

# Planning Proposal

## **REZONING of land at 1A and 1B Northcott Drive, Goonellabah**

August 2018



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## Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to rezone part of Lot 2 DP 777930 and Lot 1 DP 1213247, known respectively as 1A and 1 B Northcott Drive, Goonellabah from RU1 Primary Production to R1 General Residential. The proposal is aimed at facilitating the future subdivision of the land for residential development adjacent to existing residential areas on Lismore's northern ridge.

The site is presently in the RU1 Primary Production zone with a minimum lot size of 40ha in the Lismore Local Environmental Plan 2012 as shown on Figure 1 below.

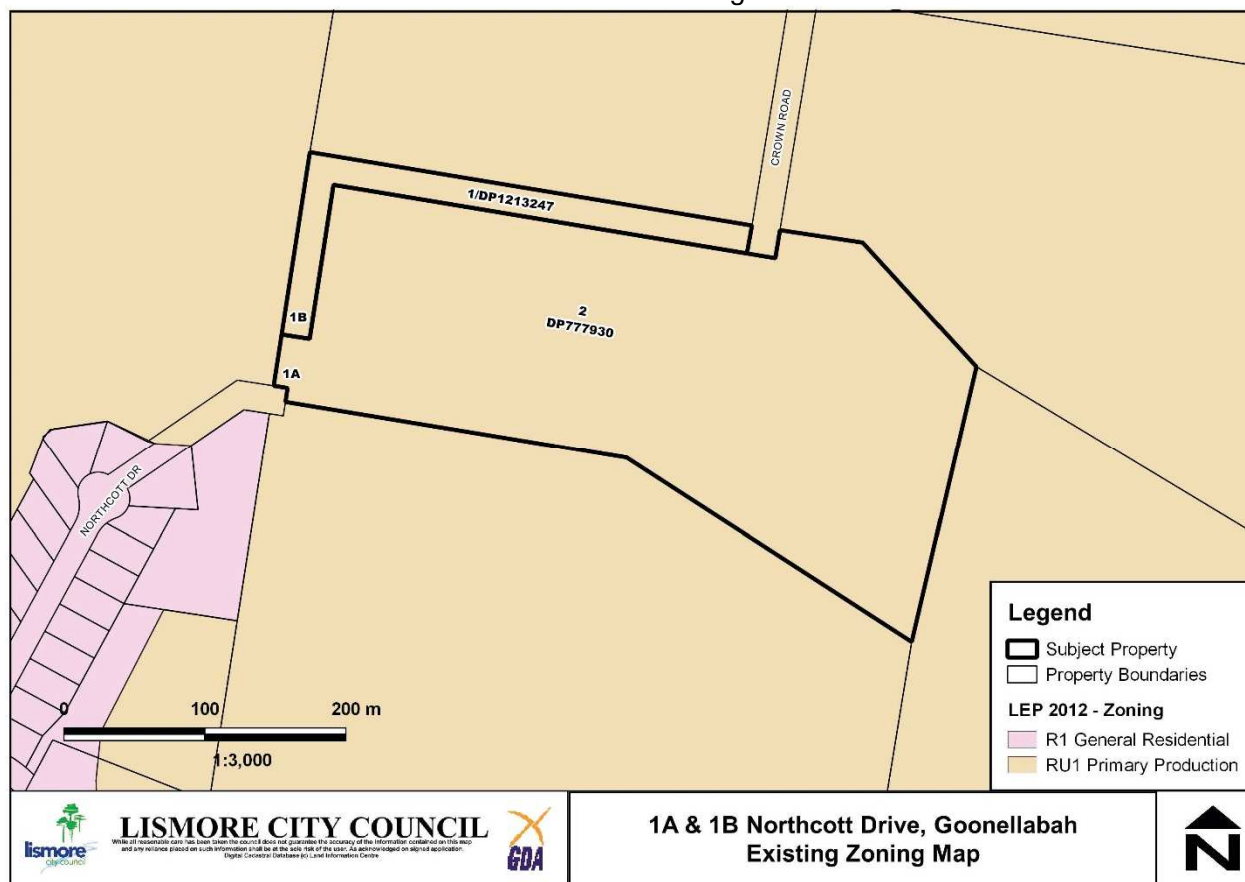


Figure 1: Current zone Lismore LEP 2012

### Site description and setting

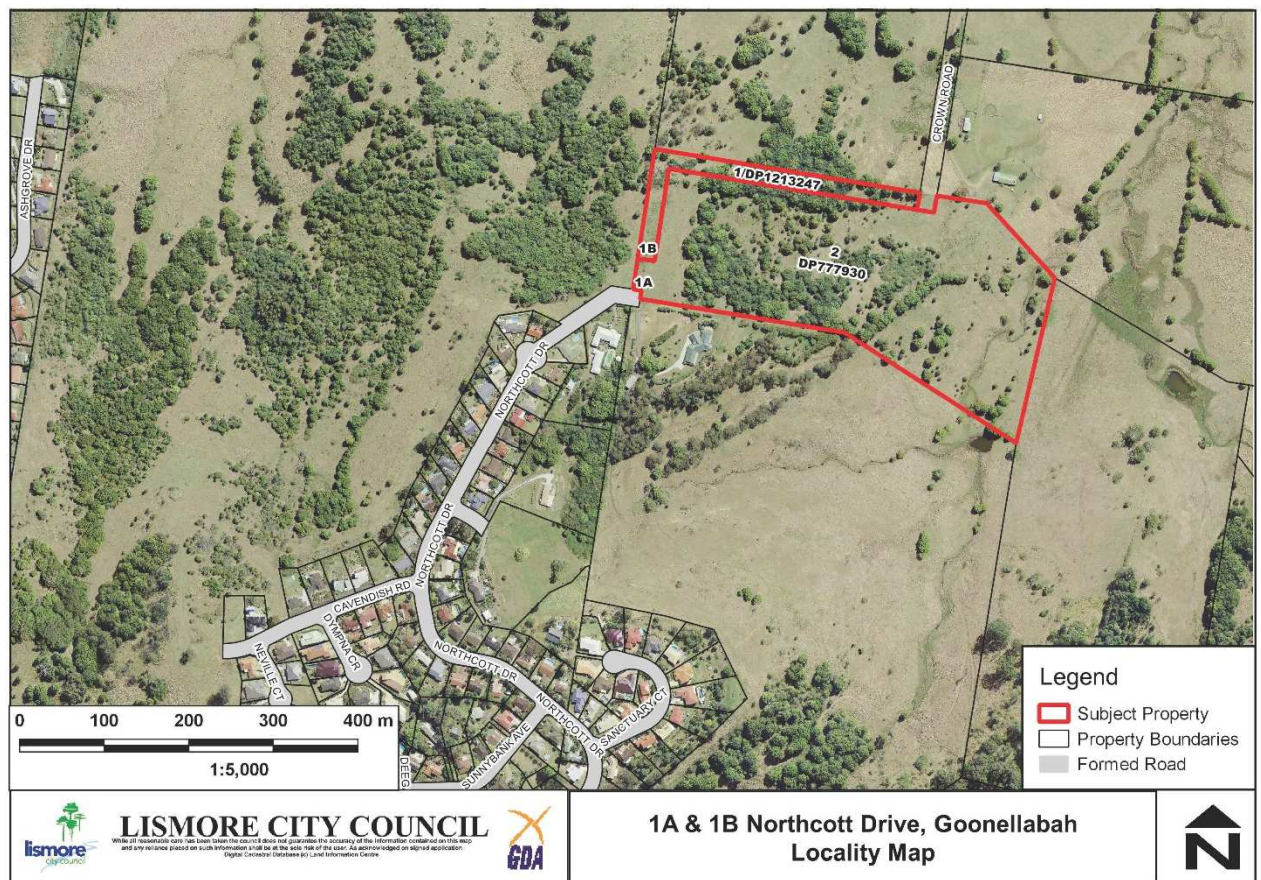
The two parcels of land are approximately 9.3 hectares in area and currently used for grazing. Historically, the site has been cleared and now supports extensive regrowth dominated by Camphor Laurel and Large-leaved Privet.

The site is located immediately north east of Northcott Drive, Goonellabah with access available from Northcott Drive. Land to the south west along Northcott Drive is zoned R1 General Residential and has previously been developed for residential. Land to the north, east and south comprises rural lots cleared for grazing.

The site is located approximately six (6) kilometres from Lismore's CBD which offers a high level of services and facilities commensurate to its status as a Regional City.

The site is proposed to be serviced with reticulated water from Council Mains and reticulated sewerage from the Northern Trunk main which has sufficient capacity to accommodate infill development. Power will be accessed from Northcott Drive.

Figure 2 below provides an aerial photograph showing the locality of the subject site. Figures 3 and 4 provide images of the western part of the site that is proposed to be rezoned and views to surrounding areas.



**Figure 2 - Aerial photograph of the site**





**Figure 3 - View from the gently undulating western boundary of the site to the north**



**Figure 4 - View from the gently undulating western part of the site to the south east**

## **Part 2 - Explanation of Provisions**

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan (LEP) 2012 to rezone part of Lot 2 DP 777930 and Lot 1 DP 1213247 from RU1 Primary Production to R1 General Residential zone.

