



IRF22/2954

Gateway determination report – PP-2021-4925

Amend the Minimum Lot Size of Lot 1 DP 832781,
1443 Bangalow Road, Clunes

September 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2021-4925

Subtitle: Amend the Minimum Lot Size of Lot 1 DP 832781, 1443 Bangalow Road, Clunes

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 20) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions.....	1
1.4	Site description and surrounding area	2
1.5	Mapping.....	5
2	Need for the planning proposal.....	6
3	Strategic assessment.....	6
3.1	Regional Plan	6
3.2	Local	8
3.3	Section 9.1 Ministerial Directions	9
3.4	State environmental planning policies (SEPPs)	10
4	Site-specific assessment	10
4.1	Environmental.....	10
4.2	Social and economic	13
4.3	Infrastructure	14
5	Consultation.....	14
5.1	Community	14
5.2	Agencies.....	14
6	Timeframe.....	14
7	Local plan-making authority.....	14
8	Assessment summary.....	15
9	Recommendation.....	15

Table 1 - Attachments

<i>Attachments</i>
A – Planning Proposal
B – Gateway determination
C – Letter to Council

1 Planning proposal

1.1 Overview

Table 2 - Planning proposal details

LGA	Lismore
PPA	Lismore City Council
NAME	Amend the Minimum Lot Size of Lot 1, DP 832781, 1443 Bangalow Rd, Clunes (1 dwelling, 0 jobs)
NUMBER	PP-2021-4925
LEP TO BE AMENDED	Lismore LEP 2012
ADDRESS	1443 Bangalow Road, Clunes
DESCRIPTION	Lot 1, DP 832781
RECEIVED	22/08/2022
FILE NO.	IRF22/11029
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Amend the minimum lot size (MLS) for Lot 1 DP 832781, 1443 Bangalow Rd, Clunes (subject land) from 40ha to 1.5 ha to facilitate a dwelling house

No change is proposed to the zoning of the subject land.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Lismore LEP 2012 per the changes below:

Table 3 - Current and proposed controls

Control	Current	Proposed
Minimum lot size	40ha	1.5ha
Number of dwellings	0	1

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land, described as Lot 1 DP 83278, 1443 Bangalow Road, Clunes is located approximately 2km south-west of the village of Clunes and 14km north-east of the Lismore CBD and is zoned RU1 Primary Production under Lismore LEP 2012 and (Figure 1).

The land has an area of 1.8 hectares and surrounding land uses include rural residential lots of a similar size to the east and west, grazing land to the south and intensive agriculture (macadamia plantation) on the northern side of Bangalow Road (Figure 2).

That part of the site that has been cleared, contains two existing buildings (sheds) and infrastructure associated with the previous use of the site as a 'Vehicle body repair shop'. This use is now prohibited in the RU1 zone in Lismore LEP 2012. The site does however, as a result of previous consents, benefit from existing use rights.

The site is largely covered in vegetation with the majority of the canopy consisting of trees up to 20m tall and dominated by Camphor Laurel and interspersed with rainforest species including Black Wattle, Lilly Pilli, Black Bean, Strangler Fig and others. The understory contains lantana, grasses, vines and palms.

The subject land is also identified as/containing:

- Bush fire prone land (Figure 3);
- Regionally Significant Farmland (Northern Rivers Farmland Protection Project 2005) (Figure 4);
- Steep and highly erodible;
- Potentially contaminated;
- Drinking Water Catchment; and
- Koala habitat/corridor.

