

Rezoning Planning Proposal

PART 389 KEEN STREET, EAST LISMORE

This planning proposal has been amended in accordance with DPIE request of 10/3/2020 to include:

- The submission of a preliminary contaminated land assessment. The report has been reviewed by Council's Coordinator of Regulatory Services and the land is deemed suitable for residential use
- Update the cover page to refer to Part 389 Keen Street
- Update SEPP and Ministerial Directions compliance tables

August 2021



Table of Contents

EXECUTIVE SUMMARY	3
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	4
PART 2 – EXPLANATION OF PROVISIONS	4
PART 3 – JUSTIFICATION	5
Section A – Need for the Planning Proposal	5
Section B – Relationship to Strategic Planning Framework	5
Section C – Environmental, Social and Economic Impact	6
Section D – State and Commonwealth Interests	9
PART 4 - MAPPING	14
PART 5 – COMMUNITY CONSULTATION	17
PART 6 – PROJECT TIMELINE	18
PART 7– LEP DELEGATIONS	18
APPENDIX 1 – NORTH COAST REGIONAL PLAN 2036	19
APPENDIX 2 - STATE ENVIRONMENTAL PLANNING POLICIES	24
APPENDIX 3 - SECTION 9.1 MINISTERIAL DIRECTIONS	27

EXECUTIVE SUMMARY

This rezoning planning proposal has been prepared in respect to land described as 389 Keen Street, East Lismore (Lot 3 DP 805680). The planning proposal was lodged with Council on 31 August 2016. The proposal has been the subject of numerous specialist technical reports, including but not limited to, traffic, infrastructure provision, cultural heritage and biodiversity assessment. The proposal, as originally submitted was to rezone approximately 14ha of a 61ha Zone RU1 Primary Production allotment to Zone R1 General Residential. This would have provided the potential to create around 140 residential allotments. The constraints of the site warranted a reduction in the scale of the proposal. The matter was presented at a Councillor briefing on 26 March 2019 and Council supported a smaller scale proposal to rezone approximately 5ha to Zone R1 with a potential residential lot yield of 30.

The aim of the planning proposal is to enable the lodgement of a development application for future residential subdivision. This will require amending Local Environmental Plan 2012 maps as follows:

- Change the zone of part 389 Keen Street, East Lismore from RU1 Primary Production to R1 General Residential; and
- Apply a minimum lot size of 400m² for Zone R1; and
- Apply a maximum building height of 8.5m for Zone R1.

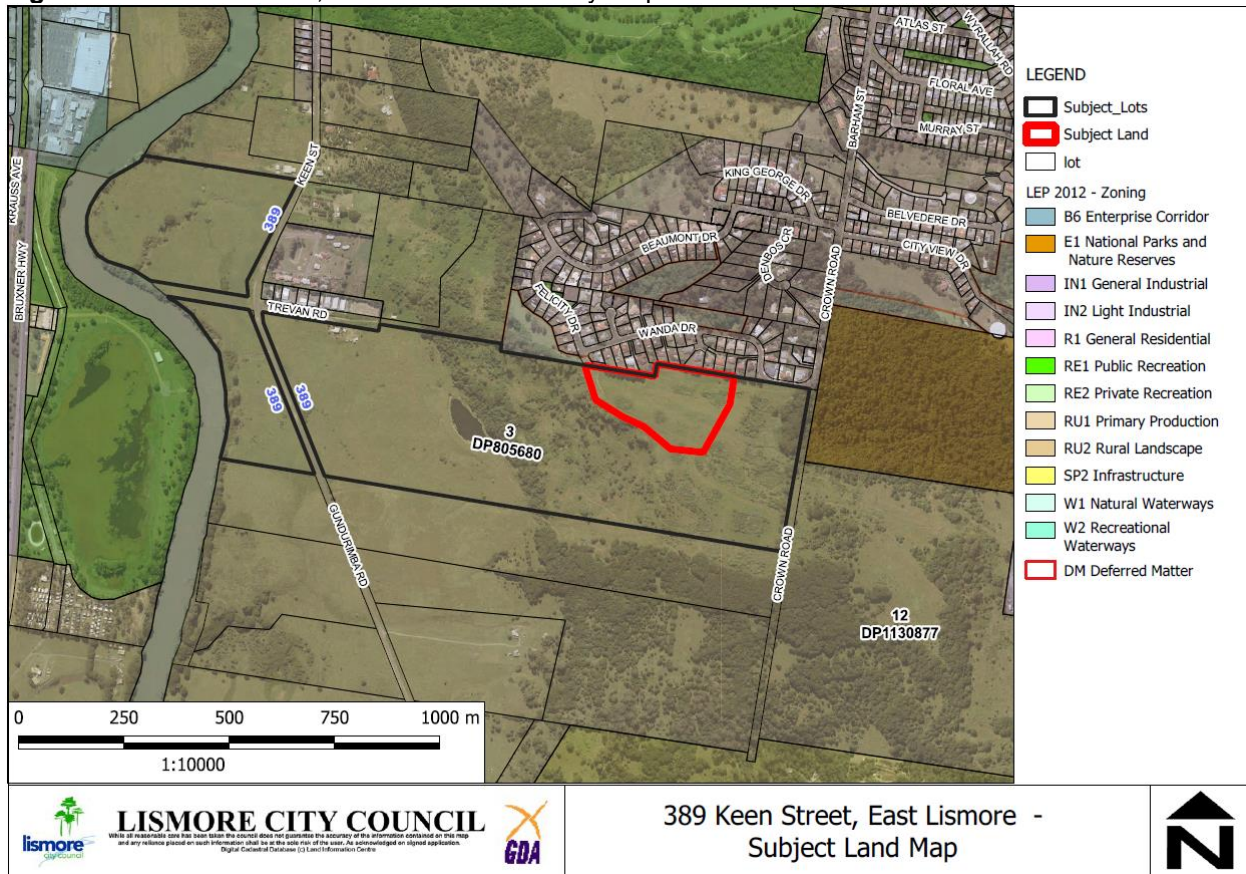
The part of the allotment that forms the subject of this planning proposal is identified in the Lismore Growth Management Strategy 2015 – 2035 as potential residential. The subject land has direct road frontage to Felicity Drive and is contiguous with existing residential land at East Lismore. The site is 3km to the CBD and close to numerous schools, two hospitals and Southern Cross University.

The site has an elevation of 140m and has a history of horticultural use. The macadamia orchid has been cleared and the land is currently vegetated with pasture species and herbaceous weeds. Most of the site has a slope in the range of 2% - 5% which is ideal for future residential development. The lot is partially bush fire prone.

The planning proposal is consistent with the North Coast Regional Plan and the relevant State Environmental Planning Policies. The proposal is also consistent or justifiably inconsistent with the relevant section 9.1 Ministerial Directions.

This report assesses the merits of the planning proposal in accordance with the Department of Planning, Industry & Environment's guide to preparing planning proposals. A Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is sought.

Figure 1. 389 Keen Street, East Lismore - Locality Map



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To amend the Lismore Local Environmental Plan 2012 to enable residential subdivision of part 389 Keen Street, East Lismore.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome of the planning proposal will be achieved by:

- Amending the Lismore LEP 2012 Land Zoning Map (Sheet LZN_006AA) for 389 Keen Street, East Lismore with the application of Zone R1 General Residential in accordance with the proposed zoning map provided in Part 4 of this report.
- Amending the Lismore LEP 2012 Minimum Lot Size Map (Sheet LSZ_006AA) for 389 Keen Street, East Lismore with the application of an 400m² minimum lot size for Zone R1 in accordance with the proposed Minimum Lot Size Map provided in Part 4 of this report.
- Amending the Lismore LEP 2012 Height of Buildings Map (HOB_006AA) for 389 Keen Street, East Lismore with the application of an 8.5m maximum building height for Zone R1 in accordance with the proposed Height of Buildings Map provided in Part 4 of this report.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes. The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential residential in Map 16 – Potential Residential Infill and Urban Fringe Sites. An extract from the GMS regarding the site follows:

Lot 3 DP805680 is located at the southern end of the East Lismore ridgeline and its development would represent a logical progression in development along the top of the ridge line.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. For a Development Application to be considered for the subdivision and development of the land for residential purposes it is necessary to first amend Lismore Local Environmental Plan 2012 maps including Land Zoning, Lot Size and Height of Buildings.

Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the North Coast Regional Plan 2036 Actions and Directions. Refer to Appendix 1 for detail.

The land is included in the North Coast Regional Plan, Figure 16 Urban growth area map for the Lismore LGA as “Investigation Area – Urban Land”.

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

Yes. The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential residential.

The planning proposal is consistent with the Lismore City Council Delivery Program 2017 - 2021 Strategy D3.1 and Council's Operational Plan 2019 – 2020 Action D3.1.1;

D3 - Our land use planning caters for all sectors of the community

D3.1 - Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment and suitable for development

D3.1.1 - Process rezoning planning proposals

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the applicable State Environmental Planning Policies. A SEPP compliance table is provided at Appendix 2.

6. Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?

The planning proposal is consistent, or justifiably inconsistent with the applicable section 9.1 Ministerial Directions. Refer to Appendix 3 for s9.1 compliance table.

