricultural land and substantially developed residential urban environments. Water quality within Lagoon Creek at the point that it coincides with the subject site is expected to be poor quality due to the highly modified catchment. Historic access to the creek for grazing cattle and substantial historic clearing within the riparian zone has resulted in weed establishment and erosion problems along the creek banks.

The remainder of the site drains to the west and into Howards Creek (Strahler 3rd order stream). At this point in its catchment Howards Creek is relatively minor with a flow regime that could be considered perennial to intermittent. Given that the catchment for Howards Creek is predominately cleared rural grazing land with residential urban development within its upper reaches, the water quality within this watercourse is not expected to be a high standard.

A conceptual stormwater management plan was submitted as part of the 2007 rezoning application prepared by Black Earth Environmental Services. A detailed stormwater management plan will be required at development application stage.

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

This section of the planning proposal will be completed following consultation with the State and Commonwealth public authorities identified in the Gateway determination.

The following table provides a summary of the relevant public authorities/organisations, which in the opinion of Council, should be consulted in accordance with the Gateway determination.

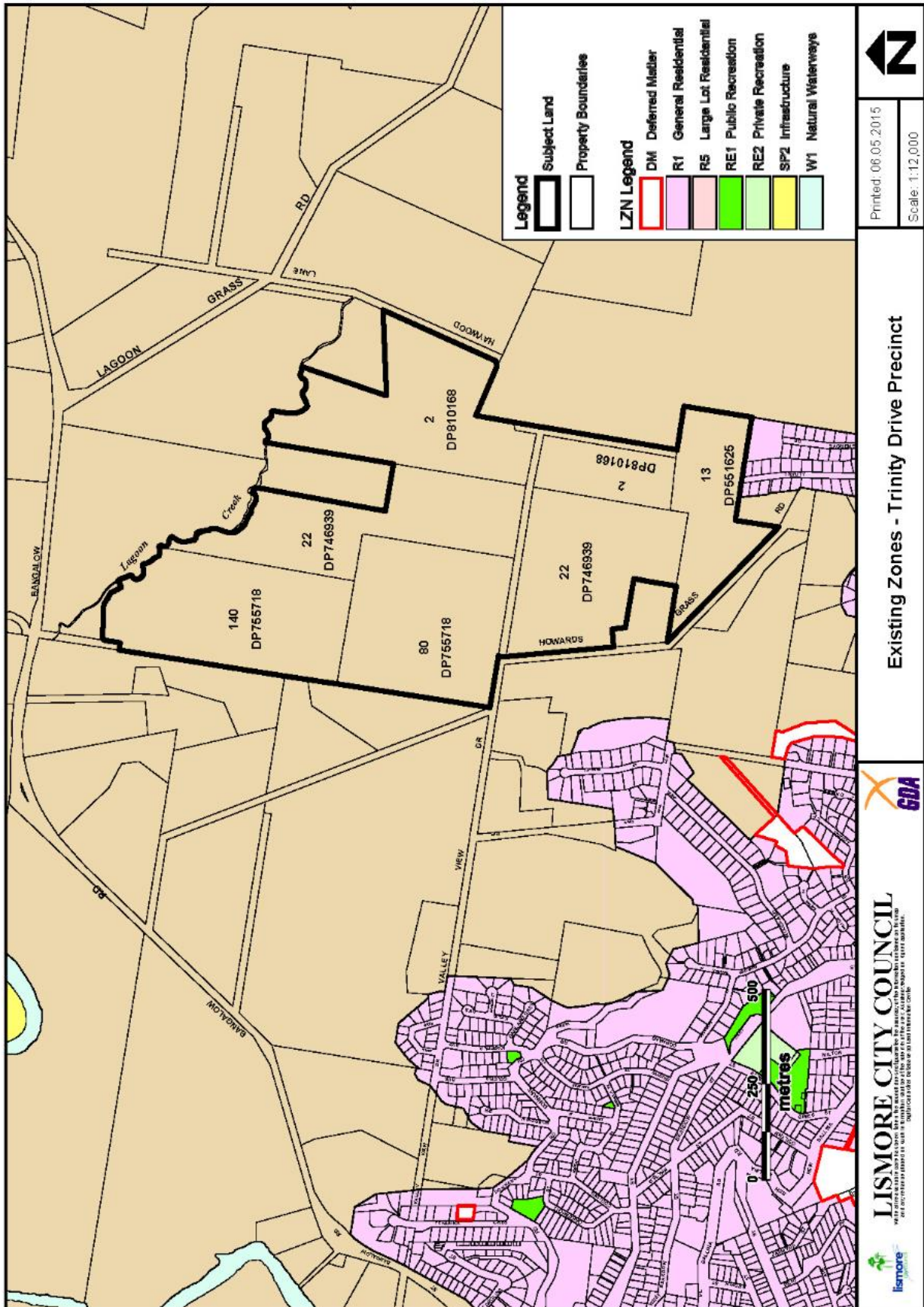
Public Authority/Stakeholder	Issue Requiring Comment
NSW Rural Fire Service	Section 117 of the <i>EP&A Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service.

Public Authority/Stakeholder	Issue Requiring Comment
Department of Primary Industries	Use of existing agricultural land for residential development.
Members of the Local Aboriginal Community	Aboriginal heritage
Office of Environment and Heritage	Biodiversity and heritage
Rous Water	Water supply
Roads and Maritime Services	Roads

