

Planning Proposal

Amendment to the Minimum Lot Size at 1443
Bangalow Road, Clunes (Lot 1 DP 832781)

November 2022



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Executive Summary

This Planning Proposal seeks to amend the Minimum Lot Size at 1443 Bangalow Road, Clunes (Lot 1 DP 832781) from 40ha to 1.5ha. The approval of the Planning Proposal to modify the relevant lot size map for the subject site would allow Council to assess and determine a development application for a dwelling or dual occupancy.

Lot 1 DP 832781 (1443 Bangalow Road, Clunes) is located in a rural area (Zone RU1) on a classified road. It is approximately 2km south-west of the village of Clunes and 14km north-east of the Lismore CBD.

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.

The land contains two existing buildings (sheds) and associated infrastructure. The site is largely covered in vegetation.

Previous approvals for the land are as follows:

- BA78/565 – approved a dwelling on Lot 3 DP 581492
- 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’ 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 under Division 4.11 of the EP&A Act and Clauses 39 to 46 of the EP&A Act Regulations. These provisions allow for a future expansion or intensification of the existing use at the site.

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.

Part 1 - Objectives or Intended Outcomes

Objective

The objective of this planning proposal is to amend the Minimum Lot Size at 1443 Bangalow Road, Clunes (Lot 1 DP 832781) from 40ha to 1.5ha.

The approval of the Planning Proposal to modify the relevant lot size map for the subject site would allow Council to assess and determine a development application for a dwelling or dual occupancy.

If the Planning Proposal is supported, the landowner will be required to surrender the development consent for the existing use rights.

Intended Outcomes

The intended outcome of this Planning Proposal is to allow a dwelling or dual occupancy on Lot 1 DP 832781.

Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lot Size Map (LSZ_005) to allow for a new Minimum Lot Size of 1.5 hectares (Y2) at 1443 Bangalow Road, Clunes (Lot 1 DP 832781).

No change to the written instrument is required or proposed.

Part 3 - Justification

Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No, the planning proposal is not the result of any strategic study or report. It was initiated by the landowner and essentially seeks to replace a land use that is now prohibited in the zone ('vehicle body repair shop') and to replace it with a use ('dwelling') that is more consistent with the surrounding land use pattern in the area.

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

Yes, the Planning Proposal is required to amend the Lot Size Map so a development application for a dwelling can be assessed and determined under Clause 4.2B of the Lismore LEP 2012.

A modification to the consent for DA92/1 is not possible as the relevant planning instrument that created the special purpose lot (IDO No.40) did not allow a dwelling house on such a lot.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes.

North Coast Regional Plan 2036

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. While the subject site is not identified as an investigation area for rural residential land, the Planning Proposal is considered to be consistent with the following direction:

Direction 24: Deliver well-planned rural residential housing areas

The subject site is located in an area that is characterised by rural dwellings on smaller holdings (0.7ha – 2.6ha) on the southern side of Bangalow Road and is in close proximity to the village of Clunes (2km) and the Lismore CBD (14km).

Draft North Coast Regional Plan 2041

The draft NCRP continues the vision of the existing NCRP in that it strategically plans for Lismore to continue being a regional hub for the far north coast. The Planning Proposal is consistent with the following objectives:

Objective 1: Provide well located homes to meet demand

The NCRP reference the recommendation of the NSW Regional Housing Taskforce to support measures that bring forward a supply of development ready land. This proposal will enable a dwelling entitlement for the site and as such contribute to the delivery of housing and housing land.

The site is not identified as State Significant farmland, is not identified on the Biodiversity values Map as containing areas of high biodiversity value and is not located in the coastal strip. The lot is not viable for farming however it will remain zoned as RU1 primary production.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal is consistent with the following strategic planning documents:

Inspire Lismore 2040, Local Strategic Planning Statement

Lismore's LSPS includes five key themes; liveable places; productive economy; connected communities; sustainable environment; and climate resilience. This Planning Proposal will contribute to Lismore's housing supply whilst also maintaining the rural and natural landscapes and lifestyle as per the LSPS' vision.

Imagine Lismore (Community Strategic Plan) 2017-2027

The Imagine Lismore Community Strategic Plan (CSP) was developed and adopted by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the LGA for a period of 10 years. The Planning Proposal is consistent with the following objectives in the CSP;

- *Our land use planning caters for all sectors of the community*
- *Ensure a diverse range of land use development opportunities are available, and*
- *Monitor the Local Environmental Plan and amend as required in response to community and development industry need*

This Planning Proposal responds to the need to consider a land use activity that is currently prohibited by the LEP 2012 (a dwelling or dual occupancy) but is considered to be a preferable use to the panel beating and spray painting that exists as a result of existing use rights conferred by previous DA consents.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

All applicable state and regional plans have been discussed elsewhere within this Planning Proposal. No further studies or strategies apply.