Section C – Environmental, Social and Economic Impact

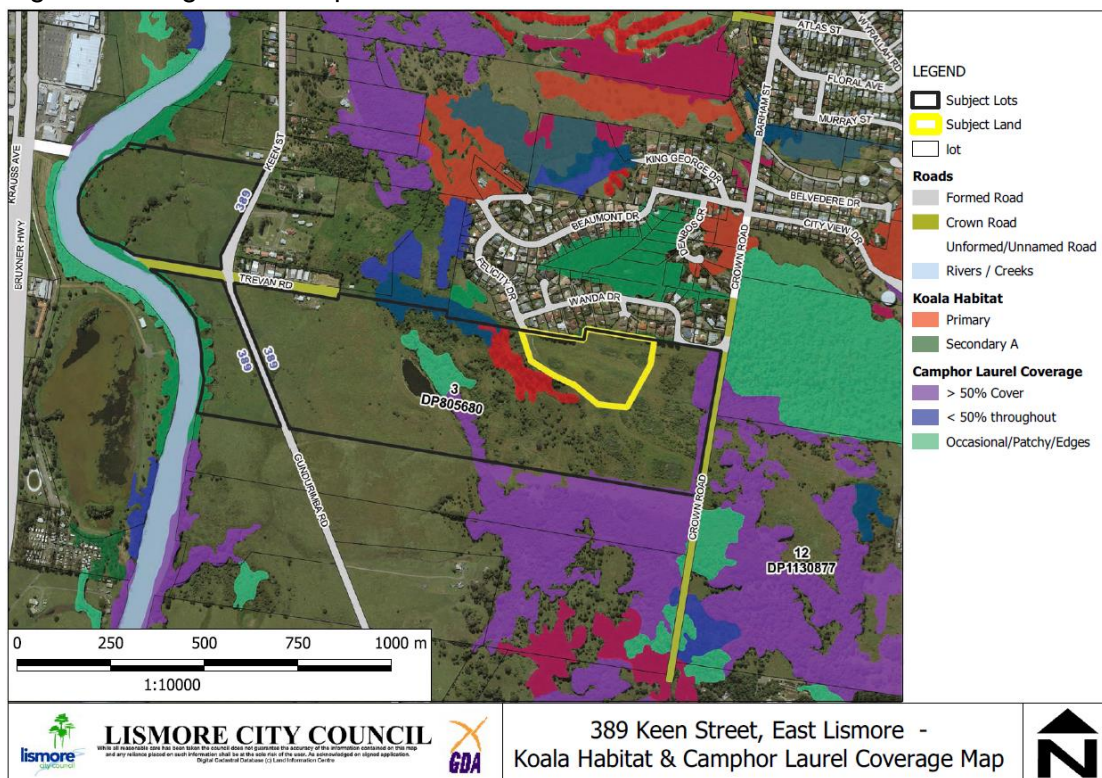
7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

There is no registered critical habitat within the Lismore Local Government Area.

The proposed rezoning of this cleared 5ha to enable the future subdivision of approximately 30 residential lots is not likely to have a significant impact on the flora and fauna species on or within the vicinity of the site as listed under the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999*.

Lot 3 DP 805680 has a total area of 61ha and the site that is subject to this planning proposal is approximately 5ha. The vegetation on the 5ha subject site is highly disturbed. The land has been extensively assessed for its ecological attributes. A report was prepared by GeoLINK which was reviewed by Council's ecologist. The 5ha subject site does not include any Endangered Ecological Communities (EEC) or threatened flora species. The site is vegetated with pasture species and herbaceous weeds subsequent to the removal of the commercial scale macadamia plantation in recent years. Refer to Figure 2.

Figure 2 – Vegetation map



Approximately 1ha of the allotment, on a steep western slope adjacent to the subject site, is identified as primary koala habitat. Another 1ha of vegetation, >50% Camphor Laurel, is located greater than 150m from the subject site within the allotment. An ecological assessment undertaken for the land has determined that this vegetation is consistent with lowland rainforest Endangered Ecological Community.

The Wilsons Nature Reserve, which is predominantly lowland rainforest, has its closest boundary located 200m from the subject site. The adjoining eastern allotment, originally part of this planning proposal, is predominantly vegetated with Camphor Laurel and mixed pasture species. Some threatened species were identified on the site including Thorny Pea, Hairy Jointgrass and Arrowhead Vine.

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

The limited scale of this rezoning planning proposal on Lot 3 DP 805680 is designed to avoid more significant environmental constraints associated the original, now superseded, larger scale planning proposal as submitted to Council.

The environmental constraints are discussed below.

Flooding

The allotment is well clear of the Lismore LEP 2012 Flood Planning Area. No flood reporting is required.

Land Contamination

The applicant was informed that Council resolved to require a Preliminary Contaminated Land Investigation post Gateway determination. However, the DPIE advised this is contrary to recent case law. In the case of [Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd \[2018\] NSWCA 304](#), the Court of Appeal held that clause 6 of SEPP 55 (now Ministerial Direction 2.6) must be complied with at the time that a planning proposal is prepared, and this must be done prior to forwarding the planning proposal for Gateway determination.

In response to a request from the DPIE a Preliminary Contaminated Land Assessment has since been submitted to Council. Council's Regulatory Services Coordinator reviewed the report and required additional information in the form of justification for the adopted sampling methodology. A revised technical report 'Preliminary Site Investigation (PSI) Felicity Dr, Monaltrie, New South Wales – Revision 1' prepared by Contaminated Site Investigations Australia Pty Ltd has been submitted. The technical report concludes that the site is suitable for the residential purpose of the planning proposal. The technical report is considered to reasonably satisfy the objectives of *State Environmental Planning Policy No.55* and *Council Regional Policy for the Management of Contaminated Land*.

Land Use Conflict

An assessment of the potential land use conflict is required regarding adjoining and surrounding land uses, including but not limited to, current and potential agricultural land uses, the East Lismore sewage treatment plant (STP) and the Wyrallah Road waste or resource management facility. The subject site is located 700m from the waste facility and 1000m from the STP. The Lismore Development Control Plan requires a buffer of 400m between residential development

and STPs/waste facilities. 'Living and Working in rural Areas – NSW Department of Primary Industries 2007' requires a separation distance of 1000m from potential hazardous or offensive industries (including STP's and waste facilities).

Council's Environmental Health Officer has concluded that a Land Use Conflict Risk Assessment is required post-Gateway determination. The report is to consider the following guidelines:

- Lismore Development Control Plan – Chapter 11 Buffers
- Living and Working in Rural Areas – NSW Department of Primary Industries 2007
- Technical Framework – Assessment and management of odour from stationary sources in NSW – NSW EPA

Bush Fire

The site has been identified as bush fire prone land. A bush fire threat assessment report will be required post-Gateway determination.

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 take into account any comments received.

Acid Sulfate Soils

The site is located outside of the Acid Sulfate Soils Map.

Geotechnical

Council's Strategic Engineering Contractor has assessed the smaller scale planning proposal, as described in this report, and no additional geotechnical reporting is required. The subject site is predominantly gently undulating (slope 2% - 5%), and the access/link road will be provided by the existing Felicity Drive.

It is worth noting that the larger scale planning proposal that was originally submitted to Council also included land with a steeper hilly terrain (slope 20% - 33%). This larger scale proposal was significantly constrained by potential geotechnical issues. The proposal in this superseded form would have ideally been serviced by an alternative access road. However, such an access road is likely not to have been feasible due to the geotechnical and associated economic constraints. The upgrading of Felicity Drive was also explored considering the unviable option of a second access road. More detail is provided in Section D of this report under "Traffic – external road network".

Drinking Water Catchment

The allotment is not located within the Lismore LEP 2012 Drinking Water Catchment. No further technical reporting is required for this matter.

9. How has the Planning Proposal adequately addressed any social and economic effects?

Aboriginal and European cultural heritage

An Aboriginal Cultural Heritage Assessment, prepared by Everick Heritage Consultants March 2017, was submitted with the planning proposal. The report was prepared in consultation with

two cultural heritage staff from the Ngulingah LALC and a representative from the Widjabul Wy-abul native title claimant group. The report concludes that:

- No indigenous cultural heritage sites or relics were identified within the project area.
- No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage.
- All the project area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.

Lismore City Council's Environmental and Cultural Heritage Contractor has reviewed the Aboriginal Cultural Heritage Assessment and concurs with the findings.

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

It is recommended that the planning proposal be referred to Ngulingah Local Aboriginal Land Council and the Office of Environment and Heritage to demonstrate consistency with Section 9.1 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation.

Social Impact

The planning proposal to rezone a portion of the allotment will enable the landholder to lodge a future subdivision development application for the creation of 30 residential allotments. Council's Social Impact Assessment Guidelines normally requires a formal Social Impact Assessment (SIA) for a rezoning that will result in 20 or more lots. The SIA guidelines include discretionary provisions around the requirement for an SIA for proposals meeting the normal threshold requirements. It is contended that the following assessment is adequate for this proposal.

The proposal will enable the expansion of an existing adjoining residential area. The proposal will maximise the social and economic benefits with good access to existing services and community infrastructure. The proposal is not expected to generate any significant adverse social or economic impacts.