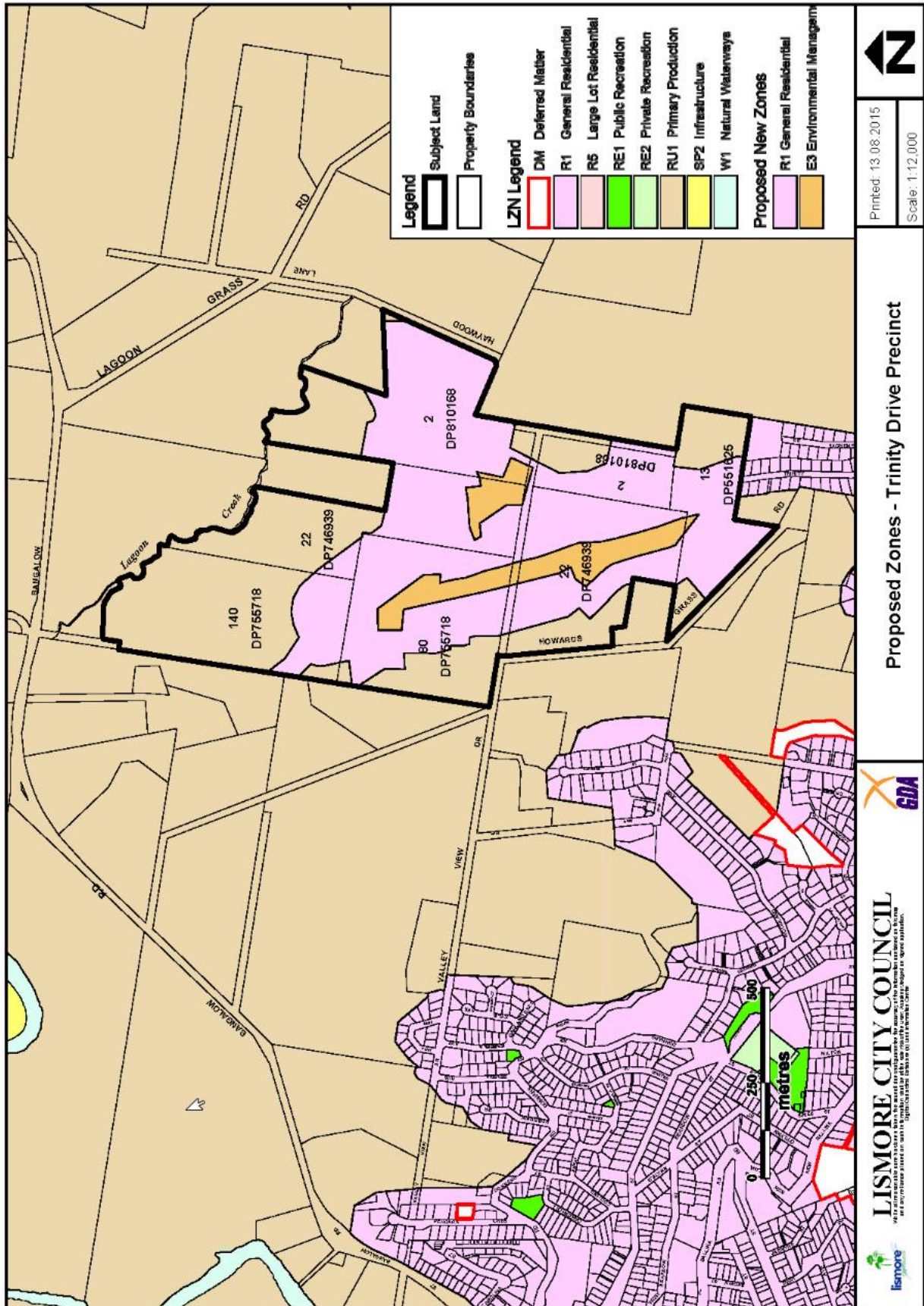
The proposed agency consultation will be confirmed with the Gateway determination. The outcomes of the consultation will be reported back to Council post public consultation.

PART 4 - MAPPING

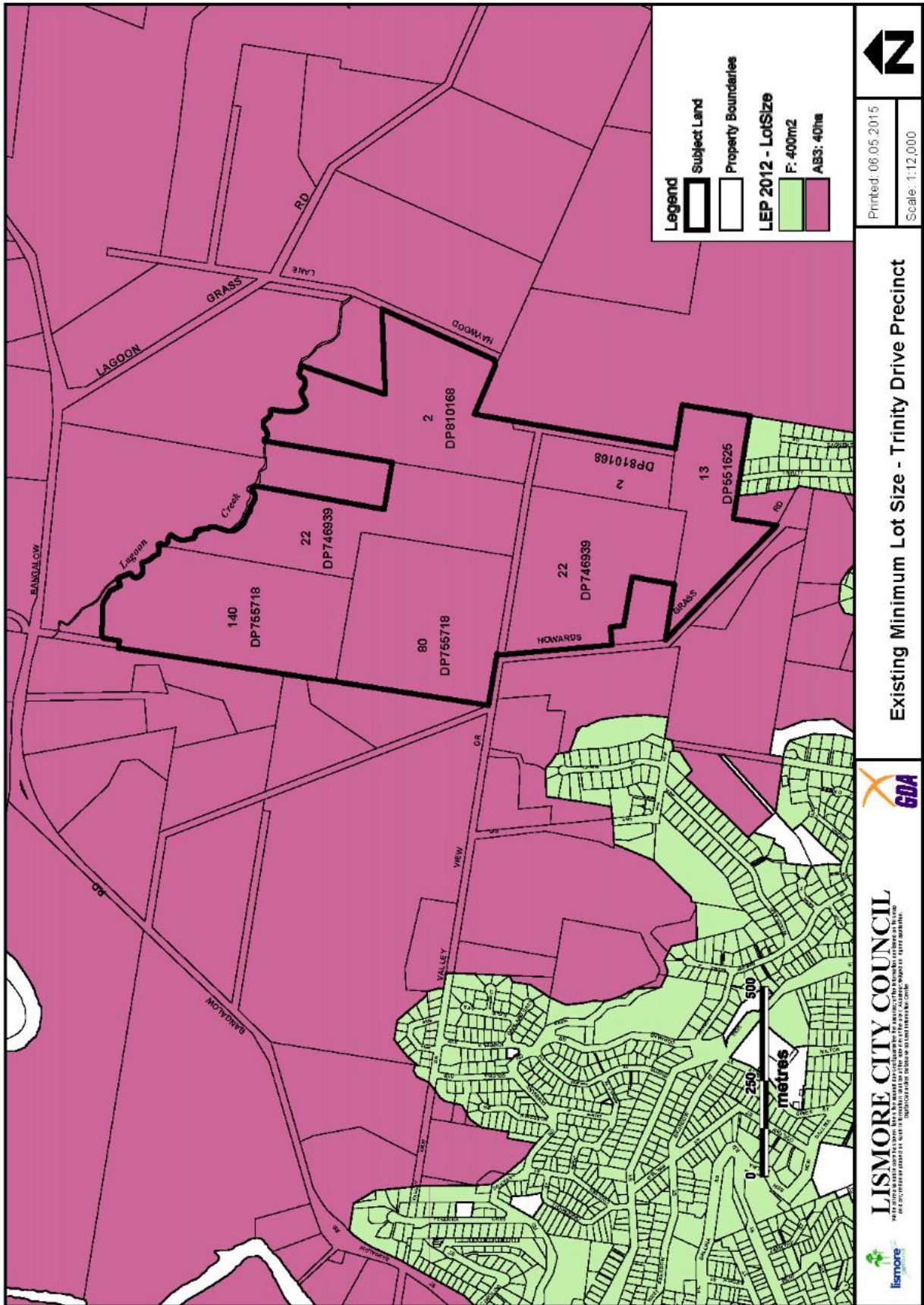
Map 1 – Trinity Drive Precinct - Existing Zone Map