- Amend the Land Zoning Map to change part of the subject land from Zone RU1 Primary Production to Zone R1 General Residential
- Amend the Minimum Lot Size Map for part of the land from 40 ha to 400 m<sup>2</sup>
- Amend the Height of Building Map for part of the land to provide for a building height of 8.5m.

## **Part 3 - Justification**

### **Section A - Need for the Planning Proposal**

There is a need for the Planning Proposal to allow for the rezoning of the site from primary production to general residential. There is a need for the Planning Proposal to allow for the rezoning of the site from Zone RU1 Primary Production to Zone R1 General Residential. The North Coast Regional Plan (March 2017) states that an extra 4,200-5,000 dwellings will be needed in the Lismore City Council Local Government Area by 2036. The proposed rezoning will assist in meeting this demand for residential land.

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

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Council at its Ordinary meeting on 12 May 2015 and identifies land preferred for development for residential and employment purposes.

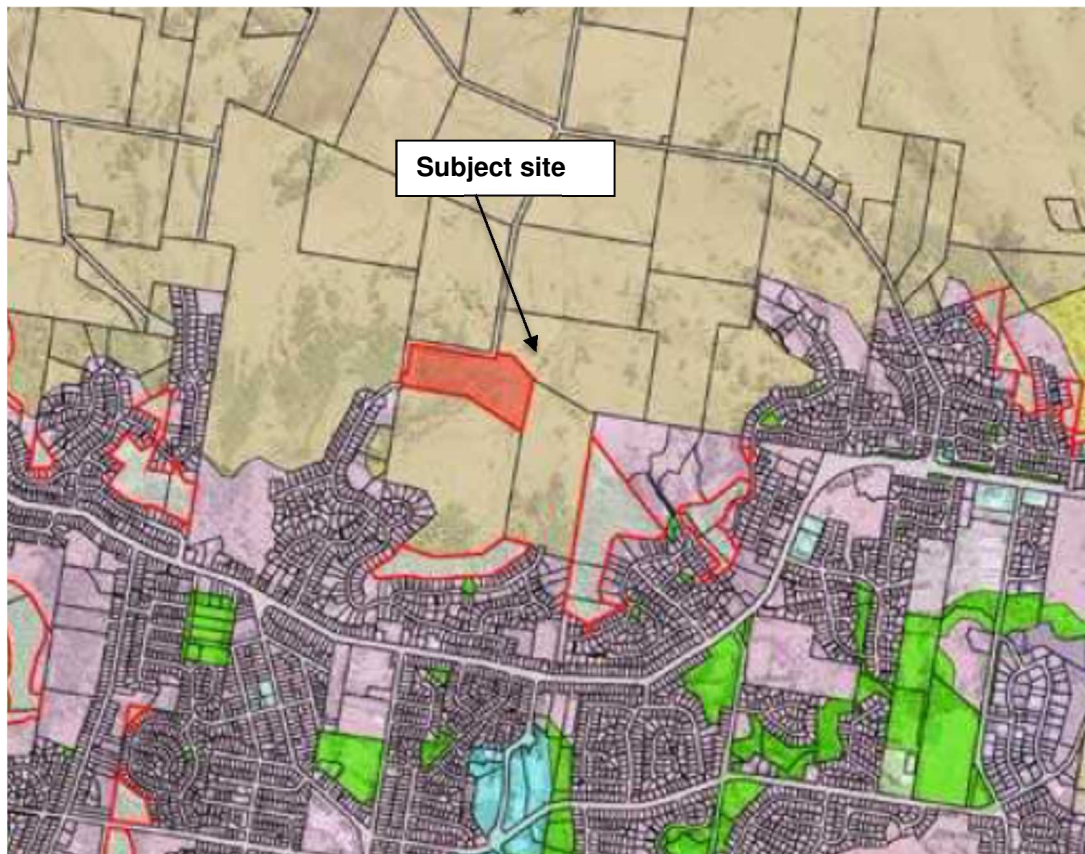
The subject site is specifically identified and discussed in the GMS as an *Urban Fringe Investigation Site*. The site was also identified in the Lismore Urban Strategy 2005.

The GMS concludes that while the site is steeply sloping making it inappropriate for development on the eastern side, it has potential for residential development on the western part that is 'gently sloping with good aspect and views to the north'.

Map 16 'Potential Residential Infill and Urban Fringe Sites' of the GMS clearly identifies the subject land as a 'potential urban site' area as shown on Figure 5. The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015.

The area proposed to be rezoned is identified as 'Investigation area – urban land' in the Urban Growth Area map for the Lismore LGA in the North Coast Regional Plan 2036.





**Figure 5 – 1A Northcott Drive, Goonellabah in Lismore GMS 2015-2035**

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

A planning proposal to change the zone to the R1 General Residential zone and an associated amendment of the Lot Size map and Building Height map is the best way to enable residential subdivision.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in Zone RU1 on land that is at least the minimum lot size applying to the land.

The current minimum lot size applying to the land is 40ha which precludes subdivision of the land and the development of additional dwellings. Therefore, a change to the zoning and minimum lot size applying to the land is necessary to achieve the objectives and intended outcomes and the planning proposal is the only means to achieve this.

A change in zoning and minimum lot size to part of the land is consistent with Council's Growth Management Strategy and therefore is considered to be the most appropriate means of enabling the development of the land.

**Section B – Relationship to strategic planning framework**

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The North Coast Regional Plan (NCRP) is the current overarching State Government framework to sustainably manage growth for the Far North Coast and allocate further development of land for residential and employment purposes in appropriate locations.

The NCRP states that 'local growth management strategies will be prepared by councils to reflect the directions and actions contained in this Plan.' The planning proposal is consistent with the Goals and Actions of the NCRP with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established.

The NCRP also states that local growth management strategies 'will be developed prior to preparing a local environmental plan to zone land for residential, rural residential, commercial and industrial land uses'. This proposal is consistent with the intent of the NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved.

The NCRP Urban Growth Area map for the Lismore Local Government Area shows the subject land as 'Investigation area – Urban Land' so the Planning Proposal is consistent with this strategy.

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

The Planning Proposal is consistent with the following strategic planning documents:

- Imagine Lismore (Community Strategic Plan 2017-2027)
- Lismore Growth Management Strategy 2015-2035 (GMS)

#### **Imagine Lismore (Community Strategic Plan) 2017-2027**

Imagine Lismore 2017-2027 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years.

The planning proposal is consistent with the following Imagine Lismore objectives and strategies:

- Our land-use planning caters for all sectors of the community;
- Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development; and
- Ensure a diverse range of land use and development opportunities are available.

#### **Lismore Growth Management Strategy 2015-2035**

The subject site is identified on Map 16 of the GMS as a 'Potential Residential Infill and Urban Fringe Sites' as shown in Figure 5.

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

The Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs). An assessment against relevant SEPPs is provided at **Appendix 1**.

#### **Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The proposal is consistent with applicable Section 9.1 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

### **Section C – Environmental, social and economic impact**

#### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Vegetation at the site consists almost entirely of exotic pastureland including Camphor Laurel and Large Leaf Privet regrowth reflecting historic clearing of the site and previous agricultural land uses.

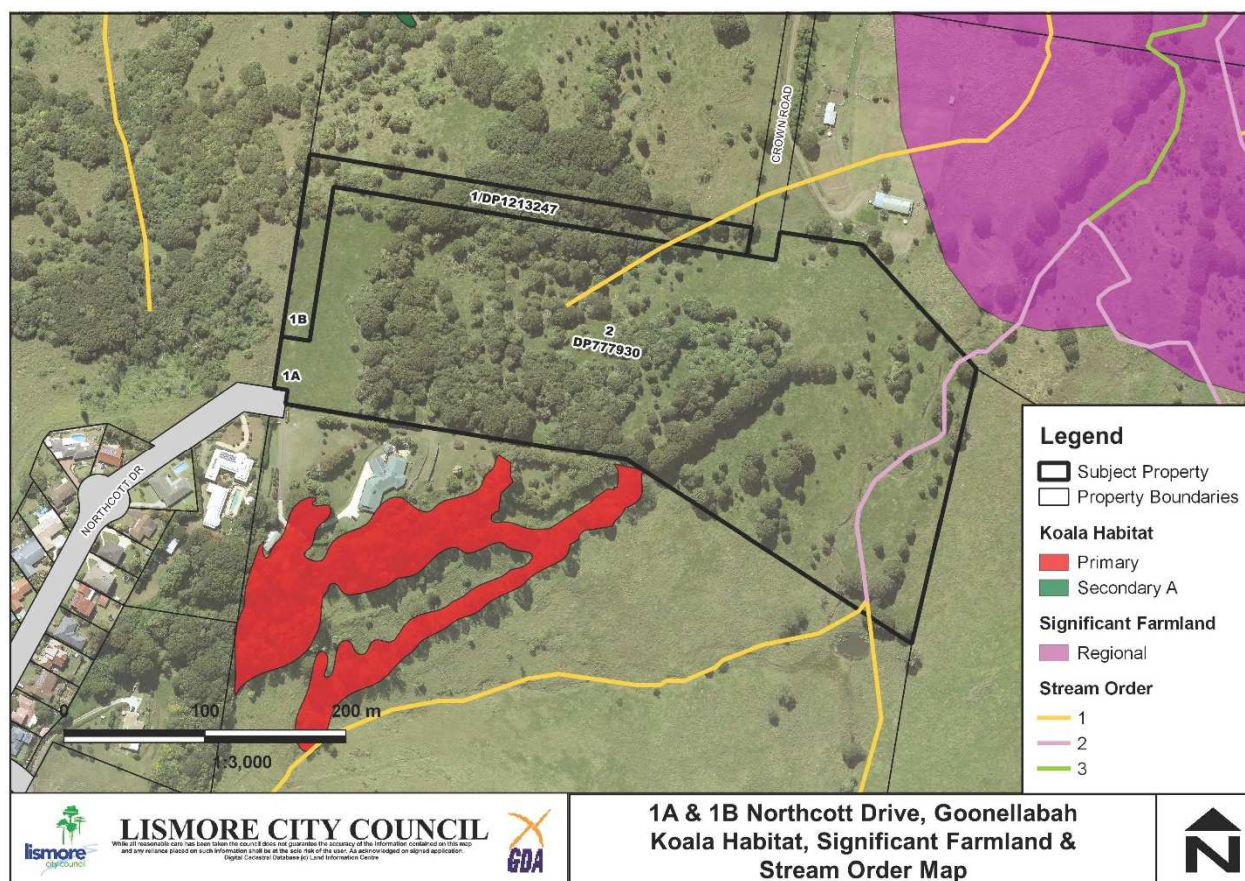
Council's Ecologist has confirmed there were no signs of Koala usage or preferred Koala feed tree species onsite, although an area of Primary Koala Habitat is located south of the site as shown in Figure 6.



