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Gateway determination report – PP-2021-6338

Sixth Round of Housekeeping Amendments to the
Lismore LEP 2012

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal for Gateway Determination_V1
Map of applicable land area
Letter to DPIE requesting Gateway Determination_V1
Council report 12 October 2021_V1
Planning Proposal Mapping Attachment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lismore Local Government Area
PPA	Lismore City Council
NAME	Sixth Round of Housekeeping Amendments
NUMBER	PP-2021-6338
LEP TO BE AMENDED	Lismore Local Environmental Plan 2012
ADDRESS	Multiple Addresses
DESCRIPTION	Lismore City Council Local Government Area
RECEIVED	27/10/2021
FILE NO.	IRF21/4453
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to:

- Amend the IN1 General Industrial and IN2 Light Industrial land use tables to prohibit “School based child-care”;
- Amend clause 4.2B to prevent a dwelling entitlement inadvertently occurring as a result of a boundary adjustment;
- Amend Schedule 5 – Environmental Heritage with regard to properties in South Lismore and Tregeagle;
- Amending the Land Zoning Map with regard to various properties to reflect changes in land ownership from both public to private and private to public.

The objectives of this planning proposal are not clear as the planning proposal document omits the inclusion of the proposed change to clause 4.2B. A condition is recommended to rectify this omission.

1.3 Explanation of provisions

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

- Prohibit “School based child-care” in the IN1 General Industrial and IN2 Light Industrial zones by inserting into item 4 of the Land Use Tables;

- Amend clause 4.2B by inserting additional text at 4.2B(3B) to read:
Development consent must not be granted under subclause 4.2B(3) for a lot created under subclause 4.2D(3) unless the erection of a dual occupancy or a dwelling house would have been permissible on the land immediately prior to the boundary adjustment.
- Amend the entry for 7 Engine Street, South Lismore in Schedule 5 Environmental Heritage from 'State' to 'Local' Significance
- Include St Peter and St Pauls Church, 450 Alphadale Road, Tregeagle (Lot 1 DP 919314) as an item of Local Significance with identified Item No. I105 (**Figure 1 and 2**)
- Rezone land at 2 Cassia Crescent, Goonellabah (Lot 1 DP 630988) from RE1 Public Recreation to RE2 Private Recreation (**Figure 3 and 4**)
- Rezone land at 10 Eden Street, Girards Hill (Lot 1 DP 1274234) from RE1 Public Recreation to part zone R1 General Residential and part E2 Environmental Conservation (**Figure 5 and 6**)
- Amend the Height of Building Map to apply 8.5m height restriction to part of 10 Eden Street, Girards Hill (Lot 1 DP 1274234) being rezoned R1 General Residential (**Figure 7 and 8**)
- Rezone land at part of 182A Union Street, South Lismore (Lot 3 DP 1269893) from B6 Enterprise Corridor to RE1 Public Recreation (**Figure 9 and 10**)
- Rezone land at part of 210A Union Street, South Lismore (Lot 1 DP 1269893) from B6 Enterprise Corridor to RE1 Public Recreation (**Figure 9 and 10**)
- Rezone land at part of 210 Union Street, South Lismore (Lot 4 DP 1269893) from RE1 Public Recreation to B6 Enterprise Corridor (**Figure 9 and 10**)
- Rezone land at 13 Spurfield Road, McLeans Ridges (Lot 429 DP 1256075) from R5 Large Lot Residential to RE1 Public Recreation (**Figure 11 and 12**)
- Amend the Height of Building Map to remove the current 8.5m height restriction at 13 Spurfield Road, McLeans Ridges (Lot 429 DP 1256075) being rezoned RE1 Public Recreation (**Figure 13 and 14**)
- Rezone land at part of 15 Holland Street, Goonellabah (Lot 2 DP 1184989) from part IN1 General Industrial to part E2 Environmental Conservation (**Figure 15 and 16**)
- Amend Lot Size Map to remove lot size standards for 15 Holland Street, Goonellabah (Lot 2 DP 1184989) being rezoned E2 Environmental Conservation (**Figure 17 and 18**)
- Rezone land at Archibald Place, South Lismore from RE1 Public Recreation to B6 Enterprise Corridor (**Figure 19 and 20**)

It is noted that the planning proposal does not contain an explanation of provisions relating to all mapping amendments. The planning proposal identifies proposed land zoning map amendments, however does not identify in Table 1 associated other amendments, including height of building, lot size and heritage maps. A condition has been included to recommend that this be identified in Table 1, to reflect the proposed mapping changes as identified in the mapping attachment. The property description for Item 9 should also be updated throughout the proposal from Lot 4 DP 1269893 to Lot 42 DP 1278476.