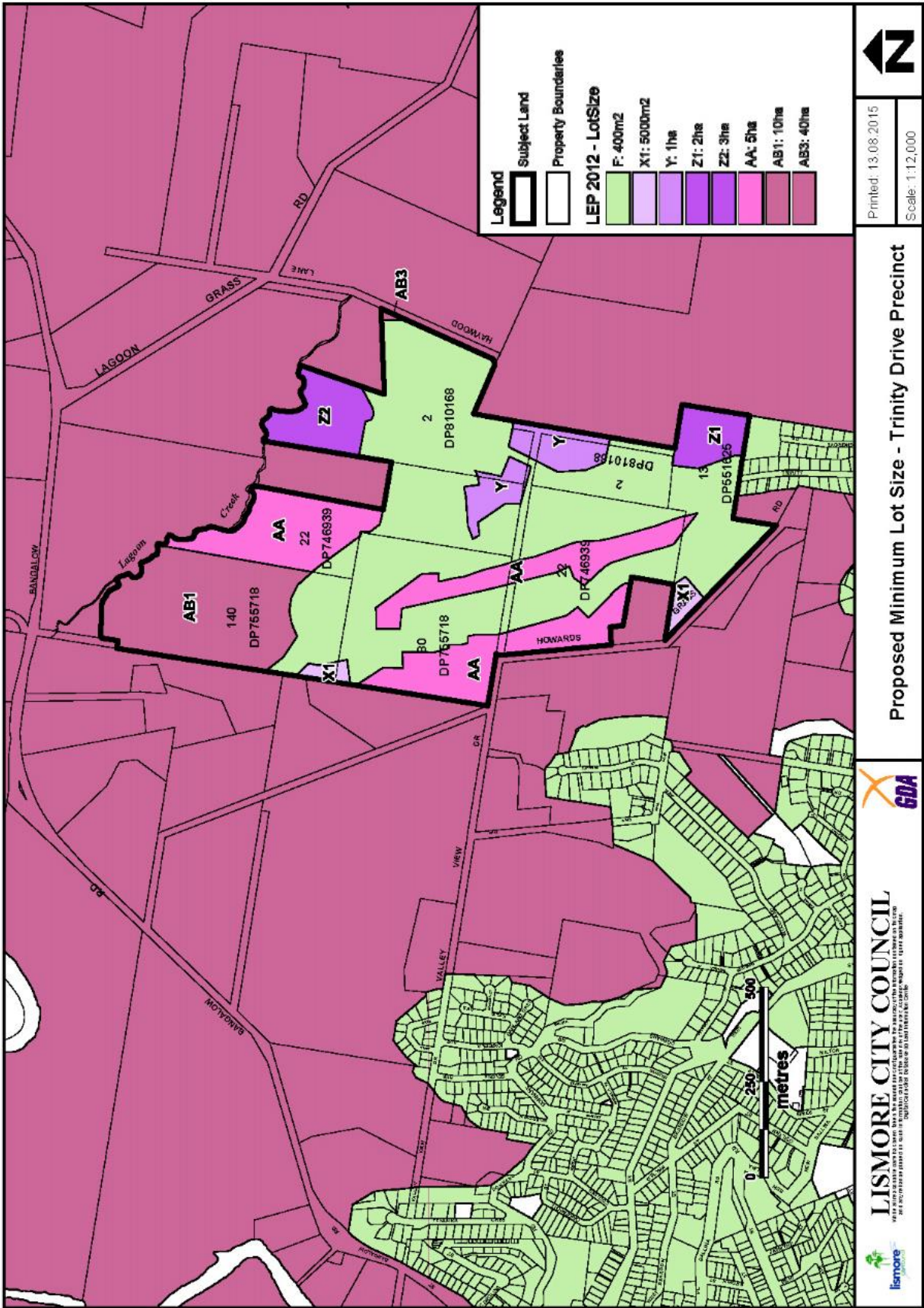
Map 2 - Trinity Drive Precinct - Proposed Zone Map