Extract from the Lismore Growth Management Strategy 2015 – 2035:

East Lismore presents opportunities for residential infill development that maximises the features of the locality. It presents a mostly northern orientation and aspect with views over Lismore and to rural areas to the west. Furthermore, it enjoys the benefit of being in close proximity to shopping, community, and health services and has the potential to offer a different housing product. Surveys conducted for the Lismore Housing Strategy show that East Lismore is a desirable location.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

Water

The proposed rezoning for a future additional 30 residential allotments could be serviced by an expansion of the existing Tanelawn (adjacent residential area) pressure zone. This could be

achieved through an extension of the existing reticulation network and would not likely to require additional infrastructure such as reservoirs etc. However, it should be noted that the existing reservoir already has a high load compared with its storage capacity. Detailed modelling would be required at subdivision development application stage to assess the ability of the system to maintain firefighting flows.

The proponent provided a Water Servicing Assessment report with the planning proposal in its now superseded form (140 additional lots). A larger scale rezoning would require significant additional water infrastructure including a new pump station, or upgrading of the existing pump station, located at City View reservoir; a new reservoir; and new sections of trunk main. Council have decided not to pursue this larger scale proposal primarily due to the limited potential to provide alternative access to the site.

Sewer

The existing sewerage system in the Tanelawn catchment has sufficient reserve capacity to service the proposed rezoning for a future additional 30 residential allotments. Future development could be directed to this sewerage system located to the north of the development. Some sections of the development may need to be serviced by pressure sewer in consideration of the topography. Overall, an additional 30 lots would have a relatively minor impact on the capacity of the East Lismore sewerage system.

The existing sewerage system to the north did not have sufficient reserve capacity to service the original larger scale, now superseded, planning proposal (140 additional lots). In order to service a proposal of this scale, a new gravity reticulation main would be required to drain sewage to the existing trunk main 15 that runs parallel with Wyrallah Road. This existing trunk main has a diameter of 750mm and drains a large catchment. In most circumstances this sewer main operates effectively and could cater for 140 lots. The required new gravity reticulation main would have to be constructed on the side of an escarpment with grades of 20% or greater and construction and future operation of this main would have significant environmental impacts.

Traffic – external road network

The site is located at the southern end of the East Lismore ridgeline. The proposed extension of the existing residential zone in this flood free elevated location is well justified. Constructed road access to the site is from the north via Felicity Drive and Wanda Drive. This road network links to Beaumont Drive which currently carries around 900 vehicle movements per day (vm/day).

Beaumont Drive has capacity for a maximum of 30 additional residential lots which equates to an additional 195vm/day before upgrading would be required. An additional access road would normally be required for larger scale development of the site, however, the steep topography and presence of high conservation value vegetation along an adjacent unformed Crown road reserve significantly limits the potential for a second access road. The inability to provide a second access road was a major reason Council reduced the scale of the planning proposal from a potential 140 lots to 30 lots.

The upgrade of Beaumont Drive for the original proposed larger scaled rezoning was also investigated. 140 additional lots would double vehicle movements along Beaumont Drive by adding an additional 910vm/day. This would diminish the residential amenity of the established

residential area and potentially present additional safety hazards for pedestrians and other road users.

No further traffic assessment is warranted.

Stormwater

No issues. Stormwater can be addressed at DA stage. No further reporting is required for the planning proposal.

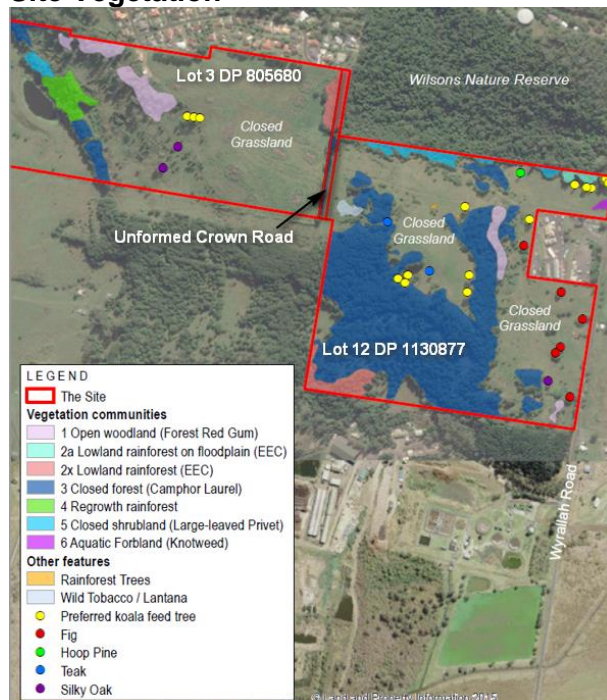
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Pre-Gateway referral

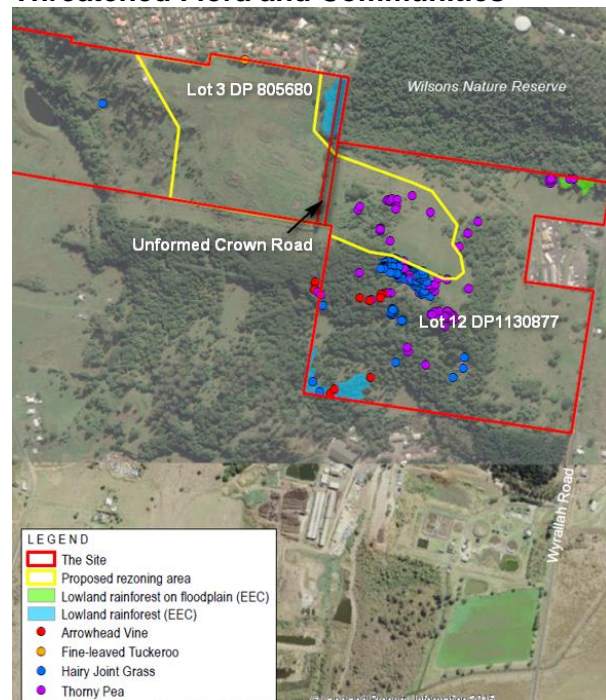
The planning proposal in its original larger scale form was referred to the then Office of Environment and Heritage for pre-Gateway comment. The planning proposal as submitted by the proponent involved rezoning approximately 14ha of Zone RU1 to Zone R1 with the potential for 140 residential lots. The larger scale, now superseded, planning proposal involved both Lot 3 DP 805680 and Lot 12 DP 1130877. The reduced scaled planning proposal that forms the subject of this report seeks to rezone 5ha of Zone RU1 to Zone R1 with the potential for residential 30 lots. The planning proposal now only involves Lot 3 DP 805680. The 5ha is the least constrained area of the original 14ha and does not contain woody vegetation. This land was previously used as a macadamia plantation until it was cleared in recent years.

The pre-Gateway referral to the OEH was also accompanied with a biodiversity assessment report prepared by GeoLINK. Two relevant maps incorporated in that report are provided below including “Site Vegetation” and “Threatened Flora and Communities”.

Site Vegetation



Threatened Flora and Communities



OEH referral comments and a staff response are provided in Table 1 below.