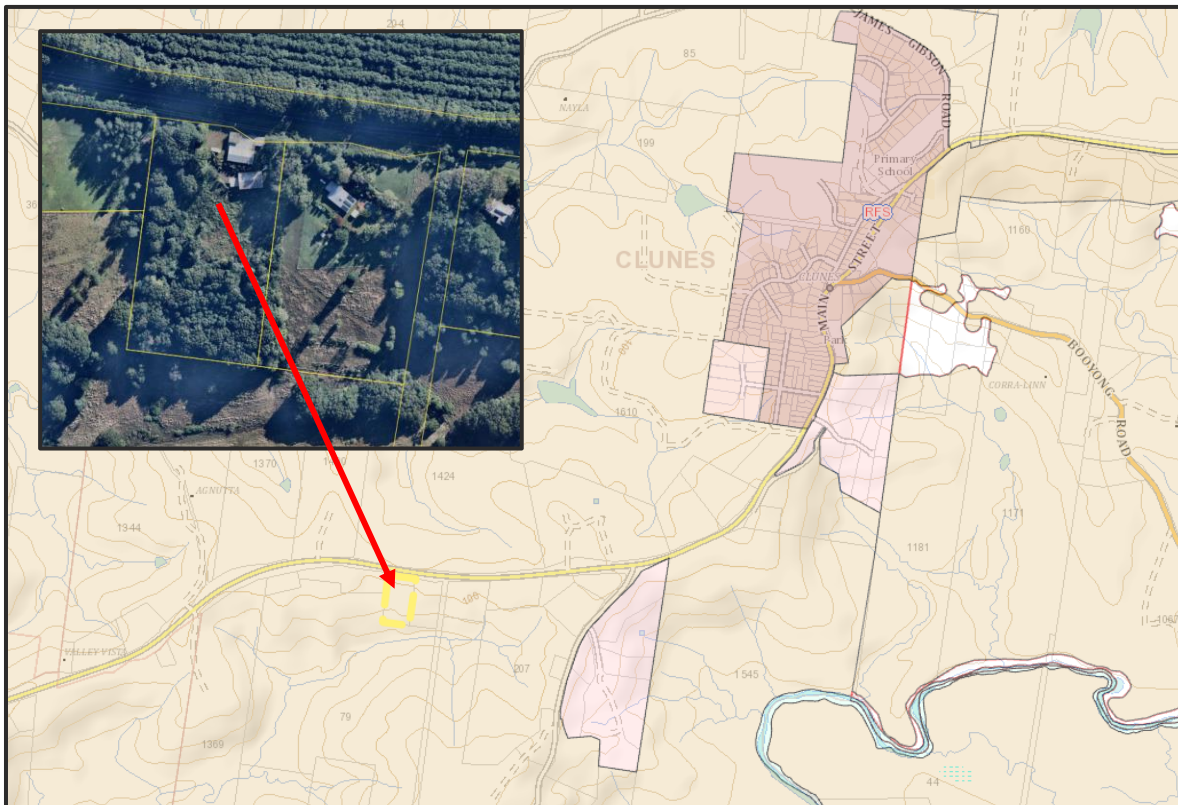


Figure 1 - Subject land (source: Planning proposal)

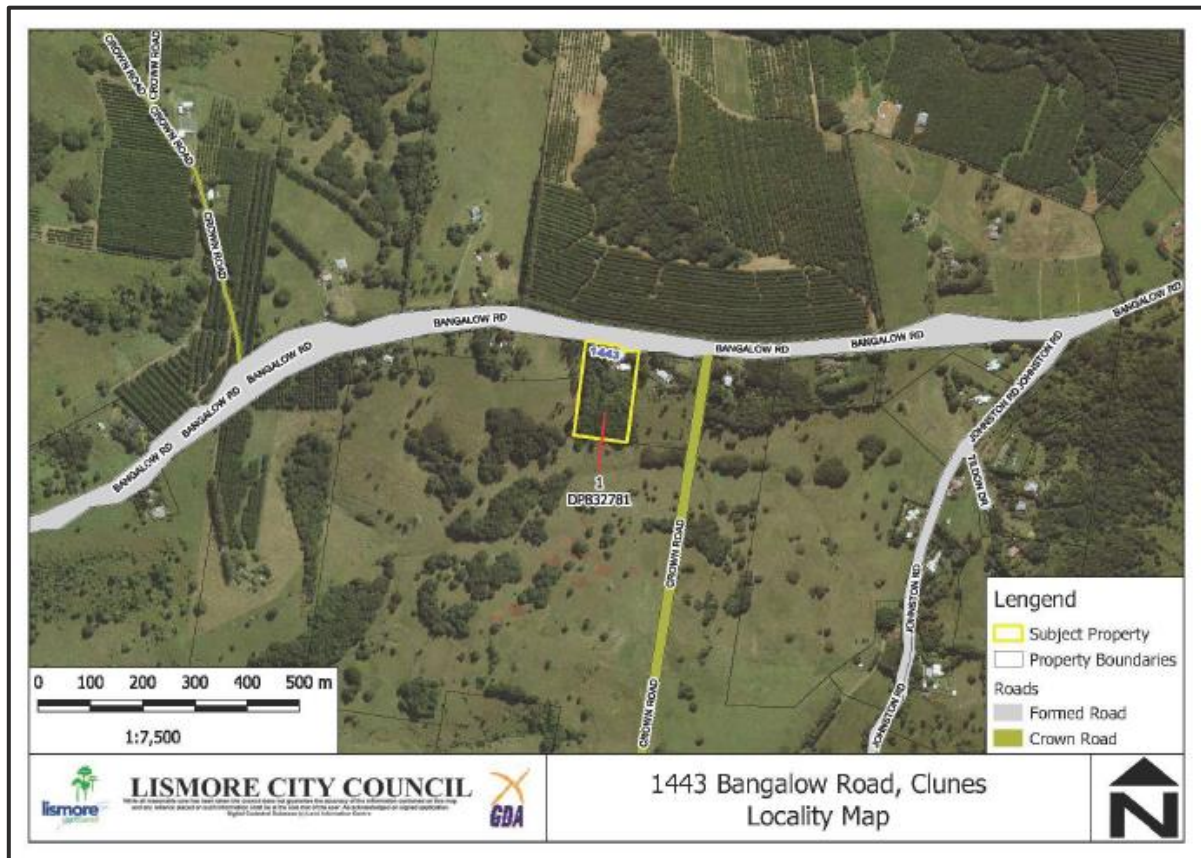


Figure 2 - Site context showing surrounding landuse (source: Planning proposal)