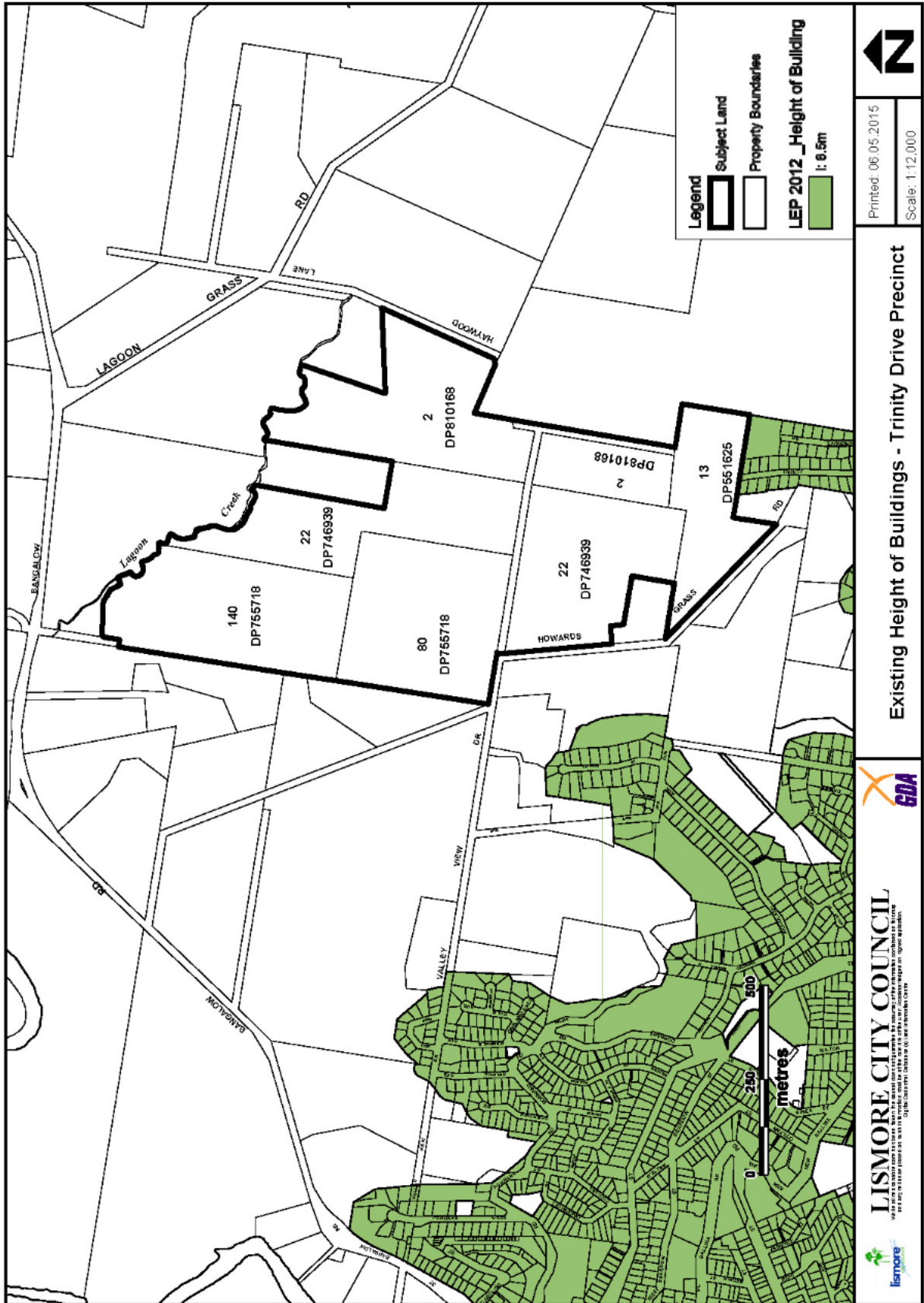
Map 3 - Trinity Drive Precinct - Existing Lot Size Map



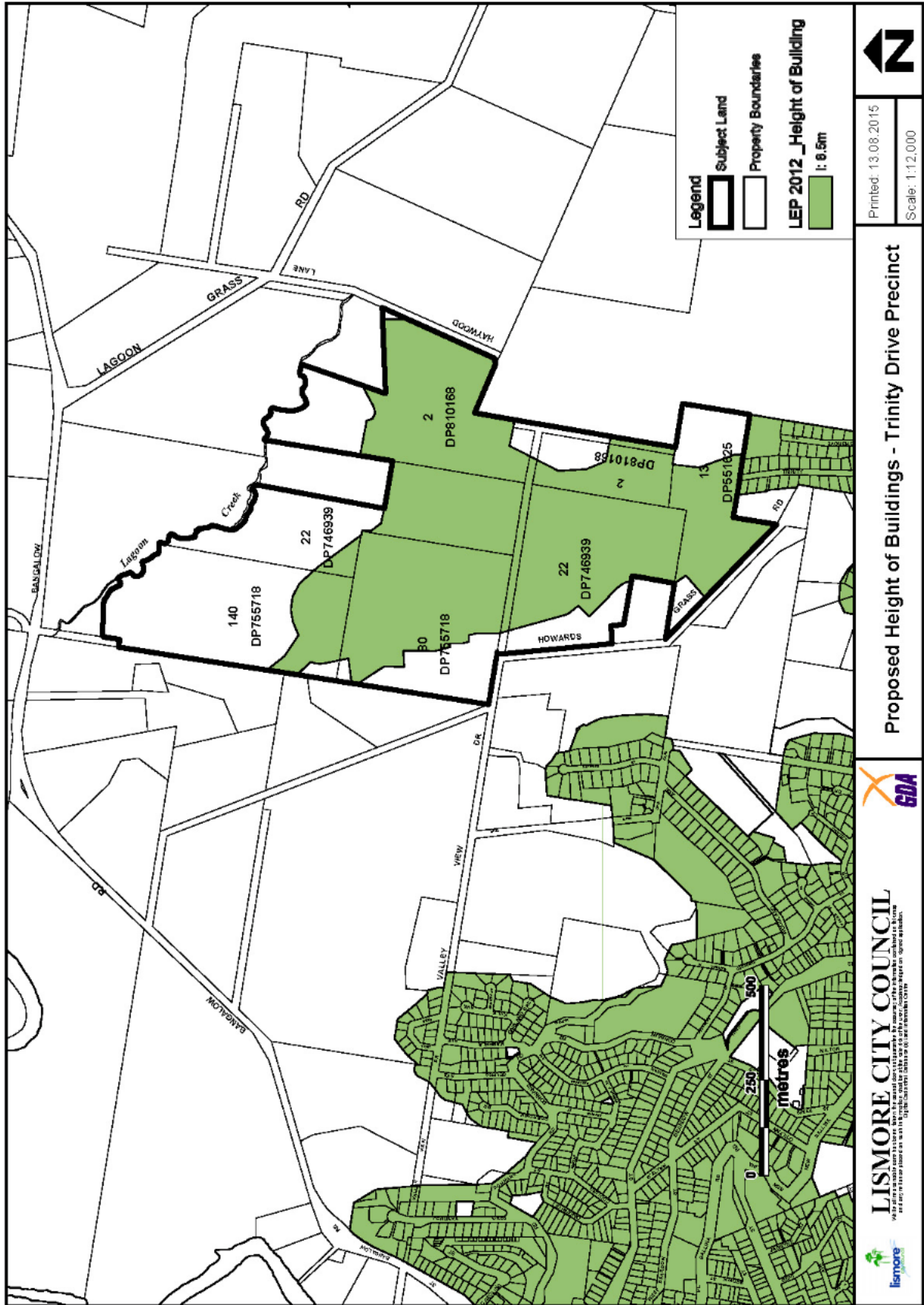
Map 4 - Trinity Drive Precinct - Proposed Lot Size Map