Q6. 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**.

Q7. 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

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

Council's GIS mapping indicates the majority of vegetation on site (>50%) is Camphor Laurel. The site is not identified as containing any areas of high environmental value, or any threatened species or endangered ecological communities.

The site can be described as containing two distinct areas:

Area 1 – Cleared / Grassland Area

This is the northern end of the site around the sheds that contains grass species with the occasional Camphor Laurel, Bangalow Palm and fruit trees.

Area 2 – Forested Area

The majority of the site is an enclosed canopy consisting of trees up to 20m tall that is 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.

Common reptiles, birds and native mammals have been identified on the site.

No building works or vegetation removal is proposed as a result of the Planning Proposal and future development is likely to be limited to cleared area in the north of the site. Any future DA that requires any vegetation removal or disturbance will need to address the relevant planning controls at that time.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Contaminated Land

A contamination report, that included soil investigations, was completed to support this Planning Proposal. The investigations tested a broad range of contaminants, and all were below the relevant screening levels. The report concludes that no further assessment of contamination is required and the site is considered to be uncontaminated.

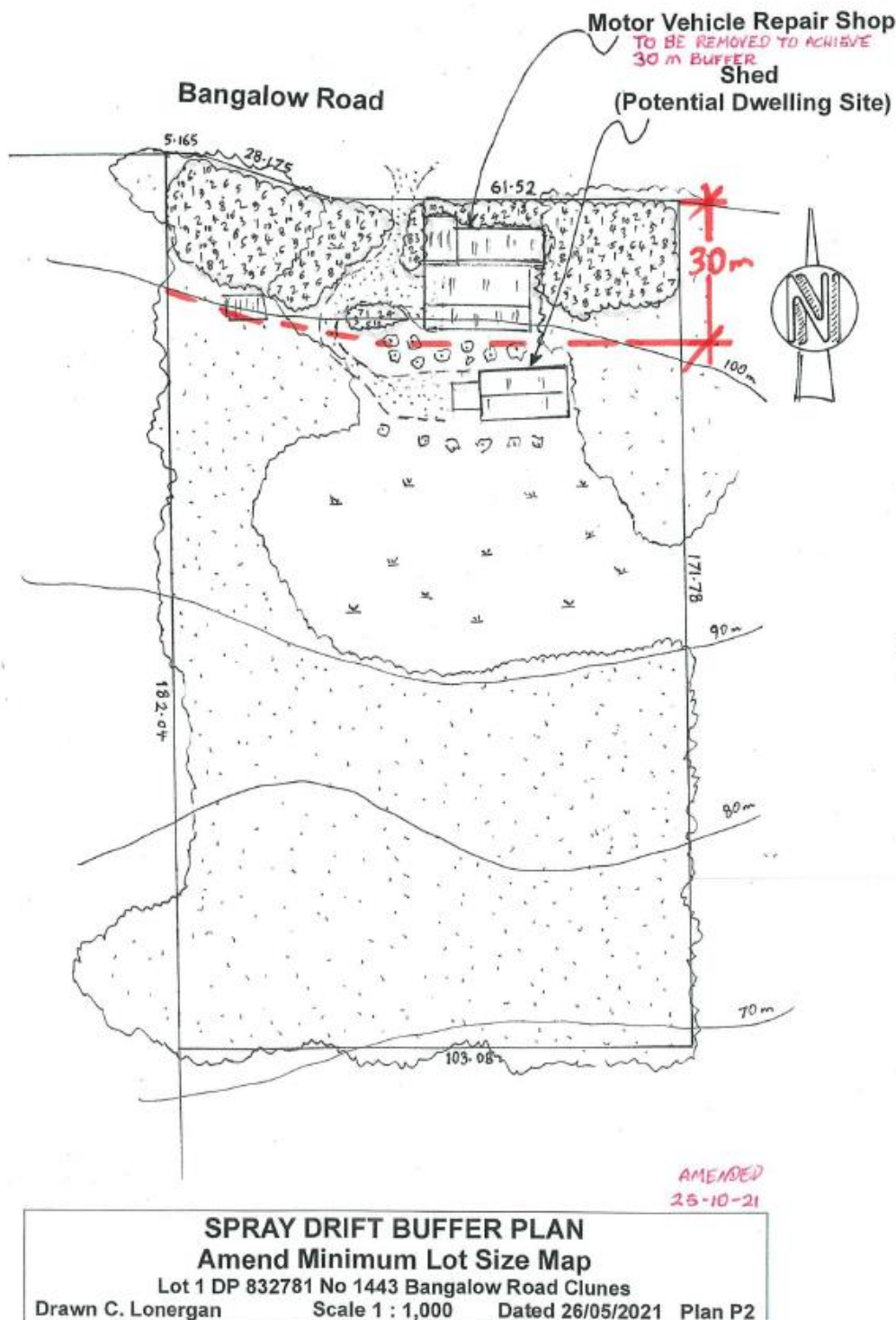
Council's Environmental Health team have reviewed the assessment and conclude that the technical reporting provides sufficient information for Council to form a view that the objectives of State Environmental Planning Policy (Resilience and Hazards) and that the principles of the Section 9.1(2) Planning Direction can be satisfied.