1.4 Site description and surrounding area

The planning proposal has been prepared to rectify a number of anomalies and minor issues in the Lismore LEP 2012. Therefore, the proposal applies to the wider Local Government Area, in respect of amendments to clause 4.2B and amendments to Land Use Table for IN1 General Industrial and IN2 Light Industrial. Site specific amendments apply to the following sites:

- 7 Engine Street, South Lismore (Lot 1 DP 1006135)
- 450 Alphadale Road, Tregeagle (Lot 1 DP 919314) (**Figure 1 and 2**)
- 2 Cassia Crescent, Goonellabah (Lot 1 DP 630988) (**Figure 3 and 4**)
- 10 Eden Street, Girards Hill (Lot 1 DP 1274234) (**Figure 5, 6, 7 and 8**)
- Part of 182A Union Street, South Lismore (Lot 3 DP 1269893) (**Figure 9 and 10**)

- Part of 210A Union Street, South Lismore (Lot 1 DP 1269893) (**Figure 9 and 10**)
- Part of 210 Union Street, South Lismore (Lot 4 DP 1269893) (**Figure 9 and 10**)
- 13 Spurfield Road, McLeans Ridges (Lot 429 DP 1256075) (**Figure 11, 12, 13 and 14**)
- Part of 15 Holland Street, Goonellabah (Lot 2 DP 1184989) (**Figure 15, 16, 17 and 18**)
- Archibald Place, South Lismore (**Figure 19 and 20**)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage, Zone, Height of Building and Lot Size maps, which are suitable for community consultation.



Figure 1 Existing Heritage Map (450 Alphadale Road, Tregeagle (Lot 1 DP 919314))



Figure 2 Proposed Heritage Map (450 Alphadale Road, Tregeagle (Lot 1 DP 919314))

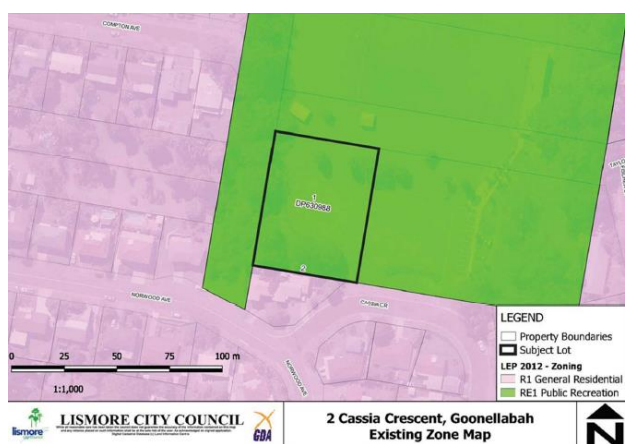


Figure 3 Existing Zone Map (2 Cassia Crescent, Goonellabah)



Figure 4 Proposed Zone Map (2 Cassia Crescent, Goonellabah)



Figure 5 Existing Zone Map (10 Eden Street, Girards Hill)



Figure 6 Proposed Zone Map (10 Eden Street, Girards Hill)



Figure 7 Existing Height of Building Map (10 Eden Street, Girards Hill)



Figure 8 Proposed Height of Building Map (10 Eden Street, Girards Hill)

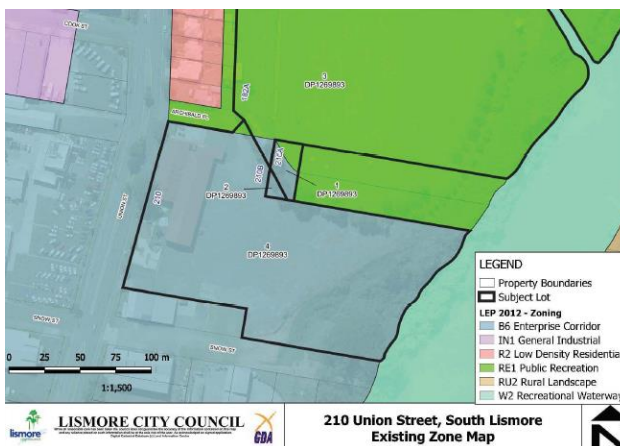


Figure 9 Existing Zone Map (210 Union Street, South Lismore)