Map 5 – Trinity Drive Precinct - Existing Height of Building Map



Map 6 – Trinity Drive Precinct – Proposed Height of Building Map



PART 5 – COMMUNITY CONSULTATION

Planning proposal

Council proposes to publicly exhibit the planning proposal and the application for biodiversity certification concurrently. Council would normally consider that a twenty eight (28) day public exhibition period would be appropriate. However, in this instance a thirty (30) day period would align with the thirty (30) day minimum for notification of an application for biodiversity certification in accordance with the requirements of the *Threatened Species Conservation Act 1995*.

Notification of the exhibited planning proposal will include:

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

The written notice will:

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

Exhibition Material:

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

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Gateway determination will confirm the public consultation requirements.

Biodiversity certification

The application for biodiversity certification will be publicly exhibited pursuant to S126N of the *Threatened Species Conservation Act 1995*.

PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
November 2015	Report planning proposal to Council
December 2015	Gateway determination issued by Department of Planning and Environment.
December 2015	Request additional technical information Commence preparation of biodiversity certification process
November 2016	Submission of technical information for planning proposal Submission of technical information for biodiversity certification Government agency consultation Public exhibition of planning proposal Public exhibition of biodiversity certification documentation
December 2016	Council reviews technical information Analysis of public submissions & public agency comments Preparation of LEP maps Preparation of Council report
March 2016	Report to Council
April 2017	Opinion sought from Parliamentary Counsel's Office (if delegated) Plan making by RPA (if delegated)
May 2017	Notification of the draft Local Environmental Plan

PART 7– LEP DELEGATIONS

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which will enable Council to process the final stages of a planning proposal as outlined in Planning Circular PS12-006.

In accordance with the resolution, Council wrote to the Minister of Planning and Infrastructure accepting the delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* and informed the Minister that the function is sub-delegated to the General Manager in accordance with Section 381 of the *Local Government Act 1993*.

The delegations extend to routine LEPs as listed below:

- Section 73A Amendments (minor errors and anomalies, amending references to documents, etc.);
- Council land reclassifications;
- Some local heritage items;
- Spot re-zonings consistent with endorsed strategies and/or surrounding zones;
- Mapping alterations; and
- Other matters of local significance as determined by the Gateway.

As the planning proposal is consistent with endorsed strategies, Council seeks to exercise delegations for plan making in this instance.

APPENDIX 1

FAR NORTH COAST REGIONAL STRATEGY – SUSTAINABILITY CRITERIA COMPLIANCE TABLE

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
<p>1. Infrastructure provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way</p>	<ul style="list-style-type: none"> • Development is consistent with the outcomes of the Far North Coast Regional Strategy, any subregional strategy, regional infrastructure plan and relevant section 117 directions. • The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions. • Preparedness to enter into development agreement. 	<ul style="list-style-type: none"> • The majority of the proposed residential land is located in the FNCRS Town and Village Growth Boundary Map. • All of the proposed residential land is mapped as potential greenfield residential in the Lismore Growth Management Strategy 2015 – 2035, which was endorsed by the Department of Planning and Environment on 11 August, 2015. • The planning proposal is consistent with relevant FNCRS outcomes, in particular with regard to infrastructure provision. Where more detail is needed, further assessment and studies are required post gateway determination including a detailed traffic assessment. • The proposed residential land is generally free of natural hazards with the exception of small areas of bush fire prone land. • The land is adjacent to existing residential land and in close proximity to all existing services including water, sewer, telecommunications and transport demonstrating consistency with s117 Direction 3.1 Residential Zones. • Local bus services will be able to access the development and opportunities will be provided for walking and cycling, demonstrating consistency with s117 Direction 3.4 Integrating Land Use and Transport. A traffic assessment is required post gateway determination. • The planning proposal will assist in achieving the settlement and housing targets set by the FNCRS. • Public open space will be provided in accordance with Lismore City Council's Development Control Plan. • Applicable section 94 contributions and section 64 headwork charges will be levied in accordance with Council's s94 Plan and Development Servicing Plan.
<p>2. Access Accessible transport options for efficient and sustainable travel between home, jobs, services and recreation to be existing or provided</p>	<ul style="list-style-type: none"> • Accessibility of the area by public transport and/or appropriate road access in terms of: <ul style="list-style-type: none"> ➤ Location/land use – to existing networks and related activity centres. 	<ul style="list-style-type: none"> • The rezoning planning proposal will provide opportunities for improved connectivity with Bangalow Road and Ballina Road. It is proposed that early stages of the development of the land will be accessed from Bangalow Road. The future road network will cater for public transport. • The land is located within 4km of the