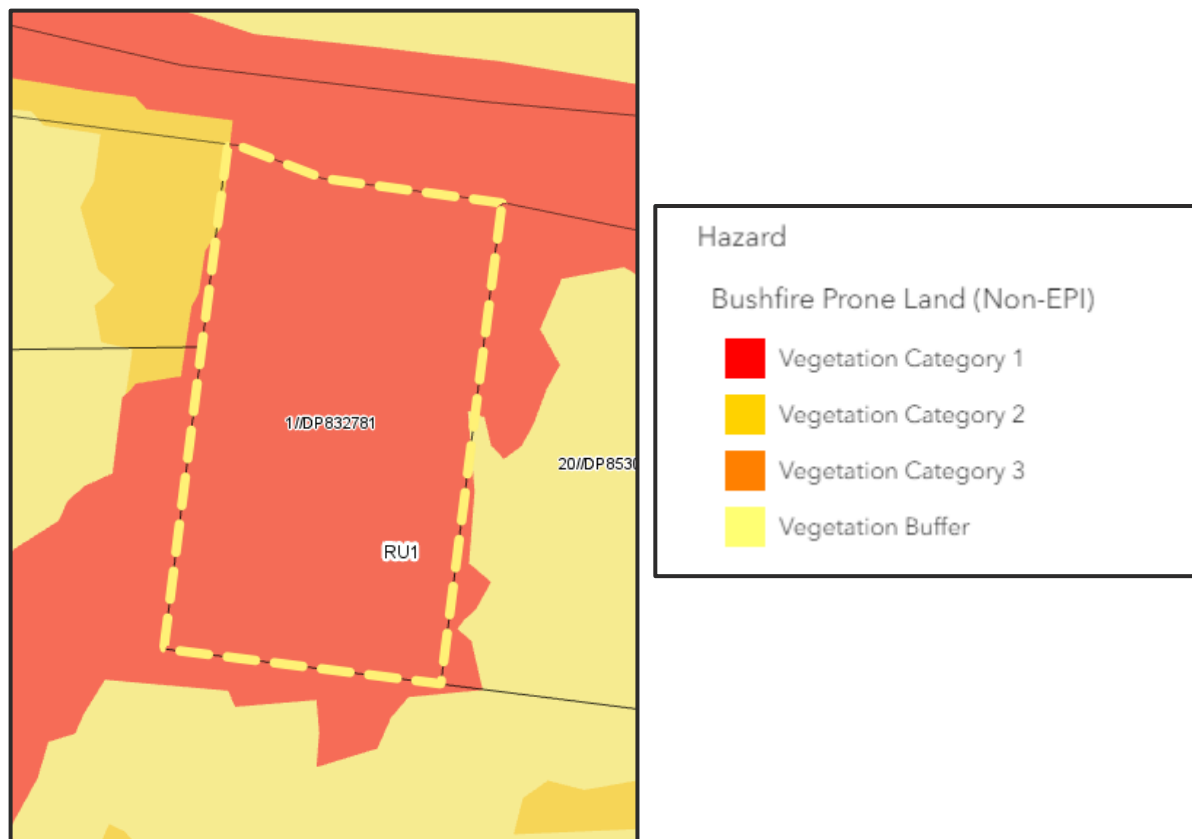
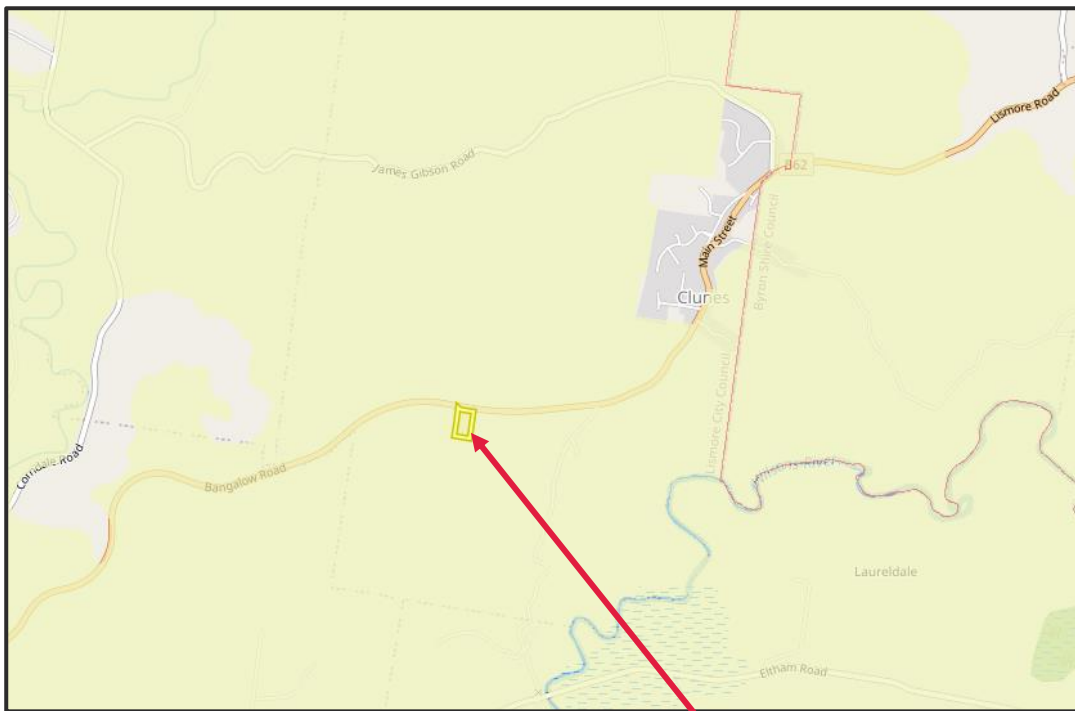