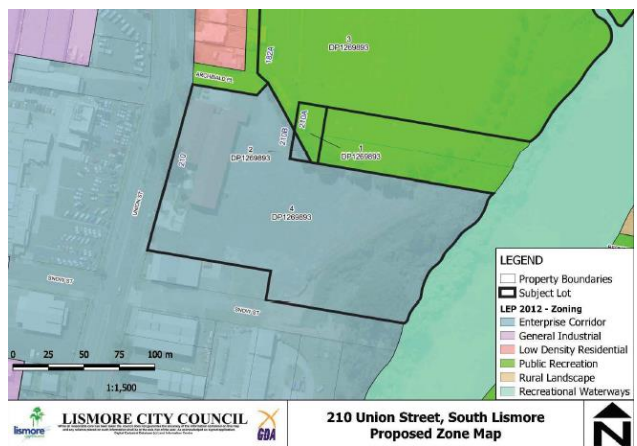


Figure 10 Proposed Zone Map (210 Union Street, South Lismore)

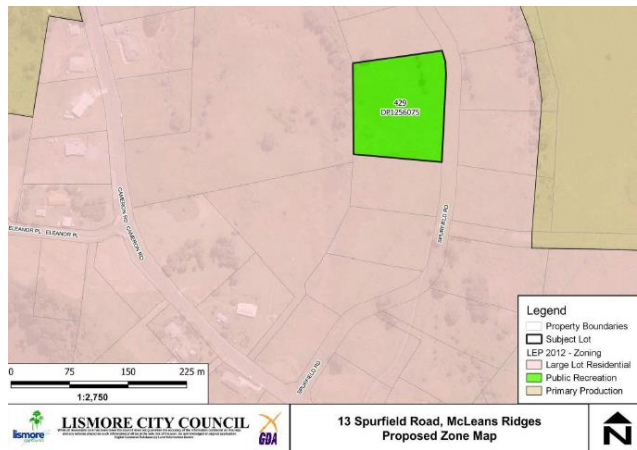
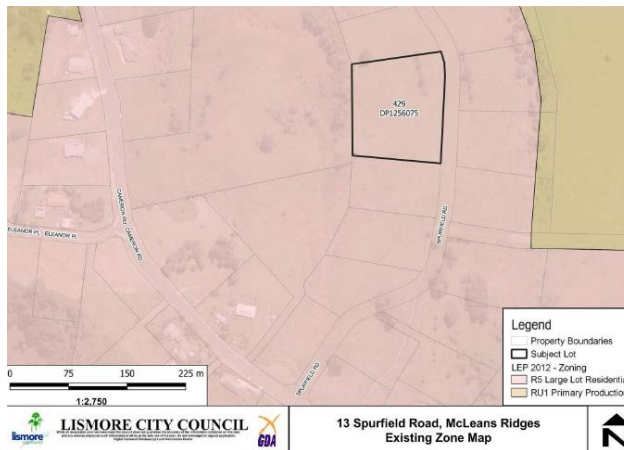


Figure 13 Existing Height of Building Map (13 Spurfield Road, McLeans Ridges)

Figure 14 Proposed Height of Building Map (13 Spurfield Road, McLeans Ridges)

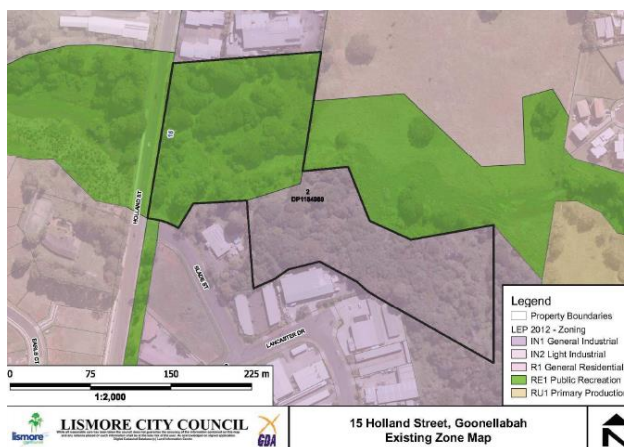


Figure 15 Existing Zone Map (15 Holland Street, Goonellabah)

Figure 16 Proposed Zone Map (15 Holland Street, Goonellabah)

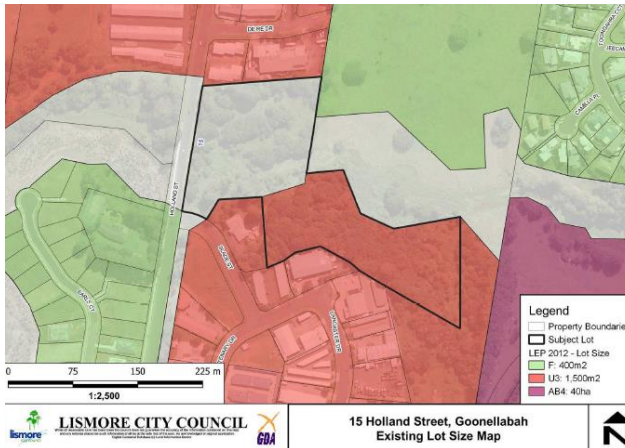


Figure 17 Existing Lot Size Map (15 Holland Street, Goonellabah)