No threatened flora or fauna species were identified nor was the vegetation characteristic of any Endangered Ecological Communities. The only habitat value for threatened fauna may likely be for foraging by several species of Micro Bats and Flying foxes on an opportunistic basis.

The Ecological Assessment supplied by the applicant suggests that the development of the site presents an opportunity to restore native vegetation around the eastern watercourse. This matter may be addressed at the DA stage and if it is considered appropriate, conditions of a Vegetation Management Plan can be imposed to restore and manage native vegetation in this area.

Overall, the site has limited biodiversity values which reflect its substantial disturbance from agricultural activities. No further technical reporting on ecology is required.



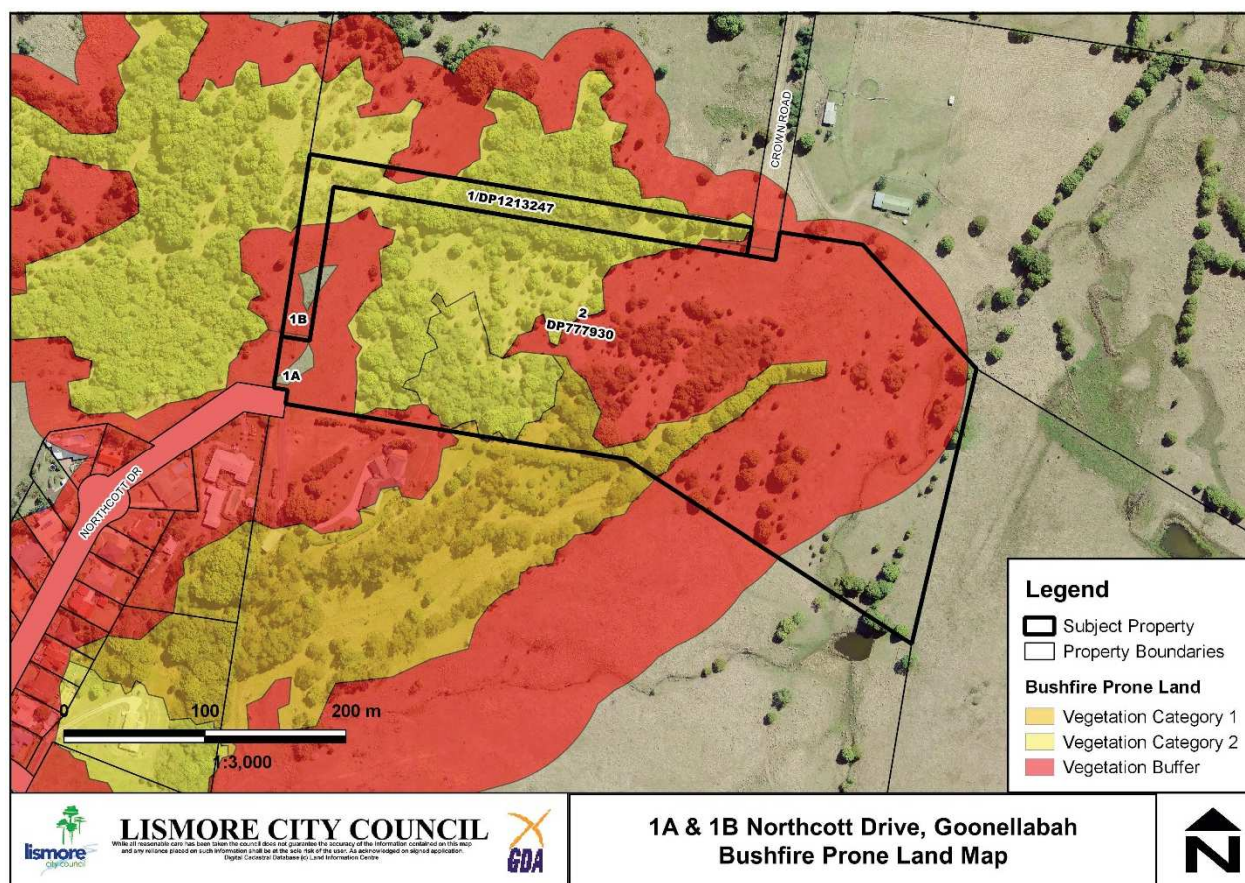
**Figure 6 – Stream Order, Primary Koala habitat and Regionally Significant Farmland in proximity to 1A and 1B Northcott Drive, Goonellabah**

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

#### **Land Contamination**

A preliminary contaminated land assessment has been prepared which did not identify any potentially contaminating activities or chemicals within the soil samples. Due to the current use of the site for cattle grazing, a further contaminated land assessment will be necessary to provide additional soil samples over the western part of the site proposed to be rezoned to future residential. This information is required to address SEPP 55 requirements post Gateway and prior to the finalisation of the LEP amendment.





**Figure 7: Bushfire prone land at 1A Northcott Drive, Goonellabah**

### Bush Fire

The majority of the site is mapped as being bushfire prone as shown in Figure 7. The eastern part is mainly comprised of 'Vegetation Buffer' while the western part is identified as Vegetation Category 1 and 2. A preliminary assessment of bushfire hazard indicates that future development will be able to meet the requirements of Planning for Bushfire Protection 2006. As the site is mapped as bushfire prone land the Planning Proposal will require referral to the NSW Rural Fire Service.

### Land use conflict

The planning proposal will result in the potential for additional dwellings on land adjoining rural land which has the potential to generate land use conflict. Council's Environmental Health Officer has assessed the proposal and advised that the development of this site is considered to be 'infill' development (zoned R1 General Residential) which is exempt from the 30m buffer requirement to surrounding land used for cattle grazing according to Council's DCP Chapter 11 on 'Buffers'.

The likely risk of land use conflict with surrounding agricultural uses occurring as a result of this rezoning is considered to be low because only a small portion of the site is proposed to be rezoned, thus reducing the interface between rural and residential uses. In addition, an existing dwelling is located close to the southern boundary of the site which reduces the likelihood of land use conflict with agricultural land uses in this area. The potential for land use conflict can be suitably assessed at the DA stage.