Figure 3 - Subject site showing bush fire prone land (source: e-planning Spatial Viewer)



<input checked="" type="checkbox"/>	North Coast Regional Plan 2036
<input type="checkbox"/>	<input type="checkbox"/> Northern Region Local Government Areas
<input type="checkbox"/>	<input type="checkbox"/> Northern Region Planning Boundary
<input type="checkbox"/>	<input type="checkbox"/> Northern Coastal Area
<input checked="" type="checkbox"/>	<input type="checkbox"/> North Coast Growth Boundaries
<input type="checkbox"/>	<input type="checkbox"/> Potential Employment Lands
<input type="checkbox"/>	<input type="checkbox"/> Proposed Urban Lands
<input checked="" type="checkbox"/>	<input type="checkbox"/> Far North Coast Farmland

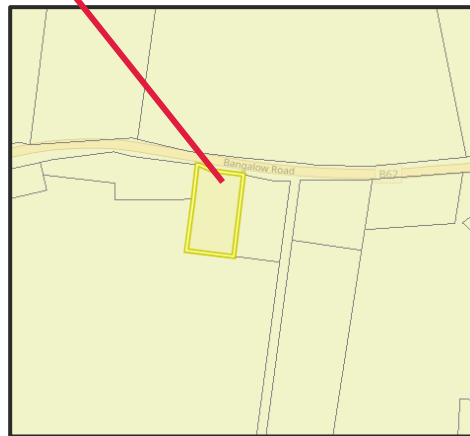


Figure 4 - Regionally Significant Farmland (source: NCRP Spatial Viewer)

1.5 Mapping

The planning proposal includes mapping showing the existing and proposed Lot Size maps (LSZ), which are suitable for community consultation.

Maps consistent with the Department of Planning and Environment's *Standard Technical Requirements for Spatial Datasets and Maps* will be required to be prepared prior to the plan being made.

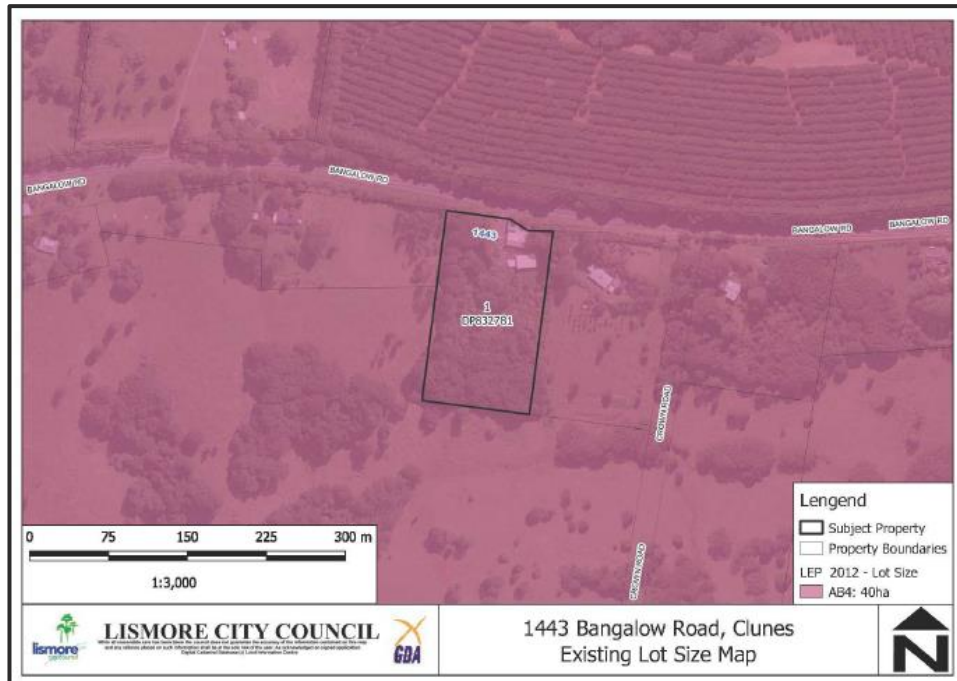


Figure 5 - Current minimum lot size map (source: Planning proposal)



Figure 6 - Proposed minimum lot size map (source: Planning proposal)

2 Need for the planning proposal

The planning proposal is not the result of any strategic study or report but has been initiated by the landowner who essentially seeks to replace the current landuse (now prohibited) with a landuse that, whilst permitted in the zone, does not satisfy the MLS for a dwelling.