Table 1 – OEH referral comments

OEH comments	Staff response
Closed Forest (Camphor Laurel) on Lot 12 is an EEC (Lowland Rainforest in the NSW North Coast Bioregion).	<p>Lot 12 is no longer part of the planning proposal.</p> <p>Notwithstanding the removal of Lot 12 from the planning proposal, Council's then ecologist, Dr Tom Pollard, concurred with the GeoLINK Biodiversity Assessment that the vegetation is not an EEC. An extract of Dr Pollard's comments follows: This community consists of regrowth Camphor Laurel with regenerating rainforest elements in the understorey/midstorey. Being in an early stage of regrowth, this vegetation lacks the typical structural attributes of this EEC and, although a relatively diverse array of young regenerating rainforest tree species was recorded within this broad area of vegetation, they are mostly immature and make up only a small portion of the overall canopy tree cover.... Community 3 is not consistent with the TSC Act listed EEC 'Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions'.</p>
Threatened flora and fauna habitat and all EEC's should be rezoned E2 Environmental Conservation where possible.	<p>Most of the discussion centred around vegetation within Lot 12. This lot is no longer included in the planning proposal.</p> <p>Council's then ecologist did consider that Zone E2 may be appropriate in some parts Lot 12 and to a lesser extent Lot 3, in particular the areas where EEC and threatened flora occur adjacent to the Wilsons Nature Reserve.</p> <p>Lot 3 does include an area of approximately 7,000m² of Lowland Rainforest EEC in the north east corner of the allotment. This part of the lot is 120m outside of the proposed Zone R1 area. The owner of the land declined the request to rezone this area E2 Environmental Conservation. It is proposed to leave this area as part of the residue Zone RU1 area.</p> <p>The 5ha of proposed Zone R1 is the least constrained area of the allotment and does not contain woody vegetation. This land was previously used as a macadamia plantation until it was cleared in recent years. No threatened flora or EECs exist in this area.</p>
Where avoidance or minimisation of impacts is not possible, an offset strategy must be developed.	The reduced scale 5ha proposed Zone R1 has avoided all threatened flora species and EECs. Therefore, there is no need for offsetting.
The residue Zone RU1 with high biodiversity values should be rezoned E2 Environmental Conservation.	<p>Lot 12, which is no longer part of the planning proposal, included the highest proportion of biodiversity values.</p> <p>Lot 3 DP 805680 that forms the subject of this planning proposal is 61ha in area. No significant biodiversity values are present in the proposed 5ha Zone R1 General Residential. This has been confirmed by the GeoLINK Biodiversity Assessment and Council's ecologist. The residue 56ha is not part of this planning proposal. Moreover, the maintenance of Zone RU1 Primary Production for the residue 56ha is consistent with the North Coast Regional Plan – Direction 11; the aims of SEPP (Primary Production and Rural Development) 2019; and S9.1 Ministerial Direction 1.5 Rural Lands. Zone RU1 affords adequate protection for any areas of high biodiversity value outside of the area proposed for Zone R1. Moreover, the areas of high biodiversity value in the Zone RU1 are identified on the Biodiversity Values Map and are protected under the <i>Biodiversity Conservation Act 2016</i>.</p>
The OEH has no further concerns regarding the Aboriginal cultural heritage matters.	<p>An Aboriginal Cultural Heritage Assessment prepared by Evericks was submitted as part of the planning proposal. The report was prepared in consultation with two cultural heritage staff from the Ngulingah LALC and a representative from the Widjabul Wy-abul native title claimant group. The report concludes that:</p> <ul style="list-style-type: none"> No indigenous cultural heritage sites or relics were identified within the project area. No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage. All the project area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code. <p>This report was sent to the OEH for comment and no issues were raised.</p>
A 50m buffer within Zone E3 Environmental Management should be used along the perimeter of the Wilsons	Lot 12, which is no longer part of the planning proposal, included all the common boundary with the Wilsons Nature Reserve. Lot 3, the subject of the planning proposal has no common boundary with the nature reserve, however 170m of the eastern boundary is within 20m of the reserve. The landholder has not agreed to

OEH comments	Staff response
Nature Reserve.	use an environmental protection zone in this location.
A formalised vegetation management plan should be required for the 50m buffer area around the Wilsons Nature Reserve.	This issue is no longer relevant with the reduced scale of the planning proposal. Refer to comments above.

Post-Gateway referrals

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

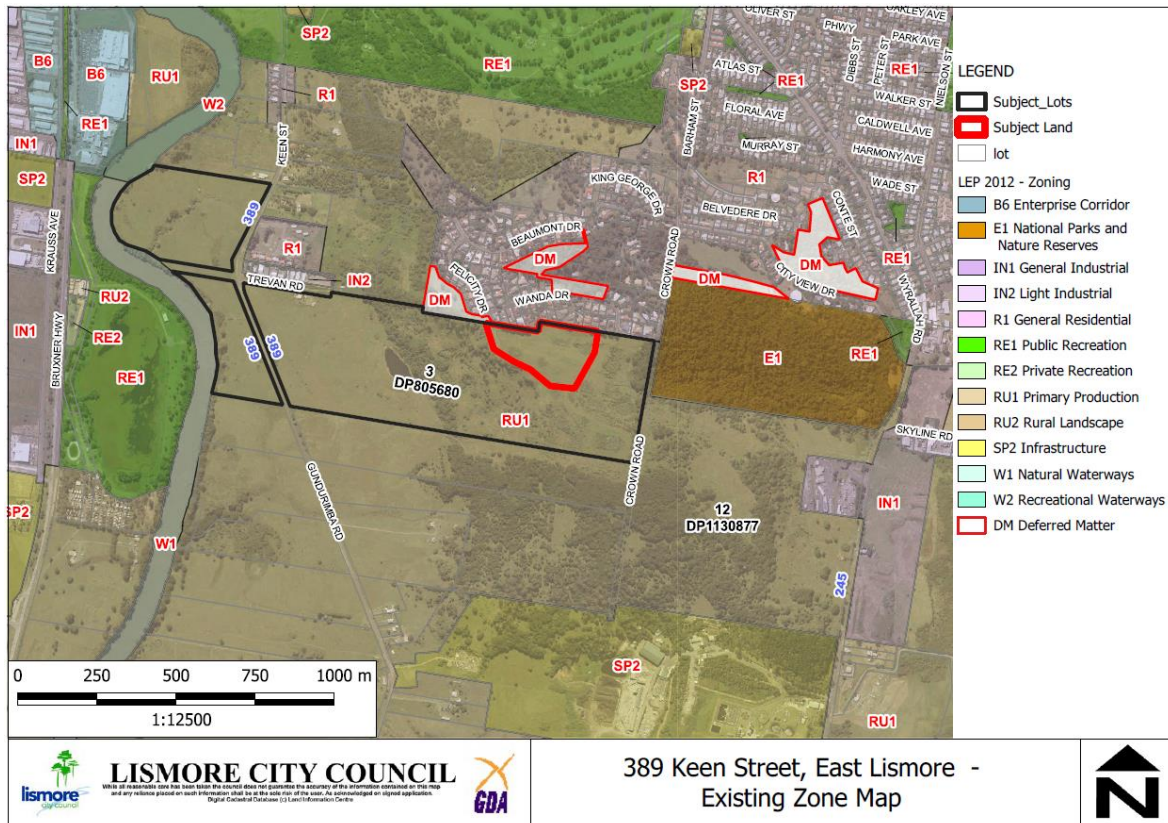
Table 2 provides a list of the public authorities/organisations that Council considers should be consulted.

Table 2 – Referral organisations

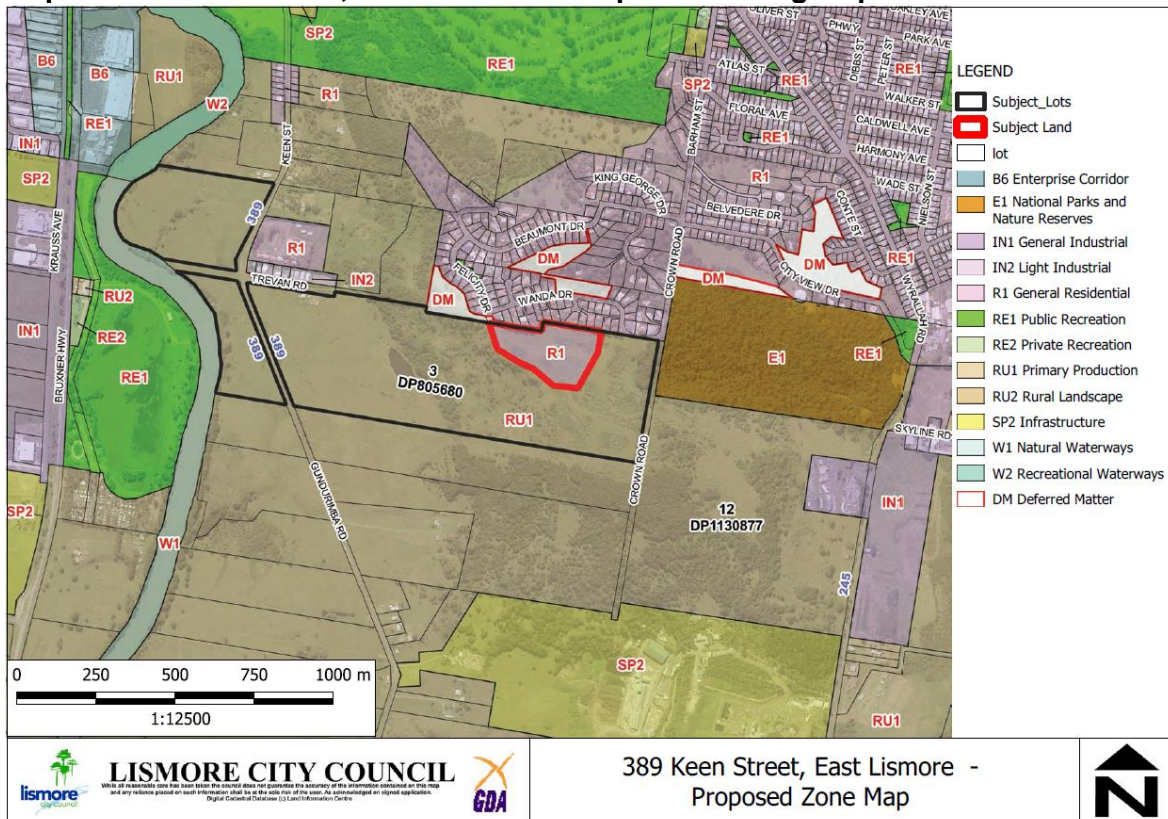
Public Authority/Stakeholder	Issue Requiring Comment
NSW Rural Fire Service	Section 9.1 of the <i>EP&A Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service.
Ngulingah Local Aboriginal Land Council	Aboriginal Heritage
Environment, Energy and Science Biodiversity and Conservation	Environment and Cultural Heritage