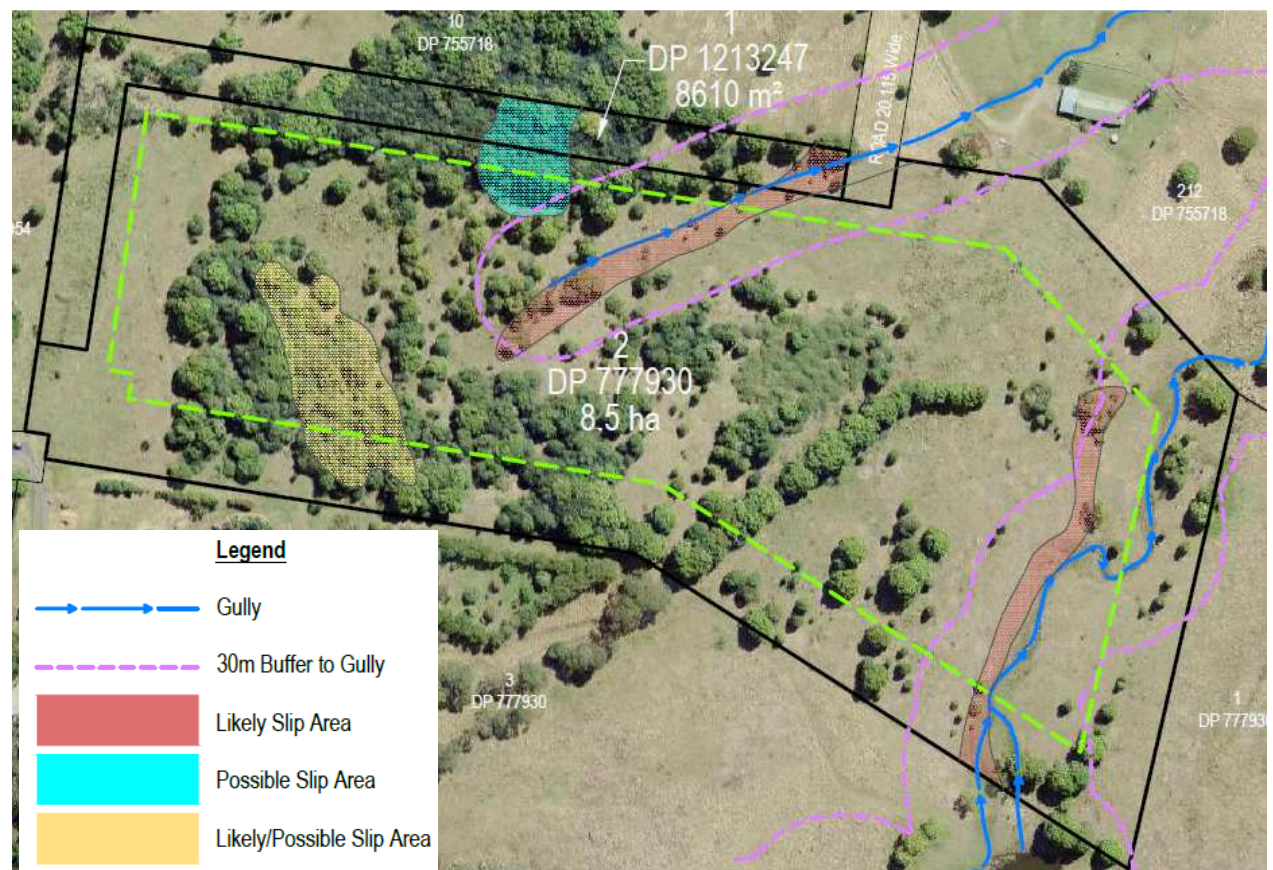
### Geotechnical Hazards

The applicant has provided a Geotechnical report that recorded areas of Likely, Possible and Likely/Possible slip where no road or building construction can take place. These areas are identified on Figure 8.

The slope and contour map at Figure 9 shows the land located in the middle of the site as 'mountainous' with slopes ranging from 33% – 50%. This area essentially separates the eastern and western parts of the site which are more gently undulating and makes an internal road network problematic. While the road gradient as shown on the Section plans that were supplied by the applicant is compliant with the maximum grades specified for internal roads, the steep batter slopes of 50% cuts and 33% fills required to access and construct driveways would be above the maximum requirements stipulated in Council's DCP.

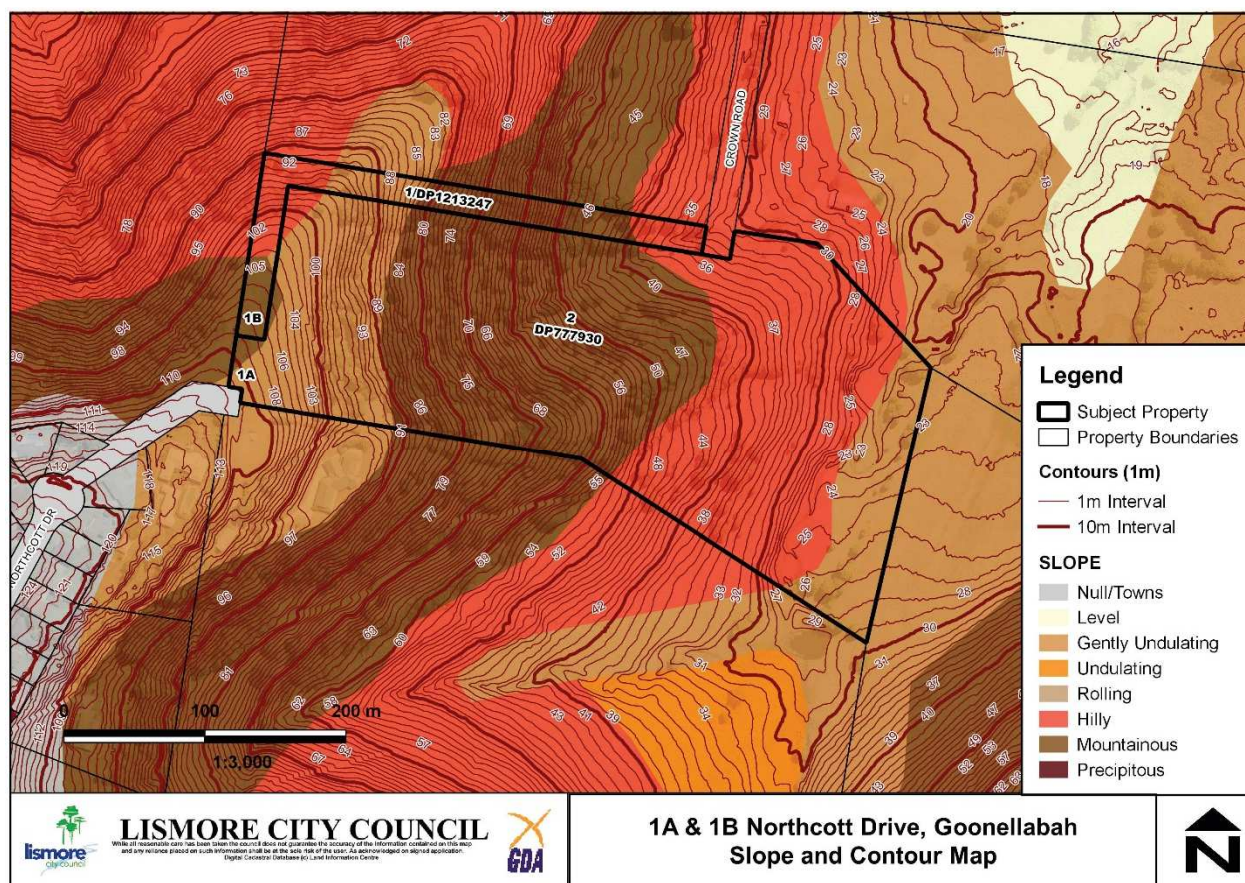
In addition, Council's Strategic Engineer has advised that a dead-end public road as shown on the applicant's preliminary lot layout, built at maximum grades on geo-technically challenging land cannot be supported. The land surrounding the subject site is not included in the Lismore GMS as being suitable for rezoning to higher densities so the development of this site cannot benefit from any road or service connections in any direction.

The assessment of these constraints has resulted in the delineation of the rezoning area to be limited to approximately 1.3ha at the western boundary of the site which is unconstrained. This is consistent with the general assessment made of the site in the Lismore Growth Management Strategy.



**Figure 8: Geotechnical constraints (Source: Shaw Urquart Report December 2017)**





**Figure 9: Slope and contour at 1A Northcott Drive, Goonellabah**

### **Stormwater Management**

The area proposed to be rezoned is moderately sloping. The disposal of stormwater will be away from existing residential development and can be accommodated under Council's existing policies and standards.

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

#### **Economic Impacts**

The planning proposal will facilitate the development of approximately 15 additional lots which is unlikely to create any adverse economic effects. There is likely to be some additional economic activity generated by development of the land and construction of future dwellings.

#### **Aboriginal and European Cultural Heritage**

The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System shows no records of Aboriginal sites or places on the site or its surroundings. The applicant has supplied an Aboriginal Cultural Heritage Assessment that has been reviewed. This Assessment involved consultation with the Ngulingah Aboriginal Land Council (LALC) and ostensibly meets OEH guidelines. The subject site is considered unlikely to contain Aboriginal sites where significant volumes of archaeological materials would be found.

It is recommended that the Planning Proposal is referred to Ngulingah LALC following Gateway Determination.

## **Social Impacts**

Due to the nature and scale of the proposal there are not expected to be any adverse social impacts. The provision of additional land for residential development will increase housing choice.

## **Section D – State and Commonwealth interests**

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

#### **Water supply**

Council's Engineer has advised that this development would involve a minor extension to the Wyreema reservoir zone and that there is no impediment to allowing minor infill developments within the Wyreema Avenue reservoir zone to proceed.

#### **Wastewater**

Council's Engineer has advised that the most viable option to service the land with wastewater disposal infrastructure is the use of a small pressure sewer system that pumps into the Northern Trunk Main. It is estimated that the Northern Trunk Main has sufficient capacity to accommodate the future development of the land.

#### **Education, Health and Emergency Services**

The site is located approximately 6km's from the Lismore CBD and the Base Hospital and allied health services, various primary and secondary schools, Southern Cross University and emergency services.

#### **Roads and Traffic**

Northcott Drive is a 9m wide bitumen sealed no-thru-road which currently services 25 allotments. The additional estimated traffic resulting from the development of the site on Northcott Drive is 110 vehicle movements per day (based on an estimated lot yield of 17). It is considered that no upgrades to Northcott Drive will be necessary as a result of the proposed development. A traffic assessment will be required at the DA 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 residential dwellings.

### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Consultation with state and commonwealth public authorities has not occurred at this stage. It is recommended that the following authorities are consulted following the Gateway determination:

- Rural Fire Service
- Department of Primary Industries
- Office of Environment and Heritage.