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.

Potential Land Use Conflict

A technical Land Use Conflict Risk Assessment (LUCRA) report was submitted to Council support the planning proposal. The key recognised land use conflict for the proposed

residential land use is the existing intensive horticultural use (macadamia orchard) immediately to the north, separated by Bangalow Road corridor. A revised LUCRA site plan, amended on the 25/10/21 by the applicant, has been provided to Council (as shown below). This plan demonstrates that the 'motor vehicle repair shop' is to be removed / demolished to achieve a combined physical separation buffer of 80m inclusive of a 30m biological buffer as outlined in Councils Development Control Plan – Chapter 11 – Buffer Areas. The DA consent for the 'motor vehicle repair shop' will need to be surrendered and any buffer established will be assessed at development application stage for any residential development proposed.



On-Site Sewage Disposal

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. The information provided reasonably demonstrates that the management of wastewater can be accommodated wholly within the allotment. At development application stage for any residential use on the allotment a DA specific wastewater report will be required to support the application.

Bushfire Hazard

The site is mapped as being bushfire prone (as shown in Figure 3). The use of the site for a dwelling does not trigger integrated development approval requirements under Section 100B of the *Rural Fires Act 1997*. Any future DA for a dwelling will need to demonstrate compliance with the requirements in *Planning for Bushfire Protection 2019*.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Aboriginal and European Cultural Heritage

An Aboriginal Heritage Information Management Systems (AHIMS) search was undertaken and no Aboriginal sites or places were identified within 50 metres of the subject land. The land is also not listed as a heritage item in Schedule 5 of the Lismore LEP 2012.

Social and Economic Impact

The potential for a negative impact upon existing neighbours must be considered. Adjoining neighbours will be notified and any submissions considered post-Gateway.

The Planning Proposal will not adversely impact upon existing rural land and will not impact upon the uses that are currently able to be undertaken at the site other than allowing consideration for a dwelling and removing the existing use at the site for a vehicle repair body repair shop. There is suitable industrial zoned land in Lismore for this land use.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

Yes, all services are available at the site or can be provided. Suitable road access is available via Bangalow Road.

Section E – State and Commonwealth Interests

Q12. What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway determination?

It is recommended that the Rural Fire Service are consulted following the Gateway Determination.