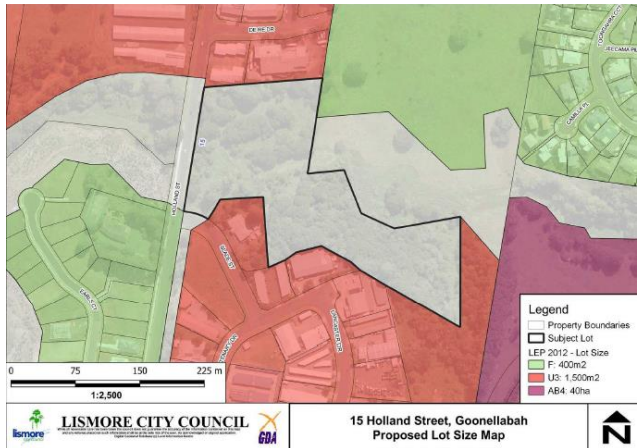


Figure 18 Proposed Lot Size Map (15 Holland Street, Goonellabah)



Figure 19 Existing Zone Map (Archibald Place, South Lismore)



Figure 20 Proposed Zone Map (Archibald Place, South Lismore)

2 Need for the planning proposal

The planning proposal is not a result of a strategic study or report. The planning proposal is the result of periodic reviews of the Lismore LEP 2012 by Lismore City Council. The justification for each proposed change is identified in the table below.

The planning proposal is the best and only means of achieving the intended outcomes.

Table 3 Justification for Proposed Amendments

Amendment	Justification
Prohibiting 'School based child care' in Zones IN1 General Industrial and IN2 Light Industrial Land Use Tables	<p>Standard Instrument (Local Environmental Plans) Amendment (Child Care) Order 2017 made various mandatory land use changes to all LEPs on 1 September 2017.</p> <p>The land uses changes included a new parent term "early education and care facilities" and new sub-term "school-based child care" and making these uses permissible in the IN1 and IN2 zones.</p> <p>School-based child care means <i>a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school aged children only.</i></p> <p>As educational establishments are prohibited in the IN1 and IN2 zones under Lismore LEP 2012, and school-based child care can't therefore be achieved, Council wishes to prohibit this use to provide greater clarity and certainty for users of the LEP. This is considered appropriate.</p>
Amending clause 4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environmental protection zones.	<p>Council has identified that certain rural land that doesn't currently enjoy a dwelling entitlement, and is affected by a boundary adjustment, may inadvertently acquire a dwelling entitlement under the current provisions of this clause.</p> <p>The intention of the proposed change is supported. Notwithstanding, it should be noted that final wording of the nominated clauses will be determined by Parliamentary Counsel (PCO) at the legal drafting stage.</p> <p>A condition has been recommended, requiring that the planning proposal include a statement acknowledging that final drafting will be subject to legal opinion and recognise that clause/s as proposed may not be reflected within the final LEP.</p>
Amending heritage listing for 7 Engine Street, South Lismore (Lot 1 DP 1006135) from 'State' to 'Local' significance	<p>The Railway shed at 7 Engine Street, South Lismore is currently listed under Schedule 5 Environmental heritage of the Lismore LEP 2012 as a State Heritage Item.</p> <p>Recent advice from Heritage NSW to Council has indicated that the item is no longer considered to be of State Heritage Significance. This advice was obtained during a development assessment to develop the site for a craft brewery. This is supported by Lismore Heritage Study 1995, which identifies the site is of Regional heritage significance.</p> <p>Therefore, it is proposed to amend the listing from 'State' significance to 'Local' significance. This is considered to have merit, however, to confirm suitability of the proposal, consultation shall be undertaken with Department of Premier and Cabinet – Heritage NSW (Heritage NSW).</p>
Including St Peter and St Pauls Church Tregeagle at 450 Alphadale Road, Tregeagle (Lot 1 DP 919314) as an item of 'Local' significance	<p>St Peter and St Pauls Church Tregeagle (450 Alphadale Road, Tregeagle – Lot 1 DP 919314) was identified by Lismore Heritage Study 1995 as an item of local significance. However, this has not been reflected to date in the Lismore LEP 2012.</p> <p>A parishioner has requested that the heritage significance of the building be recognised in the Lismore LEP 2012 in order to afford additional protections. The amendment is considered to have merit, however, to confirm suitability of the proposal, consultation shall be undertaken with Heritage NSW.</p>