It is also proposed that the Planning Proposal be circulated to the Friends of Koala (FOK) for comment on any impacts this rezoning may have on koala movements and corridor locations and key habitat in the surrounding area based on the location of an area of mapped Primary Koala Habitat south of the subject site.

## Part 4 - Mapping

### Current zoning

The land is currently in Zone RU1 Primary Production under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 40ha. There is no maximum height of buildings that applies to the land.

### Proposed land zoning, lot size and height of buildings

It is proposed to rezone part of land from RU1 Primary Production to R1 General Residential zone. The change to the zoning map will require corresponding changes to the minimum lot size and height of building maps as shown in Figures 10-15 on the following pages.

This will be achieved by amending map sheets: LZN\_005AB, LSZ\_005AB and HOB\_005AB.

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

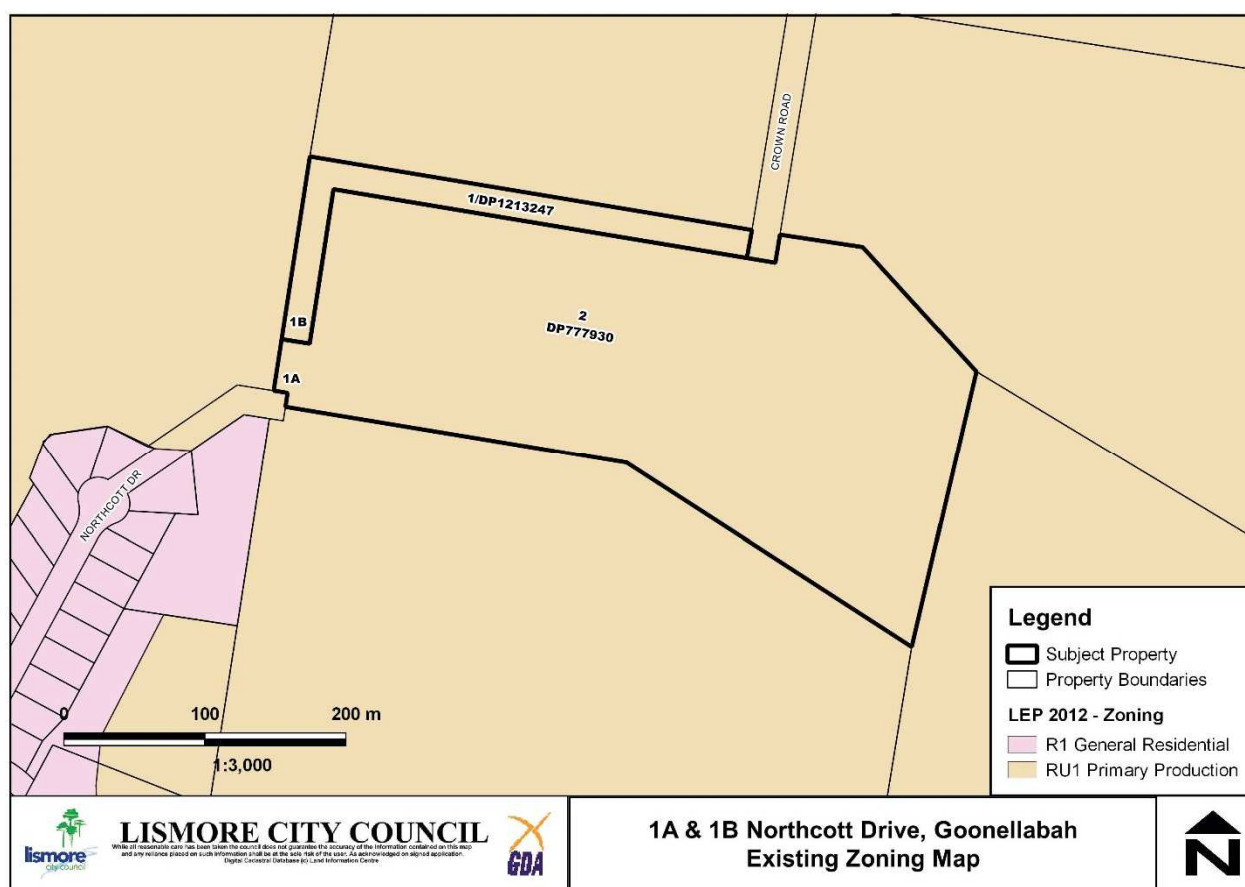


Figure 10 - Existing Land Zoning



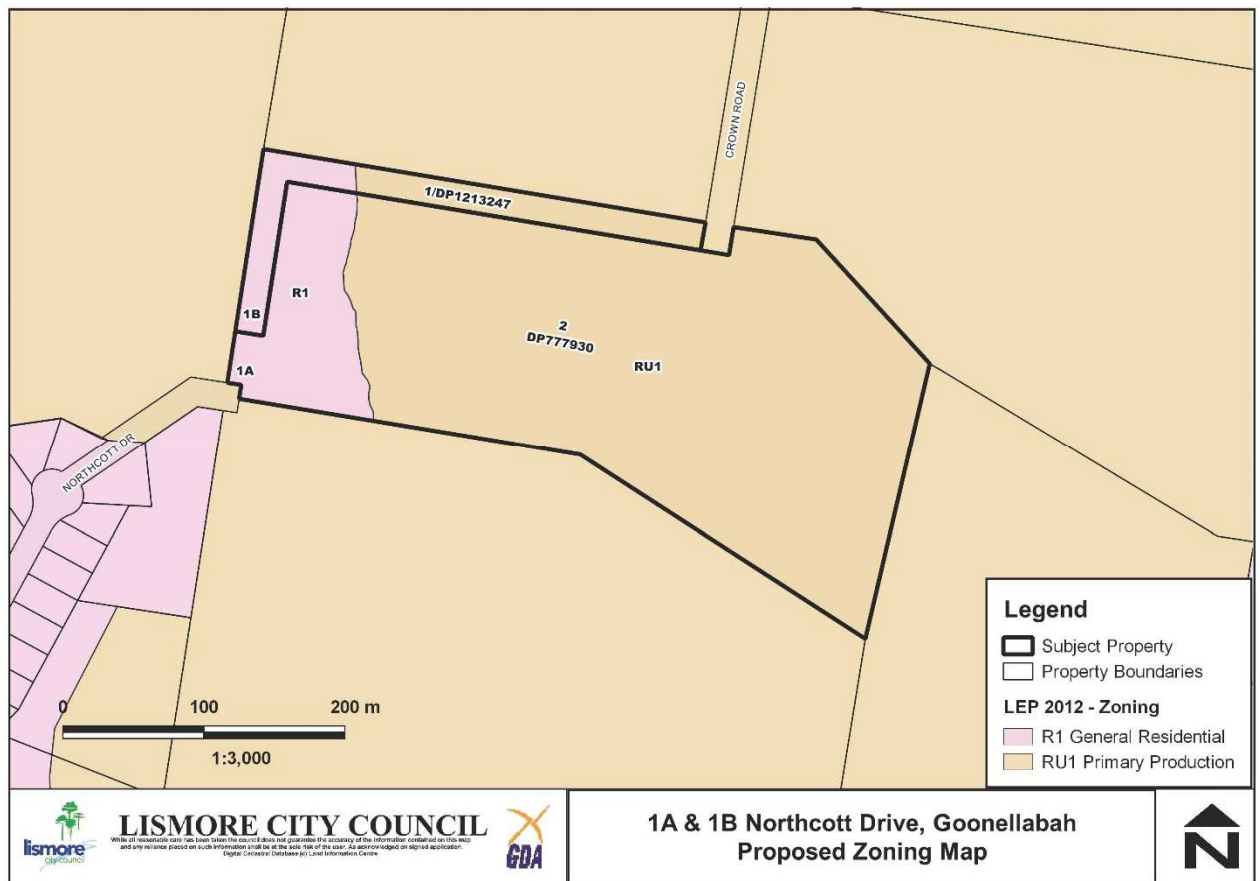


Figure 11 – Proposed Land Zoning

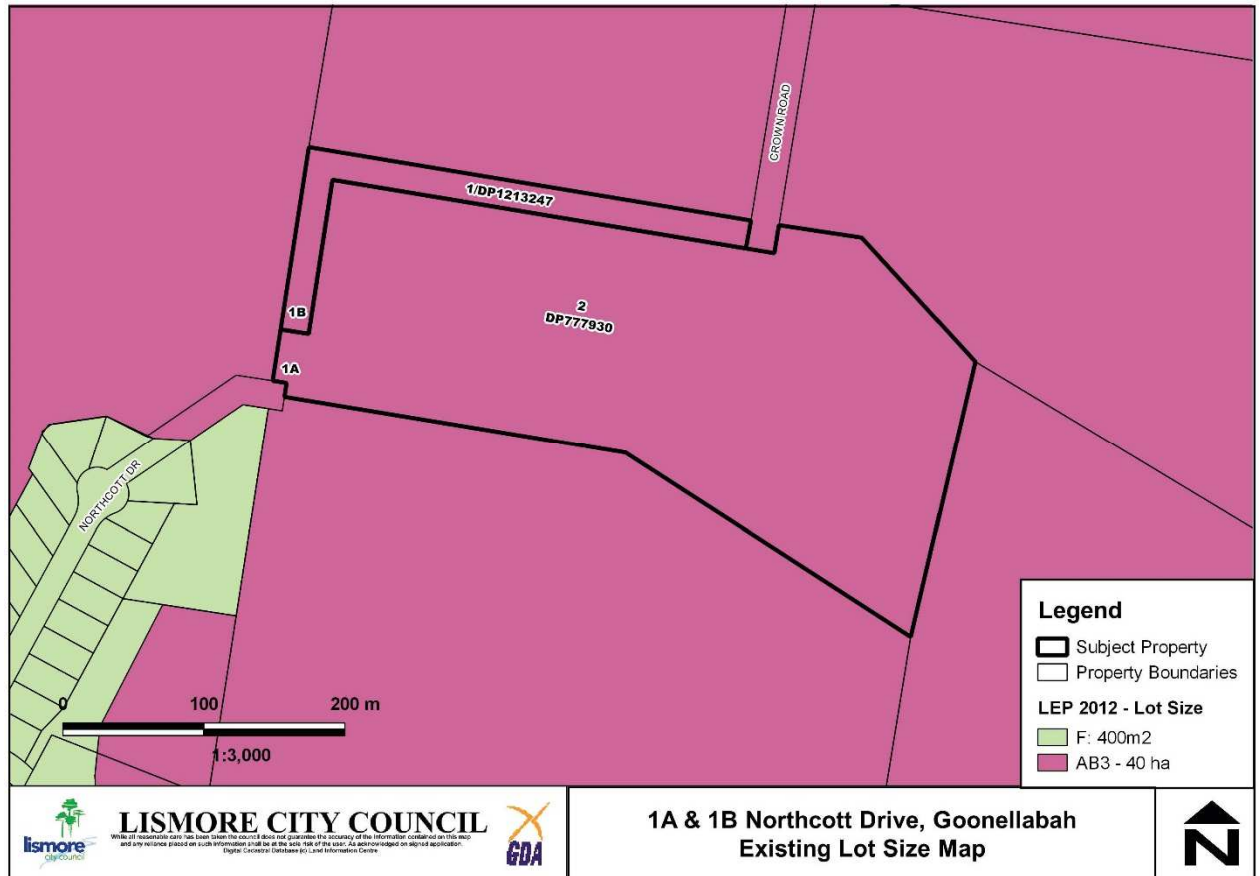


Figure 12 - Existing Lot Size

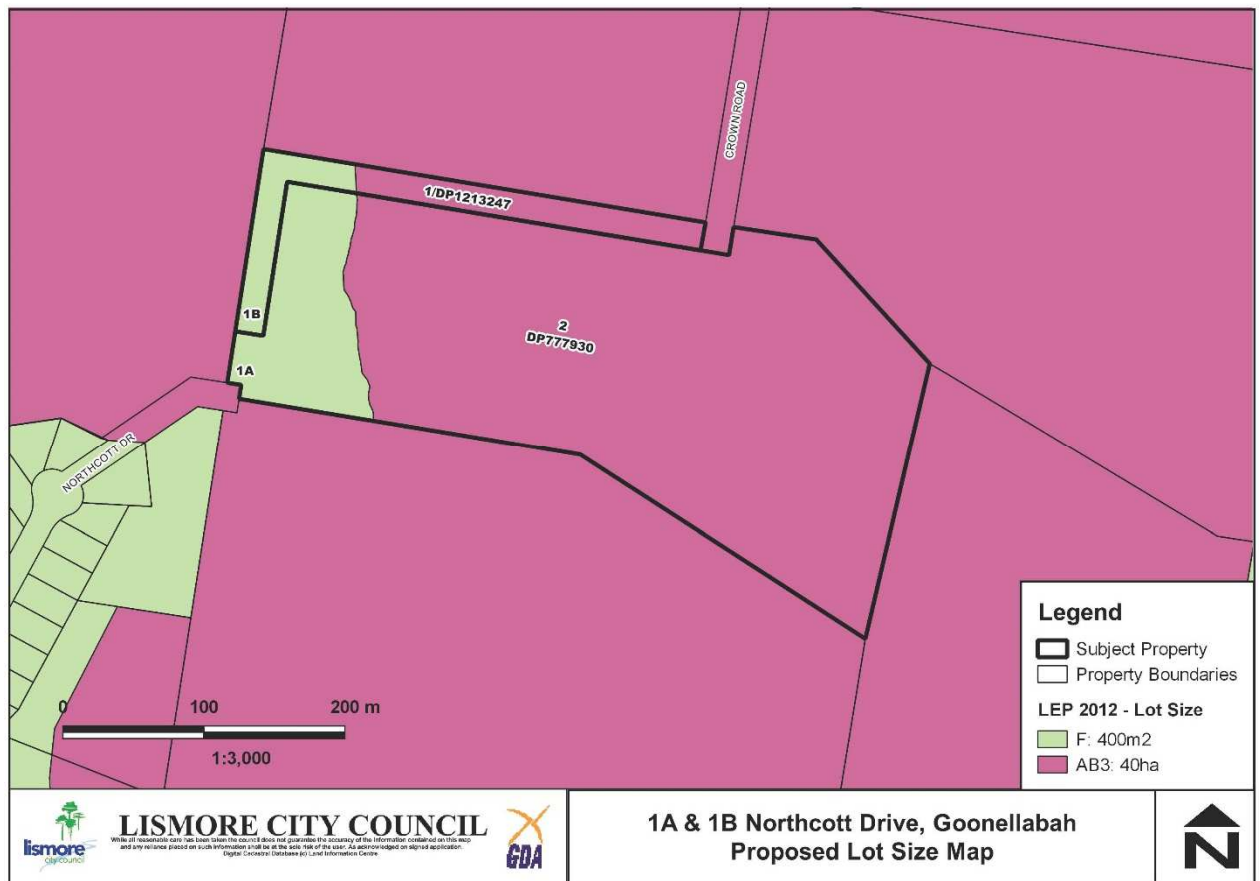


Figure 13 - Proposed Lot Size

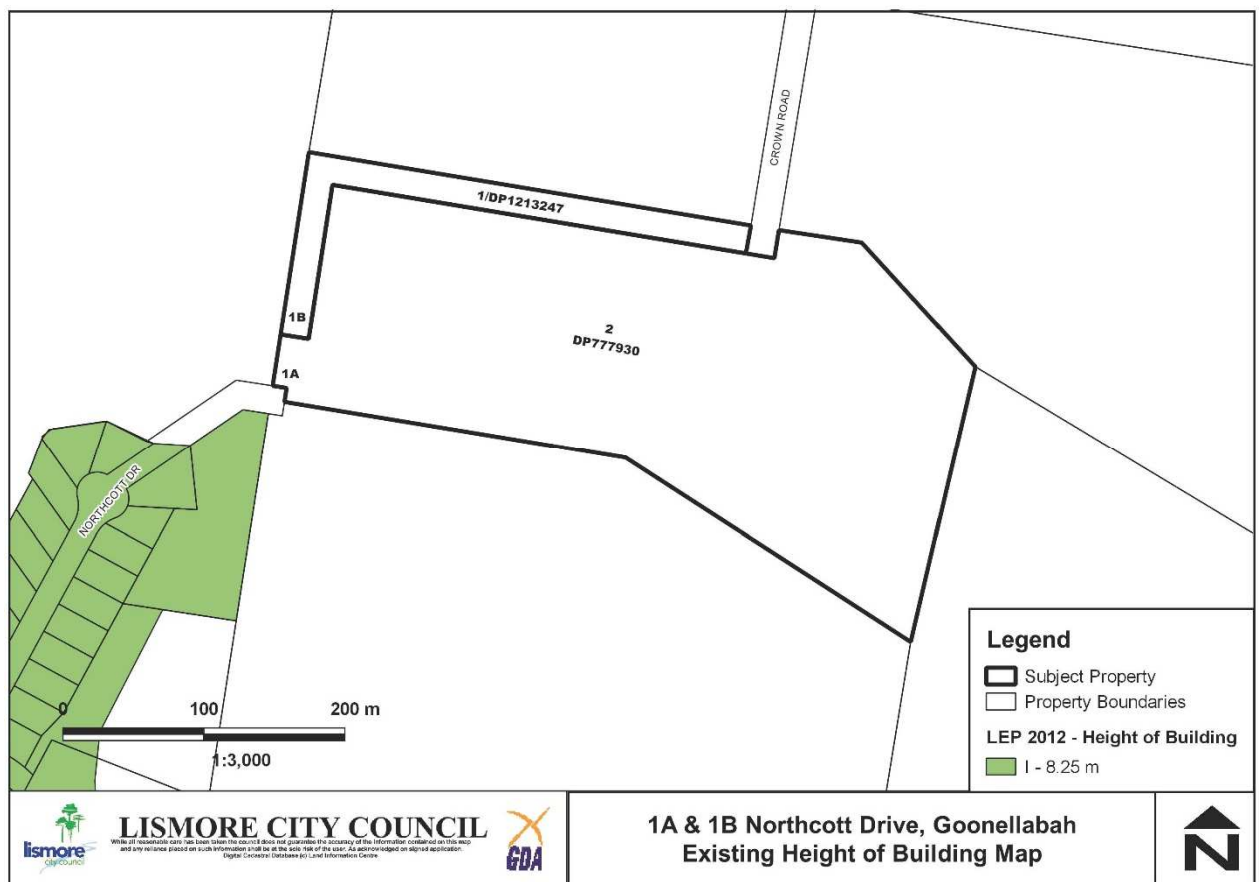
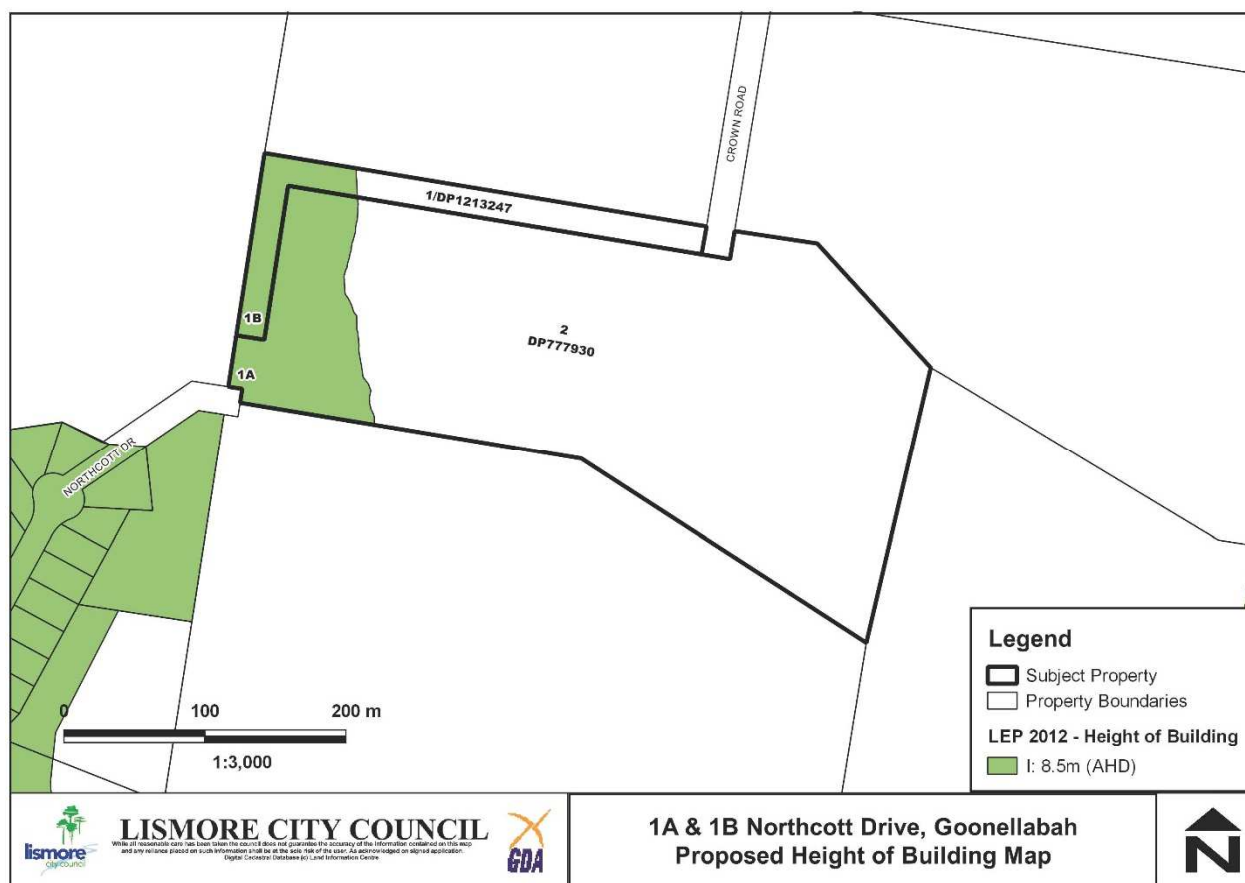


Figure 14 – Existing Height of Buildings



**Figure 15 - Proposed Height of Buildings**

## Part 5 - Community Consultation

Council will carry out consultation with the community following Gateway Determination. For the purposes of public notification, Council considers that a twenty eight (28) day public exhibition period is appropriate.

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Planning Proposal.
- The website of Lismore City Council and the Department of Planning and Environment.
- Letter to adjoining landholders.
- Referral to Ngulingah Local Aboriginal Land Council and the Friends of the Koala.

The written notice will:

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

Exhibition Material:

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

The Gateway Determination will confirm the public consultation requirements.



## Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within the indicative timeline shown below:

- Report to Council – **September 2018**
- Gateway determination issued – **October 2018**
- Agency and public consultation - **November 2018**
- Consideration of submissions – **December 2018**
- Council consideration of the proposal post exhibition – **February 2019**
- Anticipated date of submission to the Department for notification of the making of the LEP – **March 2019**