Part 4 - Maps

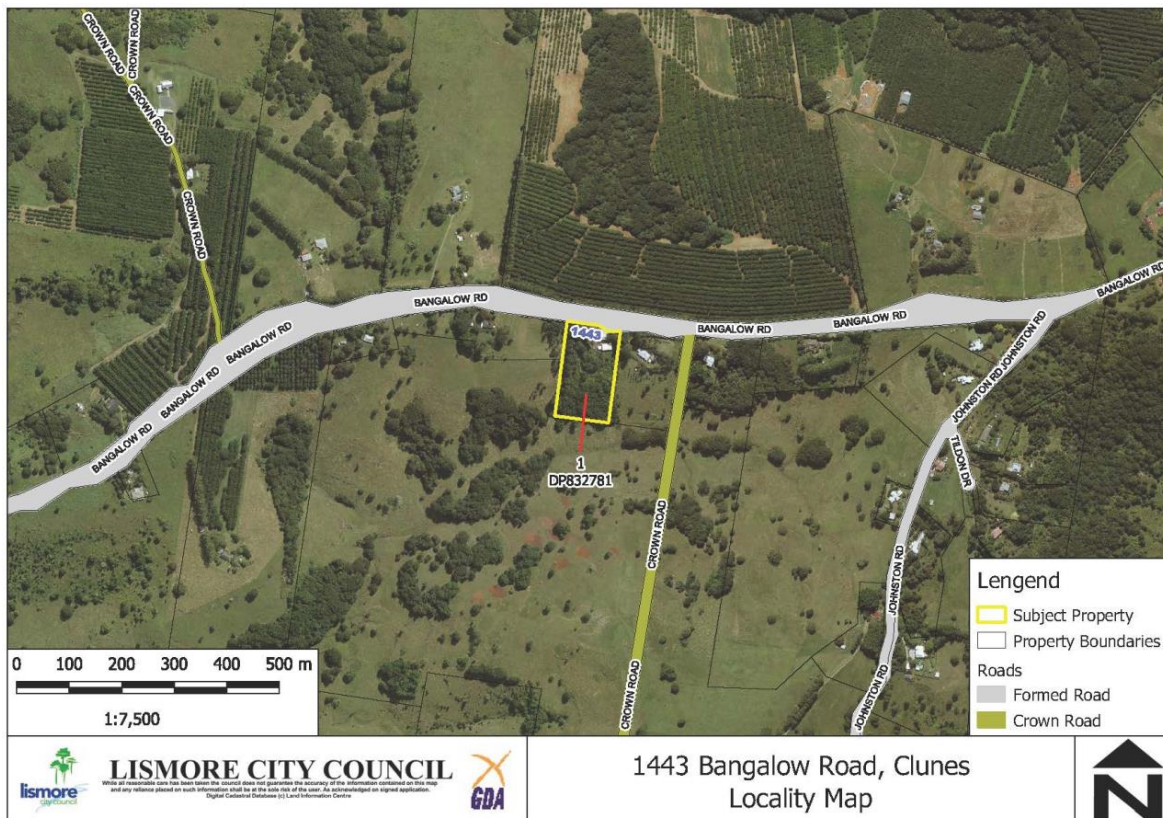


Figure 1: Locality of the subject site.

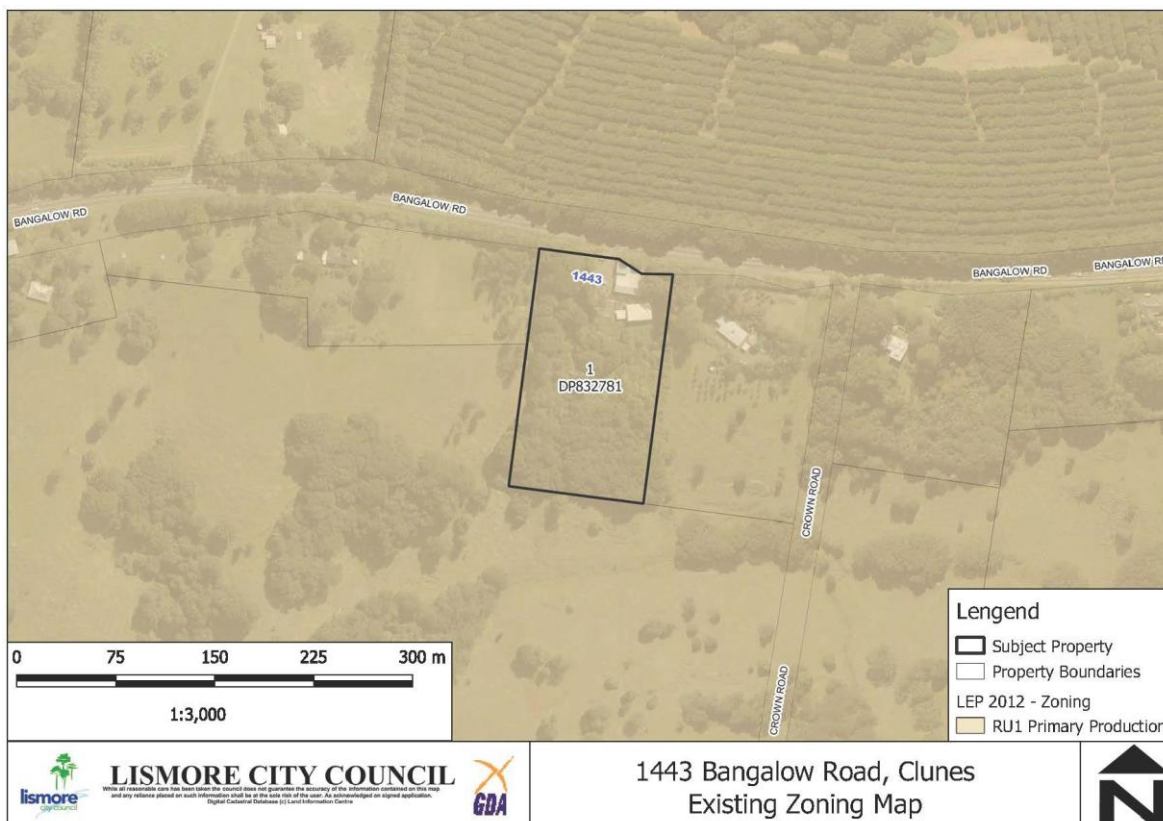


Figure 2: Current LEP zoning for 1443 Bangalow Road, Clunes and surrounding properties.