Rezone land at 2 Cassia Crescent, Goonellabah (Lot 1 DP 630988) from Zone RE1 Public Recreation to Zone RE2 Private Recreation	<p>Council has confirmed that 2 Cassia Crescent was purchased by Jar-Jum Pre-school from Council and DA18/27 was issued for the development of a pre-school. It is proposed to rezone the site from Zone RE1 Public Recreation to Zone RE2 Private Recreation to reflect this change in landownership.</p> <p>The amendment is considered to have merit.</p>
Rezone land at 10 Eden Street, Girards Hill (Lot 1 DP 1270079) from Zone RE1 Public Recreation to part Zone R1 General Residential and part E2 Environmental Conservation	<p>Council has confirmed that the landowner of 10 Eden Street, Girards Hill has recently purchased a Council road reserve (formerly 4A Eden Street). This parcel has since been consolidated into 10 Eden Street. The landowner intends to construct a shed on this land. A shed ancillary to a dwelling is prohibited on land zoned RE1 Public Recreation. Therefore, a rezoning to part R1 General Residential is proposed on approximately 300m² of the site with direct road access</p> <p>It is proposed to rezone the remainder of the former road reserve to E2 Environmental Conservation as it comprises mature regrowth Lowland Rainforest, classed as an Endangered Ecological Community (EEC) and key threatened species habitat (koala habitat, birds, microbats and insects). Council has also confirmed that the landowner has agreed to the application of the E2 zone to this land.</p> <p>The amendment is considered to have merit. To confirm suitability of the proposal, consultation shall be undertaken with Environment, Energy and Science Group – Biodiversity Conservation Division (BCD).</p>
Rezone land at part of 182A Union Street, South Lismore (Lot 3 DP 1269893) from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation	<p>Council has recently purchased the land from the adjacent AJ Mills & Sons Pty Ltd because it comprises a sports shed and is part of the Council owned Riverview Park. The rezoning aims to correct the zones following various boundary adjustments with the adjacent site, which is within a B6 Enterprise Corridor zone. This amendment relates to following amendments proposed for 210A Union Street and part of 210 Union Street, South Lismore.</p> <p>The amendment is considered to have merit.</p>
Rezone land at 210A Union Street, South Lismore (Lot 1 DP 1269893) from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation	<p>Council has recently purchased the land from the adjacent AJ Mills & Sons Pty Ltd because it comprises a sports shed and is part of the Council owned Riverview Park. The rezoning aims to correct the zones following various boundary adjustments with the adjacent site, which is within a RE1 Public Recreation zone. This amendment relates to following amendments proposed for 182A Union Street and part of 210 Union Street, South Lismore.</p> <p>The amendment is considered to have merit.</p>
Rezone land at part of 210 Union Street, South Lismore (Lot 4 DP 1269893) from Zone RE1 Public Recreation to Zone B6 Enterprise Corridor	<p>Council has recently purchased the land from the adjacent AJ Mills & Sons Pty Ltd because it comprises a sports shed and is part of the Council owned Riverview Park. The rezoning aims to correct the zones following various boundary adjustments with the adjacent site, which is within a B6 Enterprise Corridor zone. This amendment relates to following amendments proposed for 182A Union Street and 210A Union Street, South Lismore.</p> <p>The amendment is considered to have merit.</p>

Rezone land at 13 Spurfield Road, McLeans Ridge (Lot 429 DP 1256075) from Zone R5 Large Lot Residential to Zone RE1 Public Recreation	<p>This land parcel was created as a public reserve as a condition of the Planning Agreement attached to the subdivision of Cameron and Spurfield Roads (DA 10/77). Council is changing the zoning to RE1 Public Recreation zone to better reflect that the land is now in public ownership.</p> <p>The amendment is considered to have merit.</p>
Rezone land at part of 15 Holland Street, Goonellabah (Lot 2 DP 1184989) from part Zone IN1 General Industrial to part Zone E2 Environmental Conservation	<p>The site is currently zoned part RE1 Public Recreation (comprising the Tucki Tucki Recreational Park) and part IN1 General Industrial zone.</p> <p>Council has concluded that the steep slope of this land precludes its use for industrial development and believes the most appropriate zoning for this portion of the site is E2 Environmental Conservation as the site comprises vegetation (Lowland Subtropical Rainforest in North Coast) that is defined as an Endangered Ecological Community (EEC) and key threatened species habitat (numerous preferred koala habitat for foraging, refugia and movement corridor including Tallowwoods and Forest Red Gums).</p> <p>Council have confirmed that the site meets the criteria for applying an E-Zone, and that by virtue of the supporting resolution for this planning proposal, Council as the landowner has agreed to the application of an E-Zone..</p> <p>The amendment is considered to have merit, however, to confirm suitability of the proposal, consultation shall be undertaken with BCD.</p>
Rezone Archibald Place, South Lismore from RE1 Public Recreation to B6 Enterprise Corridor	<p>The Archibald Place road reserve is currently zoned RE1 Public Recreation, as it is in close proximity to Riverview Park, South Lismore, and currently provides informal access to the park. Notwithstanding, formal access to the park is gained via Riverview Road.</p> <p>The road reserve provides primary, formal access to the Mills Transport site. Therefore, it is proposed to rezone Archibald Place Zone B6 Enterprise Corridor, to reflect the primary use of the road as the main access to the Mills Transport site and regularise this use.</p> <p>The amendment is considered to have merit.</p>