The Planning proposal has provided the following approval history for the subject land:

- DA80/9 – approved the use of an existing building (disused dairy) for a Motor Vehicle Panel Beating Repair Shop
- BA80/408 – approved workshop extensions
- BA87/98 – approved a swimming pool associated with the dwelling on Lot 3 DP 581492
- DA89/449 – approved alterations and additions to an existing panel beating / spray painting workshop
- DA92/1 – approved the subdivision of Lot 3 DP 581492 to create one rural lot of 7.3ha (containing the existing dwelling) and a “special purpose lot” of 1.08ha containing the workshop for the purpose of a panel beating and spray painting workshop.
- DA2014/111 – approved a shed with minor earthworks and a retaining wall

The use of the land for a ‘Vehicle body repair shop’ (panel beating and spray painting workshop) is now prohibited by the land use table for Zone RU1 in the Lismore LEP 2012. However, by virtue of the previous consents, the site enjoys “Existing Use” rights.

Clause 6(7) of the Lismore Interim Development Order No.40 allowed for the creation of a special purpose lot of under 40 hectares and DA92/1 included a condition that the lot “only be used for the purpose of a “panel beating and spray painting workshop”. Therefore, the lot does not have an entitlement to a dwelling under Clause 4.2B of the Lismore LEP 2012.

The intent of the Planning proposal is to facilitate a planning pathway for a residential dwelling subject to the existing consent for panel beating and spray painting being surrendered.

The Planning proposal is considered to be an appropriate means by which to facilitate potential use of the subject land for residential purposes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Northern Regional Plan (NCRP).

Table 4 - Regional Plan assessment

Regional Plan Objectives	Justification
Direction 1: Deliver environmentally sustainable growth	<p>This Direction aims to manage growth and protect the rural and coastal landscapes of the North Coast with Action 1.1 seeking to focus urban development to urban growth areas.</p> <p>Whilst the planning proposal is considered to be inconsistent with this Action, the inconsistency is considered to be justified as the planning proposal essentially comprises infill development and the subject land:</p> <ul style="list-style-type: none"> • is not being rezoned; • has historically been utilised for uses other than agriculture;

	<ul style="list-style-type: none"> won't lead to the fragmentation of agricultural land; is well below the MLS for the zone; and is in keeping with directly adjoining landuse and lot size.
<p>Direction 2:</p> <p>Enhance biodiversity, coastal and aquatic habitats, and water catchments</p>	<p>This Direction nominates that new development should be appropriately located to limit any adverse impacts on the region's biodiversity, coastal and aquatic habitats, and water catchments with Action 2.1 aiming to focus development to areas of least environmental sensitivity</p> <p>The subject land has not been mapped as being subject to flooding or potential High Environmental Value (HEV). The NCRP does however map the subject land as containing Regionally Significant Farmland under the Northern Rivers Farmland Protection Project.</p> <p>Whilst the subject land has not been used for agricultural purposes for many years, approximately 50% of the site is heavily vegetated and whilst no clearing of this part of the site is proposed, it is recommended that consultation with the Division of Biodiversity and Conservation (BCD) be undertaken to ensure no potential detrimental impact on flora and fauna.</p> <p>Consistency with the NCRP with regard to this Direction is considered to be unresolved until such time as consultation with BCD has occurred.</p>
<p>Direction 3:</p> <p>Manage natural hazards and climate change</p>	<p>This Direction acknowledges natural hazards that may impact land on the North Coast and aims to reduce the risk from such hazards with Action 3.1 aiming to reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.</p> <p>The subject land is mapped as bush fire prone (Figure 3). The Planning proposal is not supported by a Bush Fire Assessment Report. Whilst it is considered that this matter is capable of being addressed as part of the development application process, consultation will be required to be undertaken with the RFS as a condition of the Gateway determination.</p> <p>Consistency with the NCRP with regard to this Direction is considered to be unresolved until such time as consultation with NSW RFS has occurred.</p>
<p>Direction 11:</p> <p>Protect and enhance productive agricultural lands</p>	<p>This direction notes that important farmland on the North Coast has been identified and mapped to support long-term agricultural production and help avoid land-use conflicts.</p> <p>The subject land is identified by the Northern Rivers Farmland Farmland Protection Project as Regionally Significant Farmland (Figure 4).</p> <p>The subject land is not considered to be agriculturally viable considering the existing lot size (1.8ha) and the fact that the site has been used as a Vehicle body repair shop for many years (now prohibited under Lismore LEP 2012).</p> <p>The Planning proposal is supported by Land Use Conflict and Risk Assessment (LUCRA) (Attachment D & E) as the subject land is located immediately to the</p>