PART 4 - MAPPING

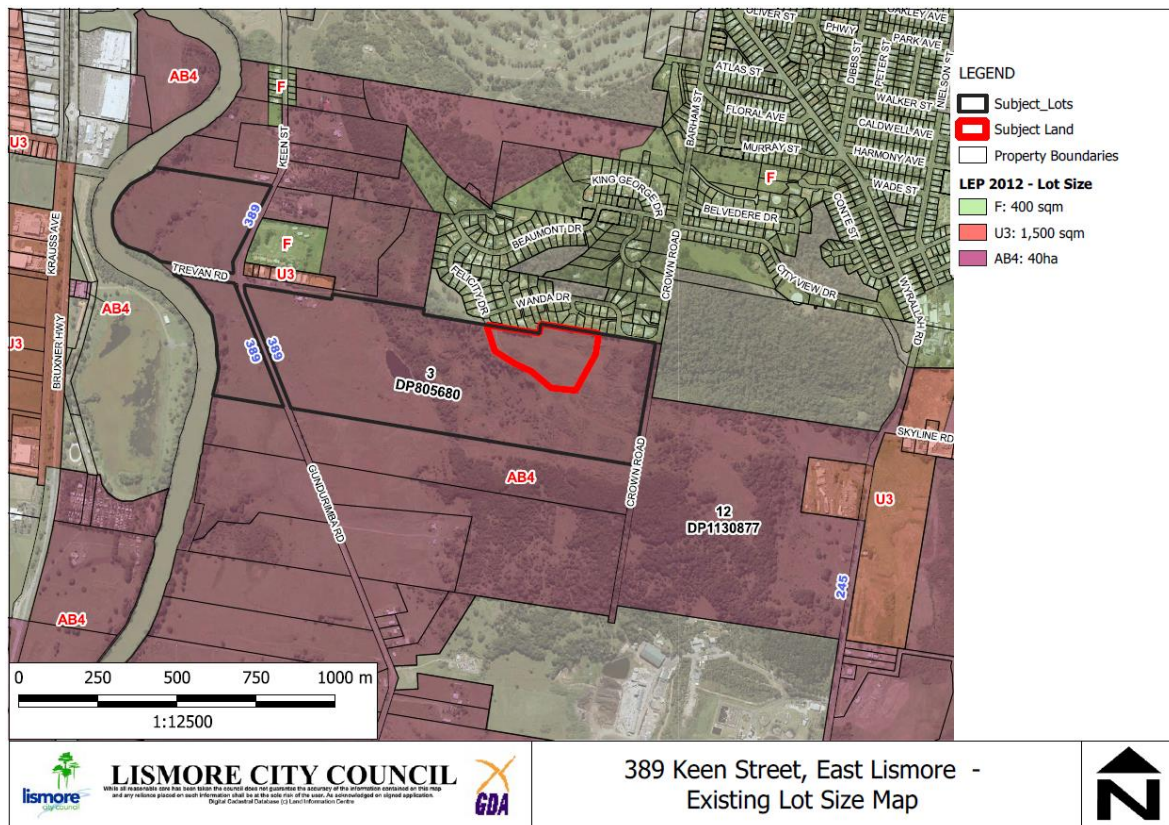
Map 1 – 389 Keen Street, East Lismore - Existing Zoning Map



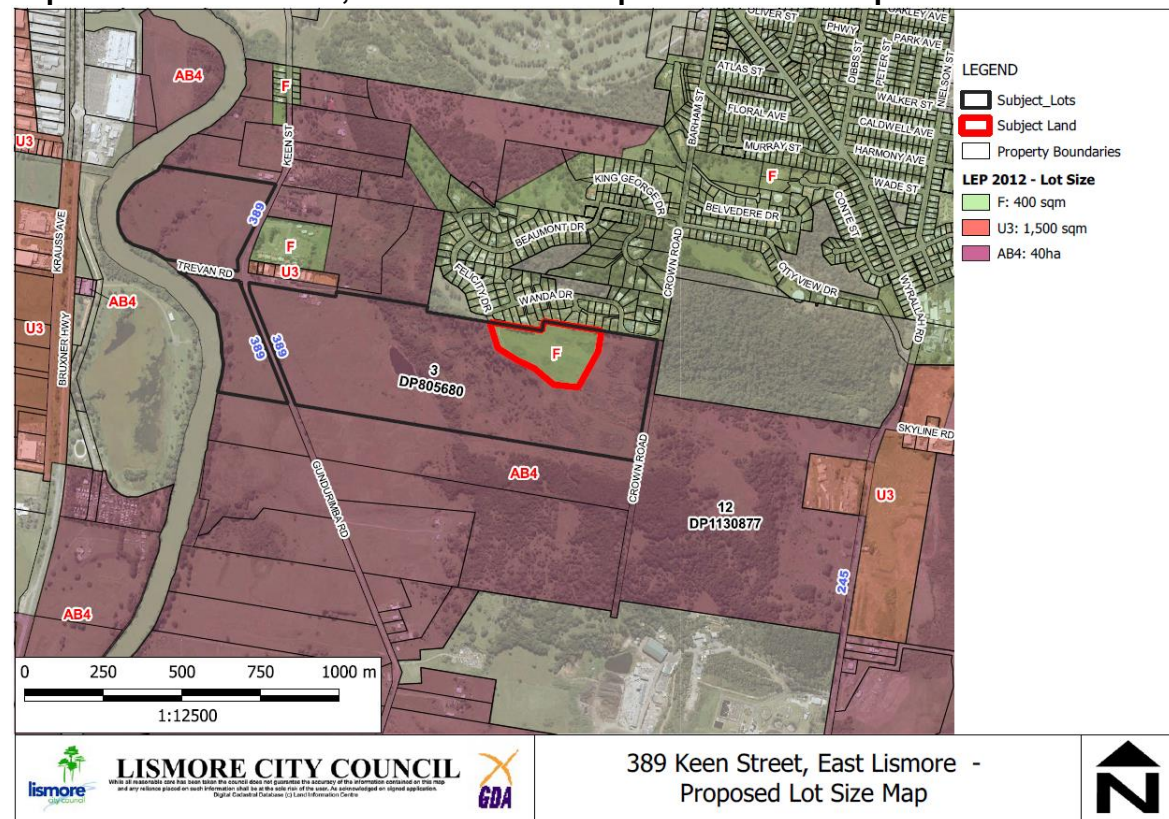
Map 2 – 389 Keen Street, East Lismore - Proposed Zoning Map



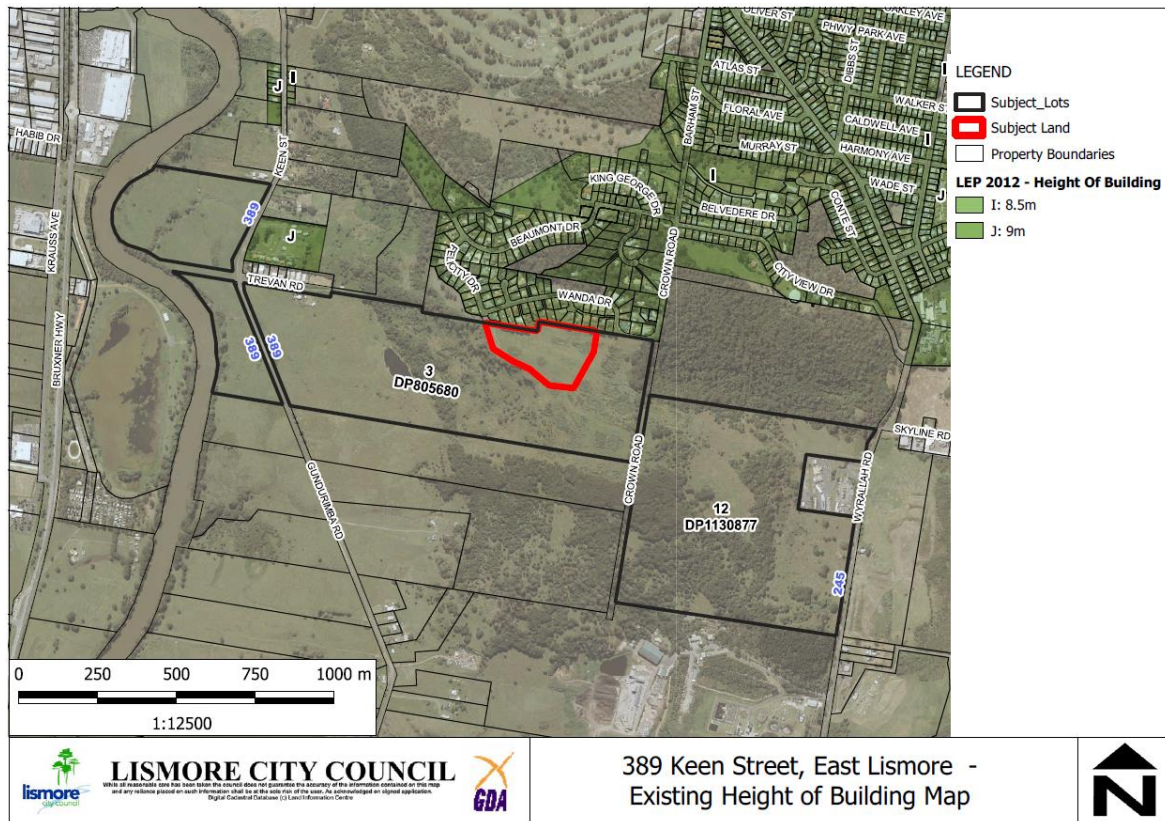
Map 3 – 389 Keen Street, East Lismore - Existing Lot Size Map