3 Strategic assessment

3.1 State

The Northern Councils E Zone Review final recommendations report sets out clear criteria and methodologies for the application of E zones. This is further supported by a section 9.1 Direction requiring councils to be consistent with the adopted recommendations and the directive from the Secretary on 1 March 2016 providing further guidance on how to apply the final recommendations.

It is noted that the landowners have agreed to application of an E zone to land at 10 Eden Street, Girards Hill (Lot 1 DP 1270079) and 15 Holland Street, Goonellabah (Lot 2 DP 1184989).

An assessment of the planning proposal against the final recommendations report is attached (**Appendix A**).

3.2 Regional Plan

The planning proposal is not inconsistent with the North Coast Regional Plan 2036 (NCRP) and does not undermine the vision, land use strategy, goals, directions or actions. Additionally, the proposal is considered broadly consistent with the actions identified in the Lismore Regional City Action Plan (LRCAP).

The proposal facilitates minor amendments to the land use table, mapping and controls associated with the Lismore LEP 2012, in order to ensure the plan continues to deliver on the broader strategic directions and to provide clarity in the application of the Plan. The proposed amendments do not materially change the intention or context of the Lismore LEP 2012 and will support Council and community toward meeting the strategic direction as established by the NCRP and the LRCAP.

The planning proposal is therefore considered to be broadly consistent with the NCRP and the LRCAP.

3.3 Local

The proposal states that it is consistent with the Lismore Growth Management Strategy 2015 – 2035, Imagine Lismore (Community Strategic Plan 2017 – 2027, Imagine Lismore - Revised Delivery Program 2017 - 2021 and Operational Plan 2021 – 2022.

Additionally, the proposal is considered to be broadly consistent with the Lismore Local Strategic Planning Statement 2040.

The proposal also delivers specifically on Action D3.2.1 of the Operational Plan, which states that Council will monitor the LEP and amend as required in response to community and development industry needs.

3.4 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	No – Justifiably Inconsistent	<p>The planning proposal is inconsistent with this Direction as the proposal will rezone land within an IN1 General Industrial and B6 Enterprise Corridor zone for non-employment purposes, thereby reducing the total potential floor space area for employment and industrial uses.</p> <p>Notwithstanding, the inconsistency is considered to be minor in both cases as:</p> <ul style="list-style-type: none"> Rezoning of 182A, 210 and 210A Union Street, South Lismore is proposed to be undertaken to align the zones correctly, following various boundary adjustments between Riverview Park and the Mills Transport site. The amount of land to be rezoned represents a very small amount and the net loss is very minor; Rezoning of 15 Holland Street, Goonellabah is proposed as the site is not suitable for industrial development or use. The E2 Environmental Conservation zone

		proposed to be applied to the site better represents the attributes of the land and the presence of EEC defined vegetation.
1.3 Mining, Petroleum Production and Extractive Industries	Unresolved	<p>The planning proposal is inconsistent with this Direction as extractive industries will be prohibited on land currently zoned IN1 General Industrial when it is rezoned to E2 Environmental Conservation (15 Holland Street, Goonellabah).</p> <p>The inconsistency is considered to be of minor significance as the land is unlikely to be suitable for extractive industries given it is in close proximity to the existing urban area, coupled with the presence of EECs on site and that the loss is negligible in regard to the size of the area proposed for rezoning.</p> <p>It is recommended that the inconsistency remain unresolved, until Council consult with Department of Regional NSW – Mining, Exploration and Geoscience to confirm suitability of the proposal.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Unresolved	<p>This Direction applies to the planning proposal as the proposal outlines the intention to alter a zone relating to land near a regulated airport.</p> <p>182A, 210 and 210A Union Street, South Lismore are identified as being “near” the Lismore Airport. These sites do not have a height of building control. Notwithstanding, no change is proposed to planning controls applying to the site, with the exception of the zone amendment.</p> <p>In accordance with the requirements of the Direction, it is considered that consultation should be undertaken with the operator of Lismore Airport. It is recommended that the inconsistency remain unresolved, until Council has undertaken this consultation.</p>
4.4 Planning for Bushfire Protection	Unresolved	<p>The planning proposal is potentially inconsistent with this Direction as various lands affected by the proposal are identified as bushfire prone. The Direction provides that Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) after a Gateway determination is issued and before community consultation is undertaken. Until consultation has been undertaken, the Direction remains unresolved.</p>
6.2 Reserving land for Public Purposes	No – Justifiably Inconsistent	<p>The proposal is inconsistent with this Direction as it reduces the amount of land currently zoned RE1 Public Recreation in the Lismore LGA without the approval of the Department of Planning, Industry and Environment Secretary. This inconsistency is considered to be of minor significance as it only affects a small amount of land and reflects that the</p>