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
	<ul style="list-style-type: none"> ➢ Network – the area’s potential to be serviced by economically efficient transport services. ➢ Catchment – the area’s ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. • No negative impact on performance of existing subregional road, bus, rail, ferry and freight network. 	<p>Goonellabah Town Centre and 6km to the Lismore CBD. The land has close local access to health, education, retail, recreation, religious and other services. The land is also in close proximity to other regional centres.</p>
<p>3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed</p>	<ul style="list-style-type: none"> • Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing. 	<p>The planning proposal will enable a variety of residential housing options ranging from integrated housing to single dwellings.</p>
<p>4. Employment Lands Provide regional/local employment opportunities to support the Far North Coast’s expanding role in wider regional and NSW economies</p>	<ul style="list-style-type: none"> • Maintain or improve the existing level of subregional employment self-containment. • Meets subregional employment projections. <ul style="list-style-type: none"> ➢ Employment related land is provided in appropriately zoned areas. 	<ul style="list-style-type: none"> • The proposal will provide increased housing supply and choice for existing residents and workers as well as the expanding workforce associated with the Lismore Base Hospital upgrade. • The proposal is for residential development and does not include any future commercial or industrial land use zones. The location is considered more suitable for residential uses consistent with the surrounding land uses. • The Lismore Growth Management Strategy 2015 – 2035 points out that the supply of business and industrial zoned land is surplus to the projected demand over the 20 year life span of the strategy.
<p>5. Avoidance of Risk Land use conflicts and risks to human health and life, avoided</p>	<ul style="list-style-type: none"> • No residential development within 1:100 floodplain. • Avoidance of physically constrained land e.g. <ul style="list-style-type: none"> ➢ High slope. ➢ Highly erodible. • Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant 	<ul style="list-style-type: none"> • The proposed residential land is not constrained by flood or acid sulfate soils nor is the land in the coastal zone. <p><u>Land contamination</u></p> <ul style="list-style-type: none"> • It is recommended that a contaminated land assessment is undertaken for the entire area proposed for residential zoning post Gateway determination, prior to the making of the plan. <p><u>Bush fire</u></p>

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
	<p>subregional or regional strategy.</p> <ul style="list-style-type: none"> Where relevant available safe evacuation route (flood and bush fire). 	<ul style="list-style-type: none"> Some of the allotment is mapped as bush fire prone land containing the lower risk vegetation category 2 (RFS Guide for Bush Fire Prone Land Mapping 2014). Council is required under section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination in satisfaction of section 57 of the EP&A Act, and take into account any comments so made. A bush fire risk assessment is required post Gateway determination. <p><u>Buffer areas</u></p> <ul style="list-style-type: none"> It is recommended that a <i>Land Use Conflict Risk Assessment (LUCRA)</i> be undertaken at subdivision development application stage. The methodology for the assessment should be consistent with that presented in the publication <i>Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast</i>. <p><u>Geotechnical</u></p> <ul style="list-style-type: none"> Shaw Urquhart Pty Ltd completed a preliminary geotechnical assessment for the 2007 rezoning submission for the land. The key finding by Shaw Urquhart was that the site's slope stability is generally suitable for residential housing in areas where gradients are of 18° or less (<30%). This finding is qualified by the recommendation for a detailed site-specific geotechnical assessment of the final lot layout on those lots which are of slopes between 12° (20%) to 18° (30%). It is recommended that a detailed geotechnical report and associated risk assessment be submitted by the proponent post Gateway determination in order to inform any constraints mapping on a Trinity Drive Precinct structure plan.
<p>6. Natural Resources</p> <p>Natural resource limits not exceeded/environmental footprint minimised</p>	<ul style="list-style-type: none"> Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. Demonstrates most efficient/suitable use of land. <ul style="list-style-type: none"> Avoids identified significant agricultural 	<ul style="list-style-type: none"> The Precinct will be capable of being serviced by the reticulated water network. Water supply upgrade works for the Trinity Drive Precinct are identified in the Lismore City Council Strategic Business Plan for Water Supply and Wastewater Services 2014. Approximately 2000m² of Zone R1 General Residential land is identified as Regionally Significant Farmland. The Trinity Drive Precinct, including this 2000m² in the north

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
	<p>land.</p> <ul style="list-style-type: none"> ➤ Avoids productive resource lands – extractive industries, coal, gas and other mining and quarrying. • Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution. 	<p>east of the site, is identified as potential greenfield residential in the Lismore Growth Management Strategy 2015 – 2035 (GMS), which was endorsed by the Department of Planning and Environment on 11 August 2015. Inclusion in the GMS required consistency with the recommendations of the Farmland Protection Project, in particular planning principle No. 4.</p> <ul style="list-style-type: none"> • The land is not zoned or mapped for the purposes of an extractive industry. • The favourable location of the site is such that the use of solar aspect and sea breezes will maximise thermal comfort without unreasonable demands on existing energy infrastructure.
<p>7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health</p>	<ul style="list-style-type: none"> • Consistent with Government approved Regional Conservation Plan (if available). • Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats. • Maintain or improve existing environmental condition for air quality. • Maintain or improve existing environmental condition for water quality. <ul style="list-style-type: none"> ➤ Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). ➤ Consistent with catchment and stormwater management planning (CMA and council). • Protects areas of Aboriginal cultural heritage value (as agreed by DEC). 	<ul style="list-style-type: none"> • The planning proposal is consistent with the outcomes of the Far North Coast Regional Conservation Plan. The proposed residential zone is located well clear of riparian areas. Development of the site provides an opportunity to rehabilitate the degraded areas of the site under the biodiversity certification process. It is recommended that a Biodiversity Assessment Report and a Biodiversity Certification Strategy are submitted for public exhibition concurrent with the exhibition of the planning proposal. • A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment on 31 July 2015. No Aboriginal sites or places were recorded or declared on that date. • The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012. • A due diligence Aboriginal heritage report is recommended in order to demonstrate consistency with Section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 2.3 – Heritage Conservation. • Stormwater management incorporating water sensitive urban design principles will be used within the development in accordance with DCP requirements. A stormwater management plan will be required at development application stage.