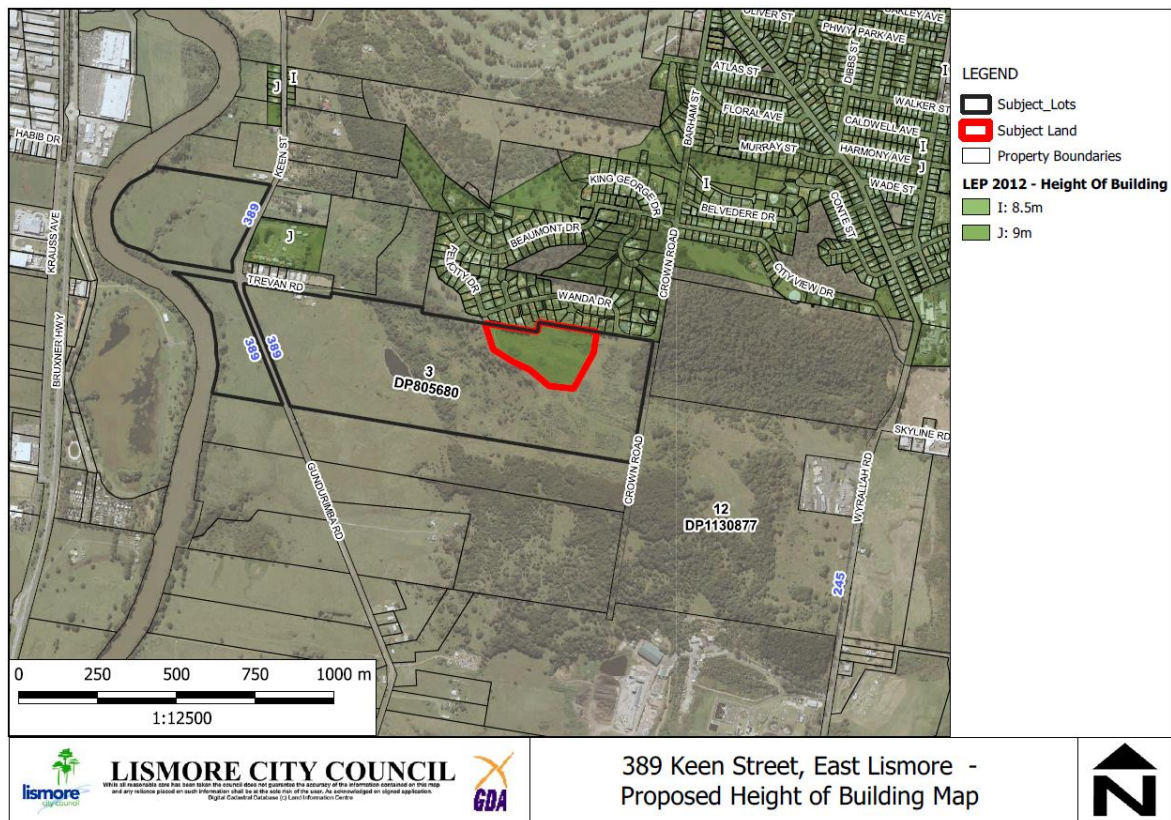
Map 4 – 389 Keen Street, East Lismore - Proposed Lot Size Map



Map 5 – 389 Keen Street, East Lismore - Existing Height of Building Map



Map 6 – 389 Keen Street, East Lismore – Proposed Height of Building Map



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. Council will comply with the notification requirements for public exhibition of planning proposals in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

Notification of the exhibited planning proposal will include:

- publication in Council's Local Matters newsletter that circulates in the area affected by the planning proposal;
- the websites of Lismore City Council and the Department of Planning, Industry and Environment;
- letter to adjoining landholders.

The written notice will:

- provide a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land that is the subject of the planning proposal;
- state where and when the planning proposal can be inspected;
- provide detail that will enable members of the community to make a submission.

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

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

Estimated Completion	Plan Making Steps
February 2020	Report planning proposal to Council
February 2020	Submission of planning proposal to DPIE requesting Gateway determination
March 2020	The DPIE request preliminary contaminated land assessment
October 2020	Proponent submits additional information. Council requests justification of sampling methodology
July 2021	Submission of additional technical information
August 2021	Council submits the planning proposal to the DPIE in accordance with their request of March 2020
September 2021	Gateway determination issued by DPIE
November/December 2021	Submission of additional technical information
December/January 2021/22	Council reviews technical information
January/February 2022	Government agency consultation Analysis of government agency comments
March/April 2022	Public exhibition Analysis of public submissions Preparation of LEP maps Preparation of Council report
May 2022	Report to Council
May 2022	Opinion sought from Parliamentary Counsel's Office (if delegated) Plan making by RPA (if delegated)
June 2022	Notification of the draft Local Environmental Plan

PART 7– LEP DELEGATIONS

The Gateway determination will confirm if Council is authorised as the local plan making authority.

APPENDIX 1

NORTH COAST REGIONAL PLAN 2036 - COMPLIANCE TABLE

Action	Requirement	Compliance
Direction 1: Deliver environmentally sustainable growth		
1.1	Urban development in mapped areas.	Consistent The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential residential infill (Map 16).
1.2	Review mapped areas for high environmental value.	N/A
1.3	Identify residential, commercial or industrial uses in GMS.	Consistent The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential residential infill (Map 16).
1.4	Prepare land release criteria to assess appropriate locations for future urban growth.	N/A
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	Consistent The area proposed for Zone R1 General Residential is cleared macadamia plantation. The area is now vegetated with a mix of pasture species and herbaceous weeds. Any areas of high conservation vegetation have been avoided and are not part of the planning proposal.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	Consistent Existing clauses in LEP for protection of drinking water catchment and coastal zone. The land proposed for Zone R1 is not in the Drinking Water Catchment Map. Nor is the proposed Zone R1 within the Coastal Zone under SEPP (Coastal Management) 2018
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing.	Consistent There is no additional risk to life or property as a result of the planning proposal. The elevated site is well clear of the flood plain. There are no geotechnical constraints associated with the smaller scale version of the planning proposal (potential 30 lots). Part of the land is mapped as bush fire prone – referral to the RFS required in accordance with s9.1 Ministerial Direction 4.4.
3.2	Review flood risk, bushfire and coastal management mapping.	N/A
3.3	Use latest knowledge on regional climate projections for new urban development.	Consistent The elevation of the land ranges from 142m to 126m AHD. In that location land above approximately 11m AHD is outside of the LEP 2012 flood planning area. In 2009 in NSW Department of Environment, Climate Change and Water used the following sea level rise benchmarks: 2050 – 40cm; 2100 – 90cm*. Technology and modelling techniques are evolving rapidly, and this will result in changes to predicted benchmarks over time. The elevation of the subject allotment is well beyond any predicted sea level rise by 2100. * NSW Chief Scientist and Engineer, <i>Assessment of the science behind the NSW Government's sea level rise planning benchmarks</i> , April 2012.
Direction 4: Promote renewable energy opportunities		

Action	Requirement	Compliance
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
Direction 5: Strengthen communities of interest and cross-regional relationships		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A
5.2	Integrate cross-border land use planning between NSW and SE Qld.	N/A
5.3	Cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	N/A
5.4	Prepare a regional economic development strategy.	N/A
Direction 6: Develop successful centres of employment		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A
6.2	Flexible planning controls, business park development opportunities and opportunities for start-up industries.	N/A
6.3	Reinforce centres through LGMS and LEP as primary mixed-use locations	N/A
6.4	Focus commercial activities in existing centres; place-making focused planning	N/A
6.5	Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land	N/A
6.6	Deliver employment land through LGMS and LEP	N/A
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A
Direction 7: Coordinate the growth of regional cities		
7.1	Prepare action plans for regional cities	N/A
Direction 8: Promote the growth of tourism		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas.	N/A
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through LGMS and LEP.	Consistent The proposed zone change will have minimal impact on the potential for tourism development. A range of tourist and visitor accommodation land uses are permissible with consent in the proposed Zone R1 and the residue Zone RU1.
8.3	Prepare destination management plans or other tourism focused strategies.	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation.	N/A
Direction 9: Strengthen regionally significant transport corridors		
9.1	Encouraging business and employment activities that leverage major transport connections.	N/A
9.2	Minimise impact of development on regionally significant transport infrastructure.	N/A
9.3	Ensure the effective management of the State and regional road network.	N/A
Direction 10: Facilitate air, rail and public transport infrastructure		
10.1	Deliver airport precinct plans that maximise potential of value-adding industries close to	N/A