land is now already either in private ownership or does not serve a public recreation purpose.

3.5 State environmental planning policies (SEPPs)

The planning proposal contains an explanation of consistency between relevant SEPPs and the proposal. It is considered the planning proposal is not inconsistent with any relevant SEPPs.

3.6 Environmental

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

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Ecological Impacts	<p>A number of the sites have been identified as having ecological attributes, such as secondary koala habitat, fish habitat, watercourses and EECs present. It is unlikely that the proposed amendments will result in negative impacts to the ecological values of any of the sites as the proposal is generally only seeking to undertake administrative changes that regularise uses and activities already approved on site or are reflective of the likely future uses.</p> <p>The ecological impact of the proposal is therefore considered to be low.</p> <p>Notwithstanding, it is considered appropriate that Council consult with the following agencies, to confirm suitability of the proposal:</p> <ul style="list-style-type: none"> • BCD • Department of Primary Industries – Fisheries • Natural Resources Access Regulator
Flooding	<p>A number of the sites are identified as being flood prone, pursuant to Lismore LEP 2012 Flood Planning Maps. Notwithstanding, the planning proposal does not result in more intensive land uses being applied to flood prone land and will not increase the development potential of the land or allow for greater intensification of development of the site. The impact in relation to flooding is therefore considered to be low.</p>
Bushfire	<p>A number of sites are identified as being bush fire prone land. The planning proposal is not aimed at facilitating new development or increasing densities in residential areas, so it is not expected to increase bushfire risk. Notwithstanding, it is recommended that consultation be undertaken with RFS, to confirm suitability of the proposal.</p>

Contaminated Land	A number of sites are identified as being potentially contaminated, according to Council's GIS Mapping System, including 7 Engine Street, South Lismore and part of 210 Union Street, South Lismore. Additionally, the planning proposal outlines the intent to rezone an IN1 General Industrial zone to E2 Environmental Conservation. The planning proposal is not aimed at facilitating in more intensive land uses being applied to potentially contaminated land and will not increase the development potential of the land or allow for greater intensification of development of the site. Additionally, land at 15 Holland Street, Goonellabah has not been used the purposes of an industrial use and remains in its pre-developed state, comprising thick vegetation. In this regard, the likelihood of contamination risk is considered low. Sources of contamination located at 7 Engine Street and 210 Union Street are well understood and the proposal is considered unlikely to result in additional risk in relation to this contamination.
Unstable Land	A number of sites, including part of 10 Eden Street, Girards Hill and part of 15 Holland Street, Goonellabah, are characterised by steep slopes. The planning proposal outlines the intention to rezone steeply sloping sections of both sites to E2 Environmental Conservation, limiting the development potential of the site and protecting the environmental attributes identified. In this regard, the impacts are considered to be managed.

3.7 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Aboriginal Cultural Heritage	<p>Council have indicated that all of the sites proposed for mapping amendments were assessed for their cultural significance and heritage value using the Aboriginal Heritage Management Information System (AHIMS) and a report entitled "Wiy-abal Aboriginal Clan (Bundjalung Nation) Cultural Heritage & Values Relating to the Lismore City Council Local Government Area" prepared by Collins M and Heron R dated June 200 and is currently unpublished.</p> <p>To confirm that the proposal appropriately manages and does not cause impact to Aboriginal cultural heritage, it is recommended that both Ngulingah Local Aboriginal Land Council and Heritage NSW, be consulted on the suitability of the proposal.</p>
European Heritage	<p>The proposal is considered to have a positive impact in relation to European heritage, as additional protections will be afforded to 450 Alphadale Road, Tregeagle, which is not currently a listed heritage item, despite being identified as having local significance by the 1995 Lismore Heritage Study.</p> <p>Additionally, the proposal aims to rectify the significance of an additional item, 7 Engine Street, South Lismore, to reflect the local significance of the item.</p> <p>Both items will therefore be recognised as having heritage significance and referenced in Schedule 5 Environmental heritage and on associated Heritage Maps.</p> <p>Notwithstanding, given the proposed amendment to the heritage significance listing for 7 Engine Street, South Lismore, it is recommended that Heritage NSW be consulted on the suitability of the proposal.</p>