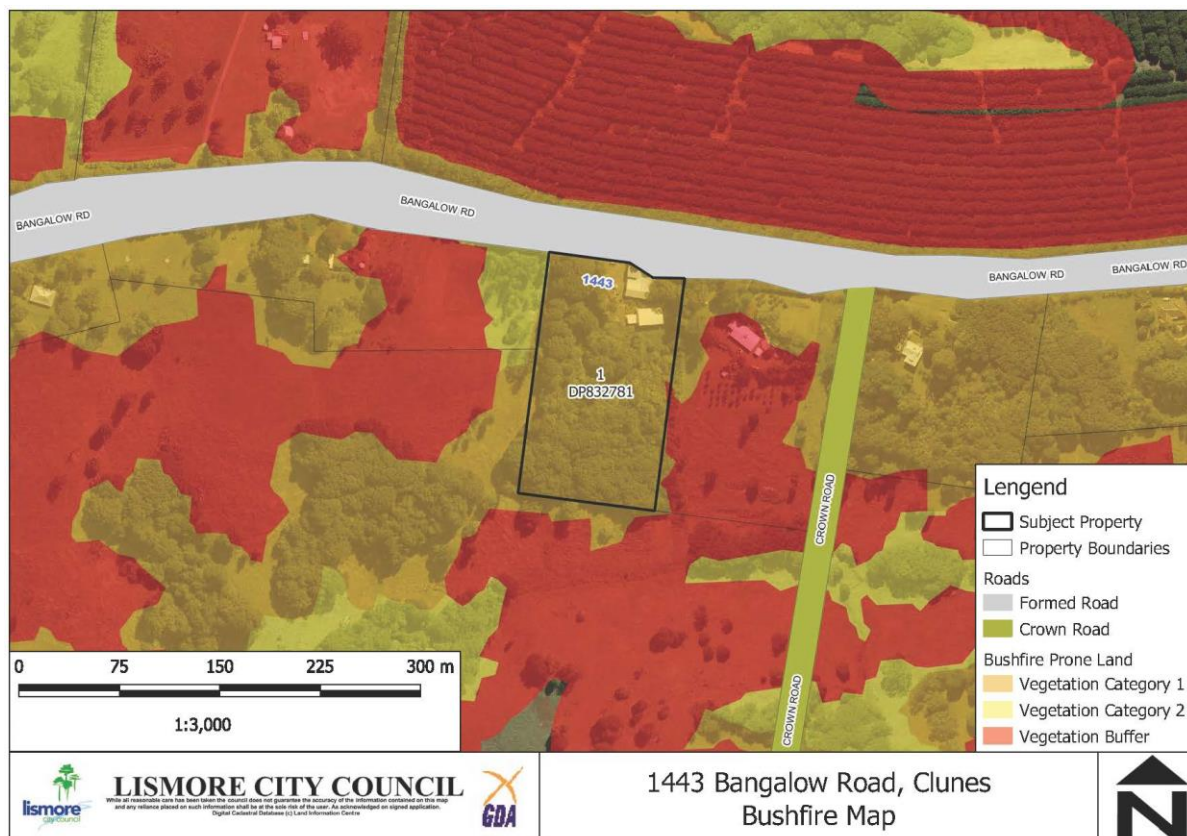


Figure 3: Bushfire prone vegetation mapping.