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
<p>8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p>	<ul style="list-style-type: none"> • Available and accessible services. <ul style="list-style-type: none"> ➤ Do adequate services exist? ➤ Are they at capacity or is some capacity available? ➤ Has Government planned and budgeted for further service provision? ➤ Developer funding for required service upgrade/access is available 	<p>The development of the site for residential purposes would result in an increase in population in the area. Lismore provides a wide range of education, health, recreational, legal, religious, retail, cultural and community services which are sufficient to meet the needs of the population increase proposed on the site. Consolidation of urban development within Lismore will reinforce the centre's role as a 'Major Regional Centre' as described in the FNCRS. The area is in close proximity to the following services:</p> <ul style="list-style-type: none"> • Goonellabah Town Centre, including Sports and Aquatic Centre. • Lismore Base Hospital and St Vincent's Hospital. • Schools: 7 high schools and numerous primary schools. • Southern Cross University. • Lismore CBD and regional retail and banking facilities, industrial centres, professional services and churches. • Sports fields/recreation facilities including soccer, rugby league, netball, tennis, rugby union, swimming, roller skating, PCYC, martial arts academy, golf course, shooting, ten pin bowling, lawn bowls, cinemas and showground. <p>Development of the site will be subject to s64 <i>Local Government Act 1993</i> fees for the supply of potable water and connection to reticulated sewer. S94 <i>EP&A Act 1979</i> contributions apply in accordance with Council's adopted contributions plan.</p>

APPENDIX 2

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 6 – Number of Storeys in a Building	Not Applicable	Not Applicable
SEPP No 14 – Coastal Wetlands	Not Applicable	Not Applicable
SEPP No. 21 – Caravan Parks	Not Applicable	Not Applicable
SEPP No. 22 – Shops and Commercial Premises	Not Applicable	Not Applicable
SEPP No. 26 – Littoral Rainforests	Not Applicable	Not Applicable
SEPP No. 30 – Intensive Agriculture	Not Applicable	Not Applicable
SEPP No. 32 – Urban Consolidation (<i>Redevelopment of Urban Land</i>)	Not Applicable	Not Applicable
SEPP No. 33 – Hazardous and Offensive Development	Not Applicable	Not Applicable
SEPP No. 36 – Manufactured Home Estates	Not Applicable	Not Applicable
SEPP No. 44 – Koala Habitat Protection	<p>3 - Aims, Objectives, Etc.</p> <p>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;</p> <p>(b) By encouraging the identification of areas of core koala habitat; and</p> <p>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<p>Consistent</p> <ul style="list-style-type: none"> The SEPP applies to land that has at least 15% of its tree cover constituting koala food trees listed in schedule 2 of the SEPP. Koala food trees would account for less than 1% of the woody vegetation on the site. Council's Comprehensive Koala Plan of Management for South East Lismore 2013 identifies a small area trees as primary koala habitat. There are a range of compensatory planting options provided in the CKPoM including planting on site. There is adequate area on site for compensatory plantings.
SEPP No. 50 – Canal Estate Development	Not Applicable	Not Applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	Not Applicable
SEPP No. 55 – Remediation of Land	<p>6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</p>	<p>Consistent</p> <ul style="list-style-type: none"> A preliminary contaminated land assessment prepared by Tim Fitzroy and Associates for the 2007 rezoning, involving a reduced residential footprint, concluded that the subject land parcels were suitable for residential rezoning.

State Environmental Planning Policy	Requirements	Compliance
		<ul style="list-style-type: none"> A preliminary contaminated land assessment for all of the proposed residential land is recommended post gateway.
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	Not Applicable
SEPP No. 64 – Advertising and Signage	Not Applicable	Not Applicable
SEPP No. 65 – Design Quality of Residential Flat Development	Not Applicable	Not Applicable
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	Not Applicable	Not Applicable
SEPP No. 71 – Coastal Protection	Not Applicable	Not Applicable
SEPP (Affordable Rental Housing) 2009	3 Aims <ul style="list-style-type: none"> To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility... 	Consistent Rezoning the land from rural to residential will enable the development of various forms of affordable housing.
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	2 Aims <ul style="list-style-type: none"> Increase supply and diversity of residences that meet the needs of seniors or people with a disability Make efficient use of existing infrastructure and services 	Consistent Housing for seniors or people with disability can occur within the existing rural zone in accordance with clause 17 of the SEPP. Such development is also permissible in the proposed residential zone.
SEPP (Infrastructure) 2007	Applicable	Consistent <ul style="list-style-type: none"> The planning proposal is consistent with the aims of the SEPP. The proposed R1 zone is a prescribed zone within which various forms of infrastructure are either permissible with or without development consent. It is also worth noting that the proposed R1 zone will prohibit various forms of infrastructure that are deemed incompatible with residential development. These include research stations, sewage treatment plants, water recycling facilities, waste or resource management facilities and water treatment facilities.

State Environmental Planning Policy	Requirements	Compliance
SEPP (Major Development) 2005	Not Applicable	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	Not Applicable
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Consistent <ul style="list-style-type: none"> • The planning proposal is consistent with the rural planning principles and rural subdivision principles. • The planning proposal identifies land adjacent to the existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. • The land that forms the subject of the planning proposal has been identified in Council plans/strategies since 1992 for future residential development. The land is now identified in the Lismore Growth Management Strategy 2015-2035.
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable	Not Applicable

APPENDIX 3

SECTION 117 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not Applicable	Not applicable
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>	<p>Justified inconsistency</p> <ul style="list-style-type: none"> The inconsistency is justified the entire area proposed for residential zone is now identified as potential greenfield residential in the Lismore Growth Management Strategy 2015-2035. The proposal is consistent with the objective of this Ministerial Direction. The majority of the proposed residential zone is located in the Town and Village Growth Boundary Map of the FNCRS. The sustainability criteria of the FNCRS have been used for the area of proposed residential land outside the map. This further justifies the inconsistency in accordance with clause 5 of the Direction. A Land Use Conflict Risk Assessment (LUCRA) will be required as part of the subdivision development application.
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources 	<p>Not applicable</p> <ul style="list-style-type: none"> The planning proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones; therefore, a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo. The land does not incorporate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not Applicable	Not Applicable
1.5 Rural Lands	The planning proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal identifies land adjacent to existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to