Important Farmland	St Peter and St Pauls Church Tregeagle at 450 Alphadale Road, Tregeagle is identified as State Significant Farmland. Despite this identification, the proposed heritage listing is not considered to have an impact on the viability of the rural parcel, nor expected to increase the potential for land use conflict with adjoining rural parcels. The existing church building is already established on site, so the church is an established land use and building (built 1899) on a small lot of 1,000m ² . The existing zone applied to the land will be retained. Therefore, the heritage listing is not considered to impact the important farmland classification applied to the land.
Loss of Public Land	2 Cassia Crescent, Goonellabah, 10 Eden Street, Girards Hill and 210 Union Street, South Lismore are all proposed to be rezoned from RE1 Public Recreation to various other zones, to reflect the nature of the private ownership of those parcels or their current use. While this results technically in a loss of RE1 Public Recreation land, it is a regularisation of the use and ownership of the site and does not result in a net loss of useable public space. Moreover, as a result of this planning proposal, additional RE1 Public Recreation zones are being applied to reflect the use and ownership of a number of other sites that are now in Council ownership. Therefore, the impact is considered balanced in this regard, as the proposed rezoning of public open space land is only to reflect the situation that is currently approved or being undertaken on site and is considered a minor impact.

3.8 Infrastructure

The proposed amendments outlined by this planning proposal are considered administrative in nature and do not require additional infrastructure provision to support the changes. The proposal does not result in a material increase in the amount of land proposed for urban use and the need for additional services is not a consideration in relation to this proposal.

4 Consultation

4.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate and forms the conditions of the Gateway determination.

4.2 Agencies

The proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Department of Premier and Cabinet - Heritage NSW
- NSW Rural Fire Service
- Environment, Energy and Science Group – Biodiversity Conservation Division
- Ngulingah Local Aboriginal Land Council
- Department of Primary Industries – Fisheries
- Natural Resources Access Regulator
- Lismore Regional Airport Operator

5 Timeframe

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

A time frame of six months is considered appropriate to ensure it is completed in line with the Department's commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

6 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

It is recommended that the Gateway not authorise Council to be the local plan-making authority as the planning proposal seeks to rezone two sites (10 Eden Street, Girards Hill and 15 Holland Street, Goonellabah) from IN1 General Industrial and RE1 Public Recreation to E2 Environmental Conservation.

7 Assessment summary

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

- The proposed amendments will assist to provide further clarity in the application of controls relating the Lismore LEP 2012;
- The proposed amendments are minor in nature and will serve to regularise existing arrangements on identified sites;
- The proposed amendments do not result in an expansion of urban land and proposes environmental zones to better recognise the attributes of certain land, with landowner agreement;
- The proposed amendments are not antipathetic to the established strategic planning framework.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Directions 1.1 Business Zones and 6.2 Reserving Land for Public Purposes, is minor or justified; and
- Note that the consistency with section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 3.5 Development Near Regulated Airports and Defence Airfields and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal is to be amended prior to agency and community consultation to:
 - Update the objectives of this planning proposal to reference the proposed change to clause 4.2B.
 - Identify in Table 1 all map amendments subject of this planning proposal, including associated height of building, heritage and lot size maps to reflect the proposed mapping changes in the planning proposal, as are identified in the mapping attachment supporting the proposal.
 - Include a statement acknowledging that final drafting for all clauses will be subject to legal opinion and recognise that the clauses as proposed may not be reflected within the final LEP.
 - Update the property description for Item 9 throughout the proposal from Lot 4 DP 1269893 to Lot 42 DP 1278476.

2. Consultation is required with the following public authorities:
 - Department of Premier and Cabinet – Heritage NSW
 - NSW Rural Fire Service
 - Environment, Energy and Science Group – Biodiversity Conservation Division
 - Ngulingah Local Aboriginal Land Council
 - Department of Primary Industries – Fisheries
 - Natural Resources Access Regulator
 - Lismore Regional Airport Operator
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



9 November 2021

(Signature)_____
(Date)

Craig Diss

Manager, Northern Region



15 November 2021

(Signature)_____
(Date)

Jeremy Gray

Director, Northern Region

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