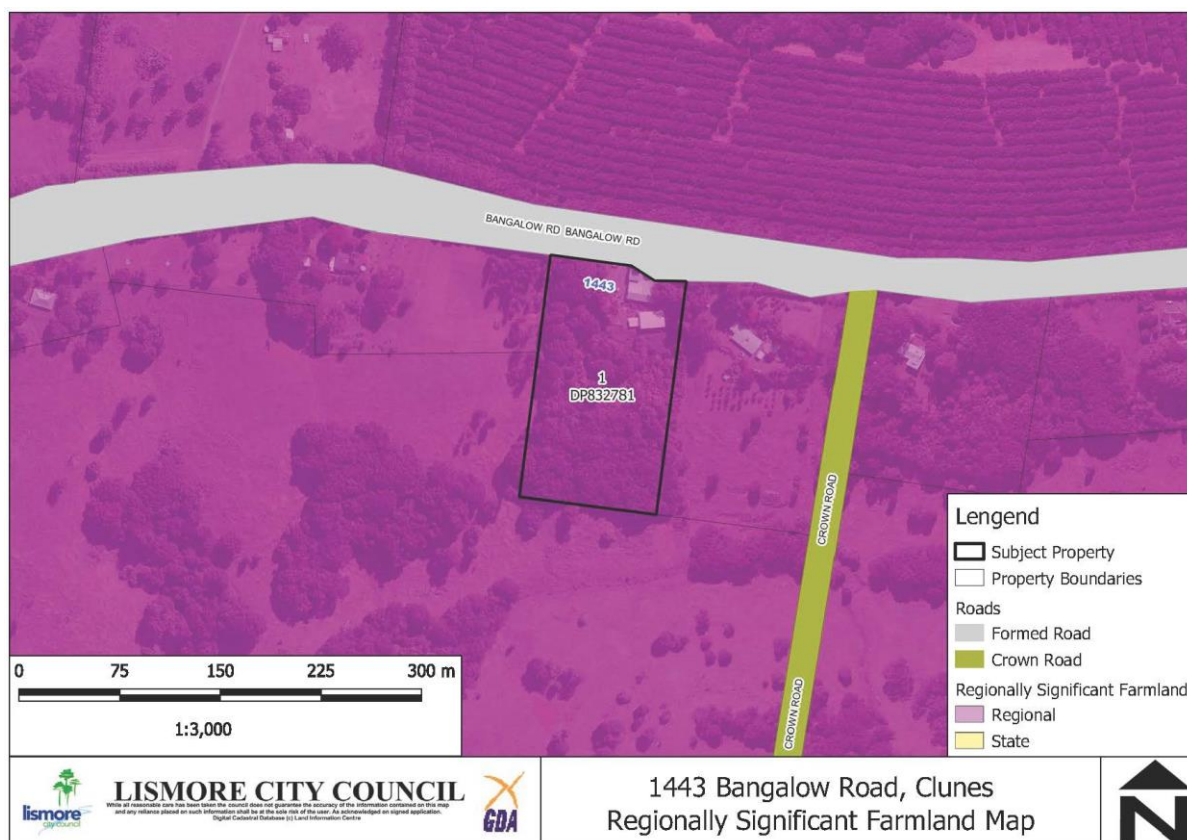


Figure 4: Regionally Significant Farmland mapping.