	<p>south of an existing intensive horticultural use (macadamia orchard), being separated by Bangalow Road. Further details are provided in Section 4.</p> <p>Appendix B of the NCRP – Important Farmland Variation Criteria states that land may be suitable for uses other than farmland following consideration of the following:</p> <ul style="list-style-type: none"> • Agricultural capability – the subject land is not capable of supporting agricultural production due to its small size; • Land Use Conflict – detailed above and Section 4; • Infrastructure – No additional infrastructure to service the proposed development is anticipated (any required provided will be at the developers cost); • Environment and heritage – The land is not mapped as containing potential HEV land or any Aboriginal or historic heritage significance; and • Avoiding risk – The subject land is not flood prone or mapped as containing acid sulfate soils. It is however bush fire prone and contains severe slope and highly erodible soils. It is considered that these matters can be adequately addressed at the DA stage.
Local Government Narratives - Lismore	The Planning proposal is not considered to be inconsistent with the Local Government Narrative for Lismore.
Draft North Coast Regional Plan 2041	<p>The North Coast Regional Plan 2041 is currently in draft stage having recently completed exhibition. Of particular relevance to the planning proposal is <i>Objective 8 - Support the productivity of agricultural land</i>. Whilst the subject land is mapped as Regionally Significant Farmland under the Northern Rivers Farmland Mapping Project, it is not considered to be viable farmland due to its size and previous use as a vehicle body repair shop. Further consideration is given to this matter and associated potential landuse conflicts in Section 4 of this report.</p> <p>The Planning proposal is considered to be generally consistent with the draft NCRP 2041.</p> <p>The Planning proposal has however failed to address consistency with the draft plan and it is therefore recommended that it be amended prior to exhibition to include a discussion on the proposal's consistency with the draft North Coast Regional Plan 2041.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 - Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The Planning proposal is considered to be consistent with Council's LSPS, in particular the following Planning Priorities:</p> <p><i>12. Protect and improve productive agricultural land and other natural resources.</i></p>

	<p>This Planning Priority aims in part, to ensure that the availability and viability of rural land for ongoing agricultural use is not compromised by inappropriate or incompatible development.</p> <p>Whilst the subject land is mapped as Regionally Significant Farmland, its use for agricultural purposes is considered unviable due to its size. An assessment of the NCRP Interim Farmland Variation Criteria also determines that the site may be suitable for uses other than agriculture and has in the past been used as a Vehicle body repair shop. A LUCRA has also concluded that use of the site for potential residential use will not detrimentally impact the adjacent Macadamia plantation. Consultation with DPI - Agriculture has however been recommended.</p> <p><i>13. Identify, manage and adapt to risks from natural hazards.</i></p> <p>This Planning Priority aims in part, to ensure an integrated approach to mitigating the impacts of natural hazards and climate change. The subject land is not subject to flooding, acid sulfate soils or coastal hazards such as sea level rise. It is considered that bushfire management and avoidance of that part of the site susceptible to steep and highly erodible soils however can be adequately addressed at the development application stage.</p>
Lismore Growth Management Strategy (LGMS) 2015-2035	<p>The subject land has not been specifically referenced or mapped in the LGMS. The Planning proposal is however not considered to be inconsistent with strategy.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 - 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Regional Plans	Unresolved	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is considered to be inconsistent with this Direction as it is inconsistent with Directions 2, 3 and 11 of the NCRP (refer to Section 3.1).</p> <p>It is considered appropriate that consistency with this direction remain unresolved until consultation is undertaken with NSW RFS, DPI – Agriculture and DPE – BCD.</p>
Direction 9.2 Rural Lands	Justifiably inconsistent	<p>The land is subject to this Direction as the planning proposal seeks to change the MLS of land within a rural zone.</p> <p>The inconsistency is considered to be of minor significance as the subject land is currently well below the MLS for the RU1 zone and has previously been utilised for purposes other than agriculture.</p>

Direction 4.3 Planning for Bushfire Protection	Unresolved	<p>The planning proposal is potentially inconsistent with this Direction as it applies to land that is bush fire prone.</p> <p>The Direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) after a Gateway Determination is issued and before community consultation is undertaken. Until consultation has been undertaken, consistency with this Direction remains unresolved.</p>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Unresolved	<p>This Direction applies to the Planning proposal as the subject land is mapped as containing Regionally Significant Farmland as mapped under the Northern Rivers Farmland Protection Project.</p> <p>Whilst the subject land is not considered to be a viable size for agriculture and an assessment under the NCRP Interim Farmland Variation criteria reveals the land may be suitable for other uses, until such time as consistency with the NCRP has been resolved through consultation with DPI – Agriculture and BCD, consistency with this Direction remains unresolved.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. In relation to SEPP (Resilience and Hazards) 2021, the Planning proposal is accompanied by a Contaminated Land Assessment as a reduction in the MLS for the site will enable Council to consider use of the land for residential development. The site was previously used as a potentially contaminating activity (dairy).

The Site Contamination Assessment has found that the investigation area can be considered as uncontaminated (refer Section 4.1). It is considered appropriate that further consideration can occur at the development application stage.


4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 - Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	The vegetated part of the subject site is an enclosed canopy consisting of trees up to 20m tall and dominated by Camphor Laurel and interspersed with rainforest species including Black Wattle, Lilly Pilli, Black Bean, Strangler Fig and others. The understory contains lantana, grasses, vines and palms.