Action	Requirement	Compliance
	airports.	
10.2	Consider airport-related employment/precincts that capitalise on future expanded Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor.	Consistent The planning proposal does not compromise North Coast Rail Line network opportunities.
10.4	Provide public transport where urban area has potential to generate sufficient demand.	Consistent Existing school bus service in adjacent established residential area.
10.5	Deliver a safe and efficient transport network to serve future release areas.	N/A
Direction 11: Protect and enhance productive agricultural lands		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	Consistent The subject allotment is not important agricultural land. The subject allotment is not mapped as State or Regionally 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.	Consistent The subject allotment is not located in or nearby an intensive agricultural cluster.
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	Consistent The rezoning planning proposal is a logical extension of an existing residential area. The proposal will use existing infrastructure and services and will not isolate existing productive agricultural land.
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
Direction 12: Grow agribusiness across the region		
12.1	Promote the expansion of agribusiness in LGMS and LEPs.	N/A
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A
12.3	Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness.	N/A
12.4	Facilitate investment in the agricultural supply chain.	N/A
Direction 13: Sustainably manage natural resources		
13.1	Locate sensitive development e.g. residential away from region's natural mineral and forestry resources.	Consistent The subject allotment is not located close to any natural, mineral or forestry resources.
13.2	Plan for the ongoing use of lands with regionally significant construction material resources.	Consistent Existing construction material resources are not compromised by the planning proposal. The subject allotment is not located close to any significant construction material resources. The allotment is located outside of the Lismore DCP prescribed quarry buffer (800m) for local small scale quarry operations.
Direction 14: Provide great places to live and work		
14.1	Prepare precinct plans in growth areas or centres bypassed by the Pacific Highway. Establish appropriate zoning, development standards & S94.	N/A
14.2	Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	N/A
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver guidelines for healthy built environments.	N/A
15.2	Facilitate more recreational walking and cycling paths.	N/A
15.3	Implement actions and invest in boating	N/A

Action	Requirement	Compliance
	infrastructure priorities.	
15.4	Create socially inclusive communities.	N/A
15.5	Deliver CPTED.	Consistent The proposal is consistent with Council's CPTED controls.
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	Consistent Engagement protocols used with LALC in conjunction with Councils Environmental Contractor (Environmental and cultural heritage management).
16.2	Engage with Aboriginal communities with preparation of LGMS and LEP.	Consistent A Cultural Heritage Report was submitted with the planning proposal prepared by Evericks. LALC field officers were consulted as part of the reporting. The planning proposal will be referred to Ngulingah LALC post Gateway determination.
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities.	N/A
17.2	Foster closer cooperation with LALC.	N/A
17.3	Identify priority sites with economic development potential that LALC may wish to investigate.	N/A
Direction 18: Respect and protect the North Coast's Aboriginal Heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	Consistent A Cultural Heritage Report was submitted with the planning proposal prepared by Evericks. LALC field officers were consulted as part of the reporting. The planning proposal will be referred to Ngulingah LALC post Gateway determination. The Cultural Heritage report was referred to the then OEH. OEH did not raise any issues regarding cultural heritage. An extract from the referral comments follows: <i>The OEH has no further concerns regarding the Aboriginal cultural heritage matters in relation to the planning area.</i>
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	Consistent Due diligence has been exercised as indicated in Action 18.1. The planning proposal is unlikely to negatively impact on Aboriginal cultural heritage. Further consultation will be undertaken with the LALC post Gateway determination.
18.3	Adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas to protect Aboriginal heritage.	N/A
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	Consistent There is no known heritage significance associated with the subject allotment.
19.2	Prepare, review and update heritage studies and include appropriate local planning controls.	N/A
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	N/A
Direction 20: Maintain the region's distinctive built character		
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	Consistent Lismore is identified as a regional centre in the

Action	Requirement	Compliance
		guidelines. The planning proposal is consistent with: Part 1 Urban Design Character; and Part 2 Urban Design Guidelines.
20.2	Review the North Coast Urban Design Guidelines (2009).	N/A
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A
21.2	Maximise the cost-effective and efficient use of infrastructure.	Consistent The planning proposal will utilise the existing external road network, existing reticulated water and sewerage system.
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	Consistent The subject allotment is included in the Lismore GMS for potential residential infill (Map 16).
22.2	Facilitate housing and accommodation options for temporary residents.	N/A
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	N/A
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m ² , by 2036.	Consistent The proposed minimum lot size for the proposed Zone R1 General Residential is 400m ² . The additional residential land will encourage a diversity of housing stock.
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	Consistent Lismore GMS 2015 – 2035 is scheduled for review every 5 years.
Direction 24: Deliver well-planned rural residential housing areas		
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
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing.	N/A
25.2	Prepare guidelines for local housing strategies to plan for local affordable housing needs.	N/A

APPENDIX 2

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	N/A Clause 6 of the SEPP has been repealed. Refer to Section 9.1 Ministerial Direction 2.6
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	<p>3 Aim of Policy</p> <p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p>	<p>N/A</p> <p>The proposed area of Zone R1 General Residential is not in the coastal use area, nor is it in the coastal environment area. There is no coastal wetland located in or near the site.</p>
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	<p>2 Aim of Policy</p> <p>The aim of this policy is to facilitate the effective delivery of infrastructure across the State.</p>	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal is consistent with the aims of the SEPP. The proposed Zone R1 is a prescribed zone within which various forms of infrastructure are

State Environmental Planning Policy	Requirements	Compliance
		<p>either permissible with or without development consent.</p> <ul style="list-style-type: none"> The proposed Zone R1 will prohibit various forms of infrastructure that are deemed incompatible with residential development. These include research stations, sewage treatment plants, water recycling facilities, waste or resource management facilities and water treatment facilities.
<p>SEPP (Koala Habitat Protection) 2020</p>	<p>3 - Aims, Objectives, Etc.</p> <p>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;</p> <p>(b) By encouraging the identification of areas of core koala habitat; and</p> <p>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<p>Consistent</p> <p>The site is located within the planning area for the Comprehensive Koala Plan of Management for south-east Lismore.</p> <p>The planning proposal in its original form involved 2 adjoining rural lots with a total area of 15ha proposed for Zone R1 with areas of high conservation value vegetation. The proposal in its current form was significantly reduced in scale and now involves one rural allotment with a total area of 5ha proposed for Zone R1. Council's mapping indicates the presence of some primary and secondary koala habitat on the allotment, outside of the area proposed for rezoning. There are no koala habitat trees within the proposed Zone R1 area.</p> <p>Most of this koala habitat is located on a steep slope to the west of the proposed Zone R1. There is also a linear strip of secondary koala habitat located on some of the adjacent northern residential lots.</p>
<p>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</p>	<p>N/A</p>	<p>N/A</p>
<p>SEPP (Primary Production and Rural Development) 2019</p>	<p>3 Aims of Policy</p> <p>The aims of this Policy are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land,</p> <p>(c) ensure ongoing viability of agriculture on State significant agricultural land,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, artificial water supply or drainage, in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to consider the effects of the proposed development on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to</p>	<p>Consistent</p> <ul style="list-style-type: none"> The rezoning planning proposal involving 5ha of a 61ha rural lot to enable the creation of one additional lot does not inhibit the use of adjoining rural land for agricultural purposes. Neither the subject site or adjoining rural lots are identified as Regionally Significant or State Significant Farmland. The subject 5ha site is adjacent to an existing residential area and is not currently used for agricultural purposes. Council's Environmental Health Officer has concluded that a Land Use Conflict Risk Assessment is required post-Gateway determination.

State Environmental Planning Policy	Requirements	Compliance
	be treated as designated development.	<ul style="list-style-type: none"> The land is identified in the Lismore Growth Management Strategy 2015 – 2035 for potential residential.
SEPP (State and Regional Development) 2011	N/A	N/A
SEPP (Urban Renewal) 2010	N/A	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	3 Aims of Policy The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Consistent Vegetation removal within the existing Zone RU1 Primary Production is controlled under the <i>Local Land Services Act 2013</i> . Vegetation removal in the proposed Zone R1 General Residential will be controlled by the Vegetation SEPP.

APPENDIX 3

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Retain existing business and industrial zones. Not reduce floor space for employment areas and related public services in business zones. Not reduce potential floor space for industrial uses in industrial zones. New employment areas in accordance with strategy approved by Director General DP&E. 	N/A
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	<p>Justifiably inconsistent</p> <ul style="list-style-type: none"> The inconsistency is justified because the subject land has been identified for potential residential infill (Map 16) in the Lismore Growth Management Strategy 2015 - 2035. The Lismore GMS has given consideration to the objectives of this Ministerial Direction. The GMS provides for additional residential land based on meeting appropriate criteria, including consistency or justified inconsistency with the then SEPP (Rural Lands) 2008 and S9.1 Ministerial Directions 1.2 and 1.5. The GMS was approved by the then Department of Planning and Environment. The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA".
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources 	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive Industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo. The land does not incorporate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	<p>(4) If this direction applies a planning proposal must:</p> <p>(a) be consistent with strategic</p>	<p>Consistent</p> <ul style="list-style-type: none"> The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA".