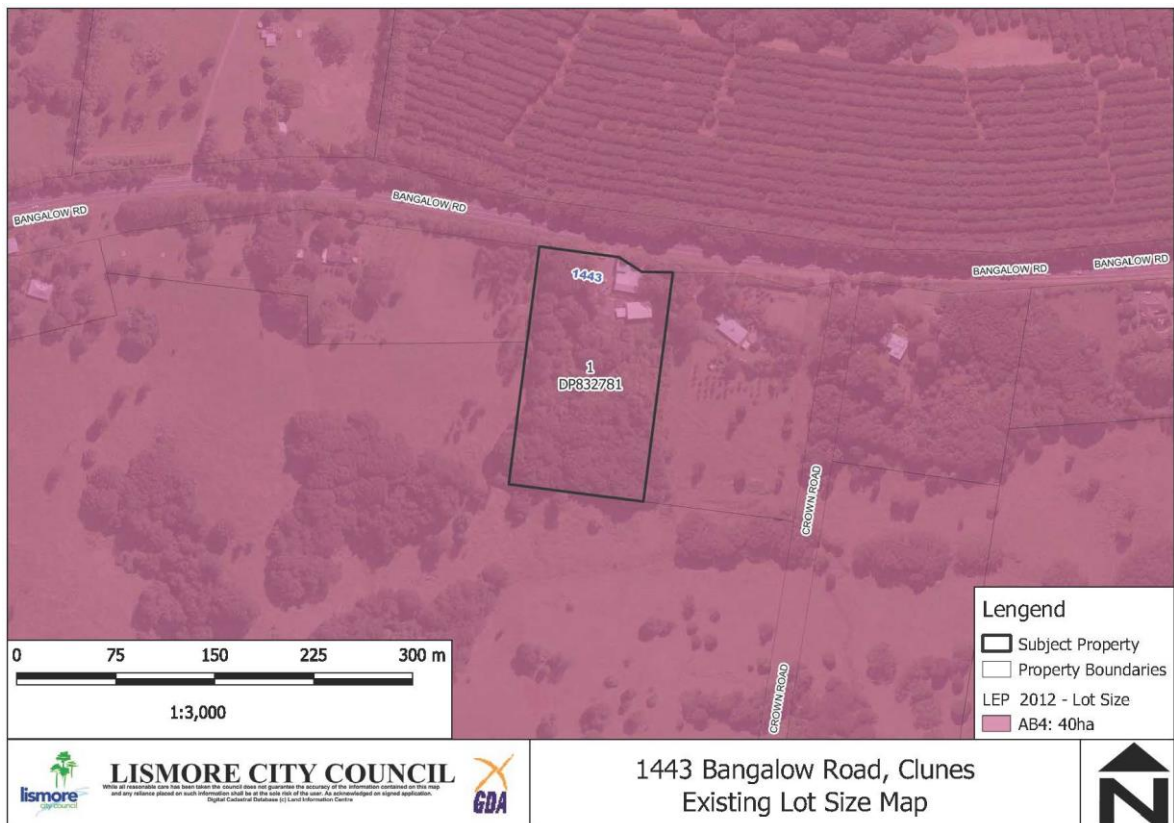


Figure 5: Existing Lot Size Map

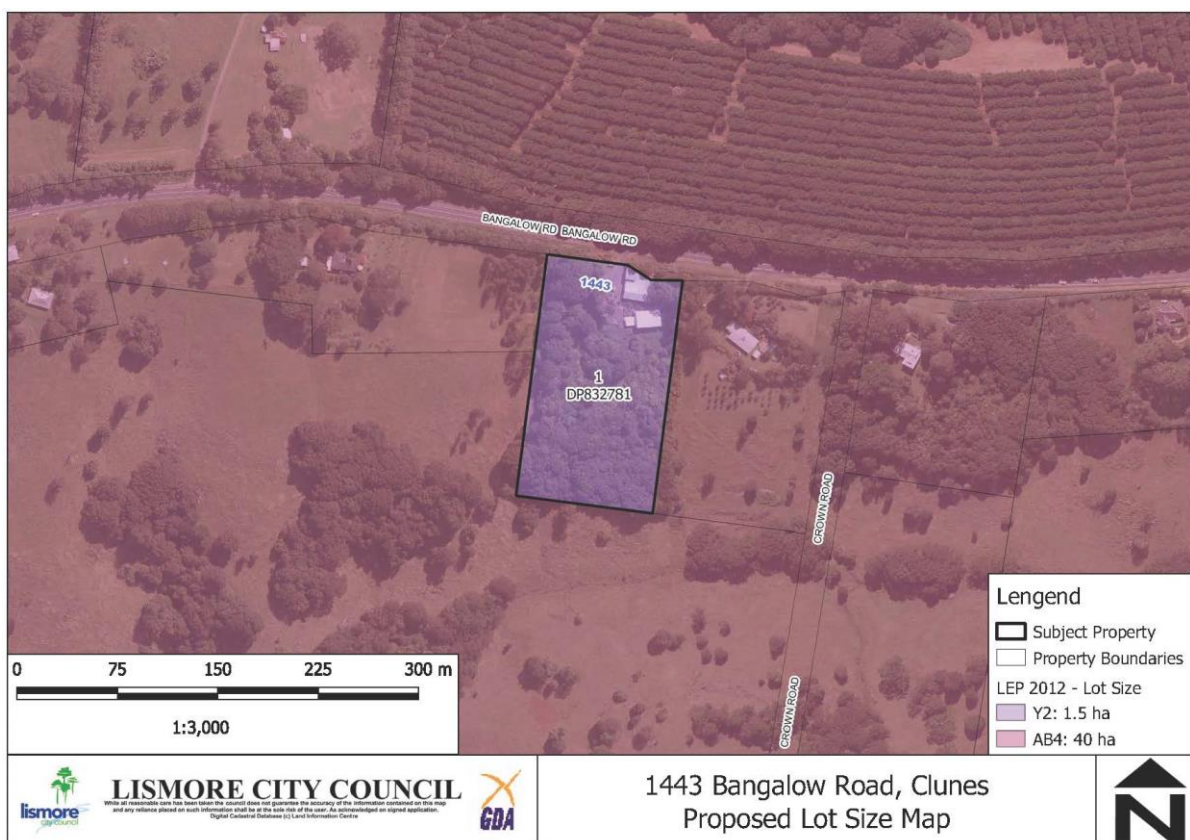


Figure 6: Proposed Lot Size Map

The Lot Size Map (LSZ_005) will be amended so that only 1443 Bangalow Road, Clunes (Lot 1 DP 832781) is changed from 40 hectares (AB4) to 1.5 hectares (Y2). An indicative map showing the proposed lot size is shown at figure 6.

Part 5 - Community Consultation

Council will commence community consultation post 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;
- On the website of Lismore City Council and the Department of Planning, Industry and Environment; and
- A letter to adjoining landowners
- Referral to the Rural Fire Service

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; and
- 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, Industry 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 – **July 2022**
- Gateway determination issued – **October/ November 2022**
- Agency and public consultation – **November/ December 2022**
- Consideration of submissions – **January/ February 2023**
- Council consideration of the proposal post exhibition – **March 2023**
- Anticipated date of submission to the Department for notification of the making of the LEP – **April 2023**
- Anticipated date for plan making – **May 2023**

Conclusion

The Planning Proposal to amend the Lot Size Map to allow Council to assess and determine a development application for a dwelling or dual occupancy on the land under Clause 4.2B of the Lismore LEP 2012 is considered to be an appropriate use for the site and would allow a mechanism for the existing approved use ('vehicle repair body repair shop') to be surrendered.