- Anticipated date for plan making - **April 2019**

## Conclusion

The subject land has been identified in the Lismore Local Growth Management Strategy 2015-2035 as a potential urban site, and as an investigation area for urban land in the North Coast Regional Plan. A preliminary assessment of the Planning Proposal and additional technical reporting has resulted in the refinement of the rezoning area to the gently undulating western part of the site that is easily accessible by road which responds to the constraints of the land and is consistent with relevant State Environmental Planning Policies and s9.1 Ministerial Directions, or any inconsistency can be justified. There is sufficient information to enable Council to support the Planning Proposal and forward it to the Department of Planning and Environment for its consideration and response.

## APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
<b>SEPP 44 – Koala Habitat Protection</b>	<p><b>3 Aims, objectives etc</b>            (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><b>16 Preparation of local environmental studies</b>            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><b>Consistent.</b>            Council's Ecologist has confirmed there were no signs of Koala usage or preferred Koala feed tree species onsite although some Primary Koala Habitat is mapped directly south of the site.</p> <p>The site is greater than 1 ha in area, however no 'core koala habitat' or 'potential Koala habitat' has been found on site. Therefore, the planning proposal is not inconsistent with the provisions of SEPP 44.</p>
<b>SEPP 55 – Remediation of Land</b>	<p><b>6 Contamination and remediation to be considered in zoning or rezoning proposal</b></p> <p>Council is required to consider whether the land is contaminated when rezoning for residential development.</p>	<p><b>Consistent.</b>            A preliminary contaminated land assessment has been prepared that did not identify any potentially contaminating activities or chemicals. A further assessment will be necessary to address SEPP 55 requirements post-Gateway and prior to the finalisation of the LEP Amendment.</p>
<b>SEPP (Affordable Rental Housing) 2009</b>	No specific requirement regarding rezoning land.	<b>Not applicable.</b>
<b>SEPP (Housing for Seniors or People with a Disability) 2004</b>	No specific requirement regarding rezoning land.	<b>Not applicable.</b>
<b>SEPP (Infrastructure) 2007</b>	No specific requirement regarding rezoning land.	<b>Not applicable.</b>