	<p>The Planning proposal states that common reptiles, birds and native mammals have been identified on the site however no studies to verify this accompany the proposal.</p> <p>The subject land is not mapped in the NCRP as containing potential HEV land however the Lismore LEP 2012 maps the site as being a corridor on the Priority Habitat and Corridor Map. The Transitional Native Vegetation Regulatory map shows part of the site (to the rear/south of the property) as being steep or highly erodible.</p> <p>Lismore LEP 2012 Mapping also shows the subject land as containing Koala Habitat (Figure 7)</p>  <p>Figure 7 - Land subject to Koala Habitat and corridors (source: Lismore City Council Spatial viewer)</p> <p>The Planning proposal states that no building works or vegetation removal is proposed on the vegetated part of the site and future development is likely to be limited to the cleared area in the north of the site. It is considered that this issue can be appropriately addressed at the development approval stage. It is however recommended that consultation with DPE - BCD be undertaken.</p>
Regionally Significant Farmland & potential landuse conflict	<p>The Planning proposal is supported by LUCRA. The assessment considers the following activities associated with the existing intensive horticultural use (macadamia orchard) immediately to the north of the subject land (separated by Bangalow Road) as having the greatest potential risk of creating landuse conflict:</p> <ul style="list-style-type: none"> • spray drift (great potential landuse conflict); • chemical use and storage; • odour; • noise/operating times; • dust/smoke; • pests; • tree removal; and • water. <p>Lismore DCP clause 11.4 – Buffers – Intensive Plant Agriculture-Horticulture recommends a 150m dwelling setback where there is no planted (biological buffer) or an 80m dwelling setback (including a biological buffer) with a minimum width of 30m (established prior to development).</p>

The LUCRA is accompanied by a revised site plan dated 25-10-21 (Attachment E) that shows the intention of the applicant to remove/demolish the Vehicle body repair shop to achieve a combined physical separation buffer of 80m inclusive of a 30m biological buffer as outlined in Councils DCP (Figure 8). It is recommended that Part 3 Section C of the Planning proposal be updated prior to community consultation to include the revised site plan.

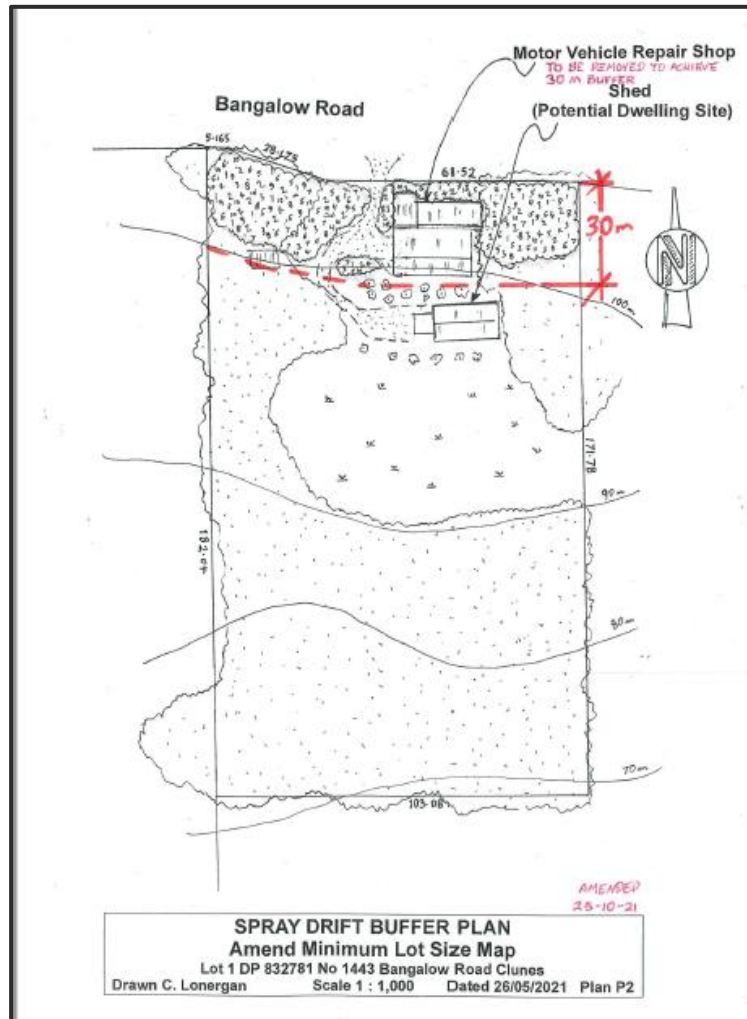


Figure 8 - Proposed buffer for potential dwelling (source: Planning proposal)

It is recommended that consultation be undertaken with DPI – Agriculture.

Bushfire

The land is mapped as bush fire prone – Vegetation Category 1 (Figure 3). The Planning proposal is not supported by a Bush Fire Assessment Report. The subject land contains a cleared area, currently containing several sheds previously used for the Vehicle body repair shop. The Planning proposal states that any future DA for a dwelling will require the surrendering of the consent to operate this landuse, with the future dwelling being located in its place.