The proposal is considered to have minimal social, environmental or economic impacts.

The Planning Proposal is considered to be consistent with Lismore's CSP, the North Coast Regional Plan and the relevant SEPPs and Section 9.1 Ministerial Directions.

APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
SEPP Biodiversity and Conservation 2021 (Previously Koala Habitat Protection 2020 and 2021 and others)	3 and 4 Koala habitat protection provides for CKPOMs.	The land subject to this Planning Proposal is not mapped as containing primary or secondary koala habitat. No vegetation is proposed to be removed as a result of the proposal. Any future DA may need to include a koala assessment report.
SEPP Resilience and Hazards 2021 (Previously Remediation of Land (55), Coastal Management and Hazardous and Offensive Development (33))	4 Remediation of Land The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment— by specifying when consent is required, and when it is not required, for a remediation work, and by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements	A contaminated land report has been carried out. Council's Environmental Health team have reviewed the assessment and confirm that the objectives of State Environmental Planning Policy (Resilience and Hazards) can be satisfied.
SEPP Transport and Infrastructure (Previously Infrastructure and others)	No specific requirement regarding rezoning land.	Consistent.

State Environmental Planning Policy	Requirements	Compliance
<i>SEPP Housing 2021</i>	<p>The principles of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, (c) ensuring new housing development provides residents with a reasonable level of amenity, (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, (e) minimising adverse climate and environmental impacts of new housing development, (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, (h) mitigating the loss of existing affordable rental housing. 	Consistent.

APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
1. Planning Systems		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	Consistent. Consistency with the North Coast Regional Plan is addressed at Part 3 / Q.3 of this report.
1.2 Development of Aboriginal Land Council land	Not applicable	Not applicable.
1.3 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.	Consistent. The Planning Proposal does not introduce new concurrence, consultation, or referral requirements. Nor does it propose new forms of designated development.
1.4 Site Specific Provisions	A Planning Proposal to allow a particular land use to be carried out must either; (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	Not applicable
1. Planning Systems – Place Based		
1.5 – 1.17	Not applicable	Not applicable
3. Biodiversity and Conservation		
3.1 Conservation Zones	(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a	Not applicable

	change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands"	
3.2 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent The site is not identified as an area of heritage significance within the Lismore LEP and an AHIMS search did not identify any Aboriginal sites or places within 50m of the subject land.
3.3 Sydney Drinking Water Catchments	Not applicable	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	Not applicable
3.5 Recreation Vehicle Areas	Not applicable	Not applicable
4. Resilience and Hazards		
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Not applicable
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	Not applicable
4.3 Planning for Bushfire	A Planning Proposal in bush fire prone land: (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. (b) Have regard to Planning for Bush Fire Protection 2019. (c) Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent The site is mapped as containing bushfire-prone vegetation. A referral to the RFS will be undertaken post Gateway determination.
4.4 Remediation of Contaminated Land	This direction applies when a planning proposal authority prepares a planning proposal that applies to:	Consistent. The land is not considered contaminated.

	<p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	
4.5 Acid Sulfate Soils	This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.	Not applicable.
4.6 Mine Subsidence and Unstable Land	<p>Applies to mine subsidence areas</p> <p>Applies to areas identified as unstable</p>	Not applicable.
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	Not applicable
5.2 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>Consistent.</p> <p>This planning proposal does not affect public land.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	Not applicable
5.4 Shooting Ranges	Not applicable	Not applicable
6. Housing		
6.1 Residential Zones		

6.2 Caravan Parks and Manufactured Home Estates	Not applicable	Not applicable
7. Industry and Employment		
7.1 Business and Industrial Zones	Not applicable	Not applicable
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
8. Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable
9. Primary Production		
9.1 Rural Zones	A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Inconsistent, but justified The proposal will increase the permissible density of the land from zero to allow consideration of a DA for a dwelling or dual occupancy. The increased density is considered to be of minor significance.
9.2 Rural Lands	1. A planning proposal must: (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources	Consistent The proposal accords with the conditions of this direction.

	<p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land</p>	
9.3 Oyster Aquaculture	Not applicable.	Not applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:</p> <p>(a) the North Coast Regional Plan 2036, or</p> <p>(b) Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment.</p>	<p>Consistent</p> <p>The proposal does not seek to rezone the land.</p>