Ministerial Directions	Requirements	Compliance
		<p>adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances.</p> <ul style="list-style-type: none"> The land will be subject to a biodiversity certification agreement under the <i>Threatened Species Conservation Act 1995</i>. It is planned to publicly exhibit the planning proposal and the biodiversity certification agreement concurrently. The proposed residential land is identified as potential greenfield residential in the Growth Management Strategy 2015-2035. Moreover, the land was identified as 1(d) Investigation Zone from 1992 to 2012 in two previous LEPs. The land was also identified as potential residential land in the Lismore Urban Strategy 2003.
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal does not involve environmentally sensitive areas listed Clause 3.3 of the Lismore LEP 2012. The planning proposal does not reduce environmental protection standards to the land. It is proposed that the land will be subject to a biodiversity certification agreement under the <i>Threatened Species Conservation Act 1995</i>. It is planned to publicly exhibit the planning proposal and the biodiversity certification agreement concurrently.
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.	<p>Consistent</p> <ul style="list-style-type: none"> A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the five subject allotments on 31 July 2015. No Aboriginal sites or places were recorded or declared on that date. The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012. Further assessment is required of Aboriginal heritage in order to demonstrate consistency with Section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that a Due Diligence Aboriginal heritage report is submitted post Gateway determination.
2.4 Recreation Vehicle Areas	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density. 	<p>Consistent</p> <ul style="list-style-type: none"> • A range of housing types and densities are permissible within the zone. • The land is adjacent to existing infrastructure and services and planned future infrastructure. • The proposed minimum lot size for the residential land is 400m². • LEP 2012 clause 6.9 requires the provision of services prior to granting development consent.
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> • Retain provisions that permit development of caravan park. • Appropriate zone for existing caravan parks. 	<p>Consistent</p> <ul style="list-style-type: none"> • The proposed Zone R1 General Residential does permit caravan parks with development consent. • The residue Zone RU1 also permits caravan parks with development consent; however, there is limited potential for this form of development in this portion of the lot due to the various constraints of the site.
3.3 Home Occupations	<p>The planning proposal must permit home occupations in dwelling houses without development consent.</p>	<p>Consistent</p> <ul style="list-style-type: none"> • Development consent is not required for home occupations under SEPP (Exempt and Complying Development Codes) 2008 and LEP 2012.
3.4 Integrating Land Use and Transport	<p>A planning proposal must locate zones for urban purposes that give effect to:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001) 	<p>Consistent</p> <ul style="list-style-type: none"> • The site has sufficient capacity to provide access to transport for residents. Street layout will accommodate buses, cars, bikes and pedestrians. • Streets will generally be connected to maximise access. • The site is adjacent to existing residential development and associated infrastructure. • The site is proximal to all existing services including education, retail, recreation, medical, religious, sporting, trade and professional services. • The proposed residential development will strengthen the role of existing centres such as Lismore CBD and Goonellabah shopping centre.
3.5 Development Near Licensed Aerodromes	Not Applicable	Not Applicable
3.6 Shooting Ranges	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) 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 The subject site is not identified on Council's Acid Sulfate Soils Planning Maps.
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> • Applies to mine subsidence areas. • Applies to areas identified as unstable. 	Consistent <ul style="list-style-type: none"> • The land is not within a mine subsidence area. • The land is not identified as subject to slip or mass movement on Council's broad scale mapping. However, it is recommended that a geotechnical report is provided post gateway determination to be included with the public exhibition documentation.
4.3 Flood Prone Land	<ul style="list-style-type: none"> • Consistency required with NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. • Must not rezone land in the flood planning area from rural to residential. • No provisions in the planning proposal that apply to flood planning area that: permit development in floodway; result in significant flood impacts on other properties; permit significant increase in the development of the land; result in increased requirement for government spending; generally not permit development without consent (some exceptions). 	Consistent <ul style="list-style-type: none"> • The planning proposal is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. • All of the proposed Zone R1 General Residential is outside of the Lismore LEP 2012 flood planning area.
4.4 Planning for Bushfire Protection	A planning proposal in bush fire prone land:	Consistent <ul style="list-style-type: none"> • Parts of the subject land contain bush

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> • Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. • Have regard to 'Planning for Bush Fire Protection 2006'. • Restrict inappropriate development from hazardous areas. • Ensure bush fire hazard reduction is not prohibited within the APZ. 	<p>fire hazard and asset protection zones will need to be assessed based on slope and existing and proposed vegetation areas.</p> <ul style="list-style-type: none"> • A detailed bush fire threat assessment is recommended post Gateway determination in accordance with the requirements of Planning for Bush Fire Protection 2006. • Council is required under section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. • Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.
5. Regional Planning		
5.1 Implementation of Regional Strategies	<ul style="list-style-type: none"> • The planning proposal must be consistent with the Far North Coast Regional Strategy. 	<p>Consistent</p> <p>The planning proposal is consistent with the Far North Coast Regional Strategy – refer to the FNCRS Sustainability Criteria compliance table.</p>
5.2 Sydney Drinking Water Catchments	Not Applicable	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> • The planning proposal must not re-zone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project. 	<p>Justified Inconsistency</p> <ul style="list-style-type: none"> • Approximately 2000m² of the proposed Zone R1 General Residential land is identified as Regionally Significant Farmland. This land is identified for future potential urban use in the Lismore Growth Management Strategy 2015 - 2035; consequently, the use of the land for residential development is consistent with the recommendations of the 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
5.9 North West Rail Link Corridor Strategy	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
6. Local Plan Making		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. Not identify development as designated development unless justified. 	<p>Consistent</p> <p>There are no referral or concurrence requirements in the planning proposal.</p> <p>The proposal does not identify development as designated development.</p>
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E. 	<p>Consistent</p> <p>No land is proposed to be zoned for public recreation purposes.</p>
6.3 Site Specific Provisions	Not Applicable	Not Applicable
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not Applicable	Not Applicable