Consultation with the NSW RFS is considered appropriate.

Contamination

The subject land is mapped as a potential contaminated site on Council's mapping data base. Accordingly, the site is accompanied by a Contaminated Land Assessment.

The Contaminated Land Assessment concludes that based on the known history of the site, inspection of the site and sampling regime, further soil contamination assessment is not required in the proposed investigation area

	<p>with results of all tested contaminants being below the relevant screening levels. In such cases, NSW EPA (1995) and NEPM 1999 (2013) state that if the contaminant concentration of the site is below a threshold limit, the investigation area can be considered as uncontaminated, and this is considered to be the case for the subject site.</p> <p>Council's Environmental Health team have reviewed the assessment and conclude that the technical reporting provides sufficient information for Council to form a view that the objectives of State Environmental Planning Policy (Resilience and Hazards) and that the principles of the Section 9.1(2) Planning Direction can be satisfied.</p> <p>The Environmental Health team also recommend that a contaminated land assessment will be required after the demolition of existing sheds has occurred before the establishment of the vegetation buffer.</p>
Flooding	The subject site is not mapped as being prone to flooding.
Heritage	<p>The subject land does not contain any heritage items listed within the Lismore LEP 2013.</p> <p>An Aboriginal Heritage Information Management System (AHIMS) search did not reveal any Aboriginal Cultural Heritage on within 50 meters of the subject land.</p>
Wastewater	A Wastewater Management Report was submitted to Council to support the Planning proposal. The report identifies a suitable area for the placement of an on-site sewage management system, which meets council's on-site Sewage and Wastewater Management Strategy, including the provision of reserve land application areas and compliance with buffer setbacks to waterways and property boundaries.
Water catchment	Lismore LEP 2012 identifies the subject land as being within a Drinking Water Catchment. It is considered the relevant provisions of the LEP will enable suitable consideration of this issue at the development application stage.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 – Social and economic Impacts

Infrastructure	Assessment
Social	The site has been used for a dwelling in the past and more recently as a vehicle body repair shop. It is considered that use of the land once again for a dwelling will have a positive social impact through the provision of additional housing supply.
Economic	Although limited, it is expected that the proposal will provide a positive economic contribution to the local economy directly as a result of the construction of a new dwelling and indirectly through a greater population base to support local business.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 8 - Infrastructure assessment

Infrastructure	Assessment
Local	The site has been used for a dwelling in the past and more recently as a vehicle body repair shop. All local infrastructure required for the proposed use of the site is available or can be provided. Suitable road access is available via Bangalow Road.
State	There will be no impact on State or regional infrastructure or the requirement for additional funding.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

Council proposes that notification of the exhibited planning proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Planning proposal;
- On the website of Lismore City Council and the Department of Planning and Environment; and
- A letter to adjoining landowners.

In accordance with the Local Environmental Plan Making Guideline dated December 2021, an exhibition period of 20 working days is recommended.

5.2 Agencies

It is recommended the following agencies be consulted on the Planning proposal and given 30 days to comment:

- NSW RFS
- DPI – Agriculture
- DPE - BCD

6 Timeframe

Council proposes a 8 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal deals only with matters of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The subject land has been used for non-agricultural purposes for many years;
- The proposed reduction in MLS and use of the site for residential purposes is in keeping with adjoining and surrounding rural residential lots and will not create a loss of viable agricultural land despite the RU1 zoning of the subject site;
- A LUCRA has concluded that the subject site is suitable for the proposed development subject to the implementation of various measures; and
- The Planning proposal is not considered to be inconsistent with Council's Growth Management Strategy or Local Strategic Planning Statement.

Based on the assessment outlined in this report, the proposal must be updated prior to consultation to provide a discussion of the proposal's consistency with the Inspire Lismore 2040 Local Strategic Planning Statement (LSPS) and the draft North Coast Regional Plan 2041.

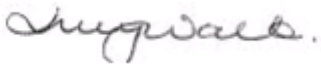
9 Recommendation

It is recommended the delegate of the Secretary:

- **Agree** that any inconsistencies with section 9.1 Directions 9.2 Rural Lands are minor or justified; and
- **Note** that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 4.3 Planning for Bushfire Protection and 9.4 Farmland of State and Regional Significance on the NSW Far North Coast are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking Government agency and community consultation, the planning proposal is to be updated to:
 - a) provide a discussion of the proposal's consistency with the Inspire Lismore 2040 Local Strategic Planning Statement (LSPS) and the draft North Coast Regional Plan 2041; and
 - b) include the revised LUCRA site plan (dated 25-10-21) in Part 3 Section C.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Department of Planning and Environment - Biodiversity and Conservation Division
 - Department of Primary Industries - Agriculture
3. The planning proposal should be made available for community consultation for a minimum of 20 days.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



02/11/2022

(Signature)

(Date)

Lucy Walker

Manager, Local and Regional Planning, Northern Region



04/11/2022

(Signature)

(Date)

Jeremy Gray

Director, Northern Region

Assessment officer

Gina Davis

Senior Planner,

Northern Region