<b>SEPP (Rural Lands) 2008</b>	<p><b>2 Aims of Policy</b>            The aims of this Policy are as follows:            (a) orderly and economic use and development of rural lands,            (b) regard to Rural Planning Principles and the Rural Subdivision Principles,            (c) to implement measures designed to reduce land use conflicts,            (d) to identify State significant agricultural (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</p>	<p><b>Consistent.</b>            The site is not identified as comprising State or Regionally significant farmland.</p> <p>DPI mapping shows that the site is classified as Class 4 'Grazing Land'.</p> <p>The Planning Proposal is consistent with the SEPP because the land has been identified in the North Coast Regional Strategy as 'Investigation area – Urban Land'. The land is also identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as a 'potential urban site'.</p> <p>In preparing the GMS Council has had consideration for the Rural Planning</p>

State Environmental Planning Policy	Requirements	Compliance
SEPP (Coastal Management) 2018	Not applicable	Principles within the SEPP and therefore, the planning proposal is consistent with the SEPP. The subject land is not affected by the Coastal Use or Coastal Environment area mapping or the Coastal Wetland and proximity area for coastal wetland mapping.

## APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	<b>Consistent.</b> The subject site is identified in the North Coast Regional Plan as 'Investigation area - urban land'. The site is also identified in the Lismore Growth Management Strategy 2015-2035 as a 'potential urban site'.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal:  Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;  Restricting the potential of State or regionally significant mineral resources	<b>Not applicable.</b> The Planning Proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 <i>SEPP (Mining, Petroleum Production and Extractive industries) 2007</i> , mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent).  The land does not accommodate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not applicable	<b>Not applicable.</b>
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.  <b>Rural Planning Principles</b> The Rural Planning Principles are as follows: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in	<b>Consistent.</b> The subject land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as a potential urban site. In preparing the GMS Council has recognised the significance of socio-economic benefits of rural land uses.  Council has identified natural resources, biodiversity, water resources and constrained land in mapping its preferred areas for future residential development. It has also provided a reasonable supply of housing in a range of locations with adequate services and infrastructure.