Ministerial Directions	Requirements	Compliance
	<p>plan,</p> <p>(b) consider the significance of agriculture,</p> <p>(c) identify and protect environmental values,</p> <p>(d) consider natural and physical constraints of the land,</p> <p>(e) promote opportunities for investment in productive sustainable rural economic activities,</p> <p>(f) support farmers exercising their right to farm,</p> <p>(g) minimise the fragmentation of rural land and reduce the risk of land use conflict.</p>	<ul style="list-style-type: none"> The land is identified in the Lismore Growth Management Strategy 2015 – 2035 for potential residential infill (Map 16). The proposed Zone R1 with an approximate area of 5ha will involve a residue Zone RU1 lot with an area of 56ha which can still be used for agriculture. The proposed Zone R1 is adjacent and contiguous with existing Zone R1. This approach will utilise existing infrastructure and services whilst minimising the fragmentation of rural land. The proposed Zone R1 is applied to a cleared macadamia plantation. The land is vegetated with pasture species and herbaceous weeds. No threatened flora species were identified on the subject site. The 61ha allotment does include some high conservation value vegetation, however, this has been excluded from the rezoning. The subject site is a response to the natural and physical constraints of the allotment. The subject has a favourable slope with the majority being 2-5% and a smaller area of 15-20%. The land is flood free and is not potentially acid sulfate soils. The proposed Zone R1 area is free of woody vegetation. The land is bush fire prone and will be referred to the RFS. The residue Zone RU1 will be of a configuration that will enable sustainable rural economic activities and enable farmers to farm.
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal does not involve <i>environmentally sensitive areas</i> listed under Clause 3.3 of the Lismore LEP 2012. The planning proposal does not apply to land within an existing environmental protection zone or land otherwise identified for environmental protection purposes. The planning proposal does not reduce protection standards for environmental protection zones.
2.2 Coastal Protection	<p>3 When this direction applies</p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p> <p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management</p>	<p>N/A</p> <p>The land proposed for Zone R1 is not in the coastal use area, nor is it in the coastal environment area. There is no coastal wetland located in or near the site.</p>

Ministerial Directions	Requirements	Compliance
	Plan.	
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<p>Consistent</p> <p>An Aboriginal Cultural Heritage Assessment, prepared by Everick Heritage Consultants March 2017, was submitted with the planning proposal. The report was prepared in consultation with two cultural heritage staff from the Ngulingah LALC and a representative from the Widjabul Wy-abul native title claimant group. The report concludes that:</p> <ul style="list-style-type: none"> No indigenous cultural heritage sites or relics were identified within the project area. No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage. All the project area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code. <p>Lismore City Council's Environmental and Cultural Heritage Contractor has reviewed the Aboriginal Cultural Heritage Assessment and concurs with the findings.</p> <p>The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.</p> <p>It is recommended that the planning proposal be referred to Ngulingah Local Aboriginal Land Council and the Office of Environment and Heritage to demonstrate consistency with Section 9.1 of the <i>EP&A Act 1979</i>, Ministerial Direction 2.3 – Heritage Conservation.</p>
2.4 Recreation Vehicle Areas	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs	This direction applies when: (a) Zones E2 or E3 introduced or altered, (b) Introduces or alters an overlay	<p>N/A</p> <p>The planning proposal does not involve the introduction or alteration of Zones E2 or E3.</p> <p>The planning proposal does not introduce or alter an overlay.</p>
2.6 Remediation of Contaminated Land	4(a) The planning authority has considered whether the land is contaminated	<p>Consistent</p> <p>A revised technical report 'Preliminary Site Investigation (PSI) Felicity Dr, Monaltrie, New South Wales – Revision 1' prepared by Contaminated Site Investigations Australia Pty Ltd has been submitted. The technical report concludes that the site is suitable for the residential purpose of the planning proposal. The technical report is considered to reasonably satisfy the objectives of <i>State Environmental Planning Policy No.55</i> and <i>Council Regional Policy for the Management of Contaminated Land</i>.</p>
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> Broaden the choice of housing types and locations. Make efficient use of existing 	<p>Consistent</p> <ul style="list-style-type: none"> The rezoning will potentially provide an additional 30 residential lots. This will provide the opportunity for greater housing choice in the urban area.

Ministerial Directions	Requirements	Compliance
	<p>infrastructure and services.</p> <ul style="list-style-type: none"> • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density. 	<ul style="list-style-type: none"> • A broad range of residential accommodation is permissible with consent within Zone R1. • The subject site is contiguous with existing residential land and will make efficient use of existing infrastructure and services. • The Lismore DCP will provide controls for good housing design at house DA stage. • Lismore LEP 2012 clause 6.9 requires the provision of services essential for the development prior to granting development consent. • The proposal does not contain provisions that reduce residential density.
3.2 Caravan Parks and Manufactured Home Estates	<p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal the RPA must:</p> <ul style="list-style-type: none"> • Retain provisions that permit development of caravan park. • Retain zoning of existing caravan parks. <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the RPA must:</p> <ul style="list-style-type: none"> • Take into account excluded land in Schedule 2 SEPP 36 • Principles listed in clause 9 SEPP 36 	<p>Consistent</p> <ul style="list-style-type: none"> • The planning proposal does not remove provisions that permit development for the purposes of a caravan park to be carried out on land. Lismore LEP 2012 permits caravan parks with development consent in the following zones RU1, RU5, R1, R3, RE1, RE2 & E3. • The planning proposal does not alter the zoning of existing caravan parks. • The planning proposal does not involve the identification of suitable zones, locations or provisions for manufactured home estates.
3.3 Home Occupations	<p>The Planning Proposal must permit <i>home occupations</i> in dwelling houses without development consent.</p>	<p>Consistent</p> <p>This planning proposal does nothing to alter the current permissibility of <i>home occupations</i>.</p> <p>SEPP (Exempt and Complying Development Codes) 2008 provides for home occupations as Exempt Development.</p> <p>Development consent is not required for home occupations under LEP 2012 in the following zones: rural, residential, business, industrial and E3.</p>
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001) 	<p>Consistent</p> <ul style="list-style-type: none"> • The rezoning planning proposal involves 5ha of land and creates the potential for subdivision to create 30 residential lots. • The site has sufficient capacity to provide access to transport for residents. • The existing external road network will be utilised. • The site is adjacent to existing residential development and associated infrastructure. • The land is close to existing infrastructure and services. The site is located 3km from the Lismore CBD.
3.5 Development Near Licensed Aerodromes	<p>A planning proposal in the vicinity of a licensed aerodrome is to be:</p> <ul style="list-style-type: none"> • Referred to Civil Aviation Safety Authority and the lessee of the aerodrome. • Take into consideration the Obstacle Limitation Surface 	<p>Consistent</p> <p>The subject allotment is in the vicinity of a licenced aerodrome since it is within the Obstacle Limitation Surface (OLS) buffer area of the Lismore Airport.</p> <p>The planning proposal will be referred to the manager of the Lismore Airport.</p>

Ministerial Directions	Requirements	Compliance
	<p>(OLS).</p> <ul style="list-style-type: none"> • Prepare standards such as height if land is affected by OLS. • Obtain permission from CASA where the planning proposal allows, as permissible with consent, development that encroaches above the OLS. Permission must be obtained prior to public exhibition. • Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds. 	
3.6 Shooting Ranges	N/A	<p>N/A</p> <p>The planning proposal does not affect, create, alter or remove a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.</p>
3.7 Reduction in non-hosted short term rental accommodation period	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	<p>(6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p>	<p>N/A</p> <ul style="list-style-type: none"> • The land is not located in the Acid Sulfate Soils Planning Map.
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> • Applies to mine subsidence areas. • Applies to areas identified as unstable. 	<p>N/A</p> <p>The land proposed for rezoning is not within a mine subsidence area.</p> <p>The subject allotment or nearby land is not identified as unstable.</p>
4.3 Flood Prone Land	<p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A draft LEP shall not contain provisions that apply to the flood</p>	<p>N/A</p> <p>The proposed rezoning area ranges from 126m to 142m AHD. The land is not in the Lismore LEP 2012 Flood Planning Area.</p>

Ministerial Directions	Requirements	Compliance
	<p>planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. Have regard to 'Planning for Bush Fire Protection 2006'. Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ. 	<p>Consistent</p> <ul style="list-style-type: none"> The subject allotment is bush fire prone land. Council is required under section 9.1 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent. Planning for Bushfire Protection 2006 has been considered in the preparation of this planning proposal.
5. Regional Planning		
5.1 Regional Strategies	Revoked 17 October 2017	Revoked
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. 	<p>N/A</p> <p>The subject allotment is not mapped State or regionally significant farmland.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	<p>N/A</p> <p>The subject allotment is not in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p>
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A

Ministerial Directions	Requirements	Compliance
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> The planning proposal must be consistent with the North Coast Regional Plan 2036. 	Consistent (refer to Appendix 1)
5.11 Development of Aboriginal Land Council land	N/A	N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. Not identify development as designated development unless justified. 	Consistent There are no referral or concurrence requirements in the planning proposal. The proposal does not identify development as designated development.
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E. 	Consistent The planning proposal does not reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Site specific provisions not to be applied to enable a land use	Consistent The proposal involves the rezoning of the land to enable a particular land use (residential subdivision). No additional development standards to those already in use in that zone are proposed for the site.
7. Metropolitan Planning		
N/A	N/A	N/A