Ministerial Directions	Requirements	Compliance
	<p>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>The Planning Proposal is consistent with the Rural Planning Principles and is therefore consistent with this Direction.</p>
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p><b>Consistent.</b></p> <p>The site has been assessed as having limited biodiversity values due to substantial disturbance from past agricultural activities. The Planning Proposal does not involve existing or proposed environmental protection zones.</p>
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	<p>Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.</p>	<p><b>Consistent.</b></p> <p>Preliminary assessment through an AHIMs search and a review of Schedule 5 in the Lismore LEP 2012 indicates no items or places of Aboriginal or European heritage significance. The applicant has supplied an Aboriginal Cultural Heritage Assessment that indicates the site is unlikely to contain Aboriginal sites where significant volumes of archaeological materials would be found.</p> <p>It is recommended that consultation be carried out with the Ngulingah LALC to confirm the findings of this Assessment following the issuing of a Gateway Determination.</p>



Ministerial Directions	Requirements	Compliance
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 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations	<b>Not applicable.</b> This planning proposal does not introduce or alter E Zones or overlays.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>Where applicable a Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) Broaden the choice of housing types and locations.</li> <li>(b) Make efficient use of existing infrastructure and services.</li> <li>(c) Reduce consumption of land on the urban fringe.</li> <li>(d) Housing of good design.</li> </ul> <p>In addition, a planning proposal must:</p> <ul style="list-style-type: none"> <li>• Contain a requirement that residential development is not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce permissible residential density of land.</li> </ul>	<p><b>Consistent.</b></p> <p>A range of housing types will be permitted.</p> <p>The land is situated relatively close to the Lismore CBD and is serviced by existing infrastructure. The Planning Proposal will therefore make more efficient use of this infrastructure by facilitating increased development potential of the land.</p> <p>Lismore LEP 2012 contains provisions that require the provision of services prior to development consent for residential development.</p> <p>The planning proposal will not reduce the permissible residential density of the land; rather, it will increase it.</p> <p>The Planning Proposal is therefore consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>(a) Retain provisions that permit development of caravan parks.</li> <li>(b) Retain zonings of existing caravan parks.</li> <li>(c) Take into account principles for siting manufactured home estates.</li> </ul>	<p><b>Consistent.</b></p> <p>This Planning Proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates.</p> <p>The site does not contain an existing caravan park.</p>
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	<p><b>Consistent.</b></p> <p>Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008. This planning proposal does not affect these provisions.</p>
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> <ol style="list-style-type: none"> <li>1. <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001)</li> </ol> <ul style="list-style-type: none"> <li>• better integrate land use and transport planning and development,</li> <li>• provide transport choice and manage travel demand to improve the environment, accessibility and livability,</li> <li>• reduce growth in the number and length of private car journeys,</li> </ul>	<p><b>Consistent.</b></p> <p>The site has sufficient capacity to provide access to transport for residents.</p> <p>The site is adjacent to existing residential development, associated infrastructure and education, retail, recreation, medical, religious, sporting, trade and professional services.</p> <p>The proposed residential development will lead to increased car journeys. However, Northcott Drive has been assessed as having the capacity to cater for this increase in traffic without any upgrades.</p> <p>The planning proposal will facilitate development that will access services and</p>

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> <li>make walking, cycling and public transport use more attractive.</li> </ul> <p>2. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001)</p> <p>This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p> <ul style="list-style-type: none"> <li>help reduce reliance on cars and moderate the demand for car travel</li> <li>encourage multi-purpose trips</li> <li>encourage people to travel on public transport, walk or cycle</li> <li>provide people with equitable and efficient access</li> <li>protect and maximise community investment in centres, and in transport infrastructure and facilities</li> <li>foster growth, competition, innovation and investment confidence in centres,</li> </ul>	facilities in Lismore, and serve to reinforce the role and importance of this Regional City.
3.5 Development Near Licensed Aerodromes	Not applicable	<b>Not applicable.</b> The site is not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable	<b>Not applicable.</b> The site is not located adjacent to an existing shooting range.
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Not applicable	<b>Not applicable.</b>
4.2 Mine Subsidence and Unstable Land	<p>Applies to mine subsidence areas</p> <p>Applies to areas identified as unstable</p>	<b>Consistent.</b> The land is not within a mine subsidence area. The site is not mapped as being unstable or prone to subsidence and displays no physical evidence of this. The planning proposal is therefore consistent with this Direction.
4.3 Flood Prone Land	Not applicable	<b>Not applicable.</b> The land is not prone to flooding.
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <p>(a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation.</p> <p>(b) Have regard to Planning for Bush Fire Protection 2006.</p> <p>(c) Restrict inappropriate development from hazardous areas.</p> <p>(d) Ensure bush fire hazard reduction is not prohibited within the APZ.</p>	<b>Consistent.</b> The subject site is mapped as bushfire prone land. A preliminary bush fire threat assessment was submitted with the planning proposal. This assessment found that the site can accommodate future development that will comply with the relevant provisions of Planning for Bushfire Protection 2006. Council is required under section 9.1 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of section 57 of

Ministerial Directions	Requirements	Compliance
		<p>the EP&amp;A Act, and take into account any comments so made.</p> <p>Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.</p> <p>The planning proposal is consistent with this Direction.</p>
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	<p><b>Consistent.</b></p> <p>The North Coast Regional Plan Urban Growth Area Map identifies the site as 'Investigation Area – Urban Land'.</p> <p>This planning proposal is therefore consistent with the NCRP.</p>
5.2 Sydney Drinking Water Catchments	Not applicable	<b>Not applicable</b>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.</p>	<p><b>Not applicable.</b></p> <p>This site does not contain any land identified as Regionally or State Significant Farmland under the Northern Rivers Farmland Protection Project mapping.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	<b>Not applicable.</b>
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	<b>Not applicable.</b>
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	<p><b>Consistent.</b></p> <p>The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.</p>
6.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	<p><b>Consistent.</b></p> <p>This planning proposal does not affect public land.</p>
6.3 Site Specific Provisions	A Planning Proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to	<p><b>Consistent.</b></p> <p>The proposed Zone R1 General Residential is the most appropriate for</p>



Ministerial Directions	Requirements	Compliance
	the LEP that allows the land use, without additional development standards to those already in use in that zone.	future residential development on the land. No additional development standards are applied that are not already in use.
<b>7. Metropolitan Planning – Not applicable</b>		

### Attachment 3 – North Coast Regional Plan 2036 Compliance Table

Action	Requirement	Compliance
<b>Direction 1: Deliver environmentally sustainable growth</b>		
1.1	Urban development in mapped areas.	N/A
1.2	Review mapped areas for high environmental value.	Council's GIS mapping has been reviewed to identify areas of high environmental value and a site inspection undertaken. No threatened flora or fauna species were identified and the vegetation was not considered characteristic of any Endangered Ecological Communities.
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
<b>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	The site has been assessed as having limited biodiversity values which reflects its previous substantial disturbance from agricultural activities.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	N/A
<b>Direction 3: Manage natural hazards and climate change</b>		
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 1 and Category 2 and 'Vegetation Buffer'. The Planning Proposal will be referred to the Rural Fire Service for advice prior to public exhibition.
3.3	Use latest knowledge on regional climate projections for new urban development.	N/A
<b>Direction 4: Promote renewable energy opportunities</b>		
4.1	Identifying renewable energy resource precincts and infrastructure corridors.	N/A
4.2	Enable appropriate smaller-scale renewable energy projects	N/A
4.3	Promote appropriate smaller and community-scale renewable energy projects.	N/A
<b>Direction 5: Strengthen communities of interest and cross-regional relationships</b>		
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

Action	Requirement	Compliance
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
<b>Direction 6: Develop successful centres of employment</b>		
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
<b>Direction 7: Coordinate the growth of regional cities</b>		
7.1	Prepare action plans for regional cities	N/A
<b>Direction 8: Promote the growth of tourism</b>		
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
<b>Direction 9: Strengthen regionally significant transport corridors</b>		
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 regional road network.	N/A
<b>Direction 10: Facilitate air, rail and public transport infrastructure</b>		
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	N/A

Action	Requirement	Compliance
	on future expanded Gold Coast Airport.	
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
<b>Direction 11: Protect and enhance productive agricultural lands</b>		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	The subject site is not mapped as either Regionally and State Significant Farmland.
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
<b>Direction 12: Grow agribusiness across the region</b>		
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
<b>Direction 13: Sustainably manage natural resources</b>		
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
<b>Direction 14: Provide great places to live and work</b>		
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
<b>Direction 15: Develop healthy, safe, socially engaged and well-connected communities</b>		
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
15.4	Create socially inclusive communities.	N/A
15.5	Deliver CPTED.	N/A



Action	Requirement	Compliance
<b>Direction 16: Collaborate and partner with Aboriginal communities</b>		
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
<b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
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
<b>Direction 18: Respect and protect the North Coast's Aboriginal Heritage</b>		
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
<b>Direction 19: Protect historic heritage</b>		
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
<b>Direction 20: Maintain the region's distinctive built character</b>		
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
<b>Direction 21: Coordinate local infrastructure delivery</b>		
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.	The future development of the subject site is well located to utilise existing reticulated sewerage and water infrastructure.
<b>Direction 22: Deliver greater housing supply</b>		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	This Planning Proposal is identified in the LGMS as 'Investigation Area – Urban Land' so will result in the release of additional land zoned appropriately for residential development.
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

Action	Requirement	Compliance
<b>Direction 23: Increase housing diversity and choice</b>		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m <sup>2</sup> , by 2036.	N/A
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	N/A
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	N/A
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
<b>Direction 25: Deliver more opportunities for affordable housing</b>		
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