



IRF23/786

Gateway determination report – PP-2023-671

Housekeeping Amendments

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal – General Amendments March 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lismore
PPA	Lismore City Council
NAME	Housekeeping Amendments
NUMBER	PP-2023-671
LEP TO BE AMENDED	Lismore LEP 2012
ADDRESS	LGA wide
DESCRIPTION	LGA wide
RECEIVED	4/04/2023
FILE NO.	IRF23-786
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 eight housekeeping items which seek amendments to both the written LEP document and associated maps. The objectives and intended outcomes of these items are detailed below:

Table 3 Objectives of Planning proposal

Item	Objective/Outcome	Clear/adequate explanation
A	Enable two dwellings (dual occupancies (detached)) in Zone RU1 Primary Production to be located beyond the current 100m development standard separation distance and with separate driveways. LEP change only	Yes
B	Enable the subdivision of split zone allotments that incorporate Zone RU2 Rural Landscape. LEP change only	Yes

Item	Objective/Outcome	Clear/adequate explanation
C	Enable two dwellings (dual occupancies (detached)) in Zone R5 Large Lot Residential to be located beyond the current 80m development standard separation distance and with separate driveways. LE change only	Yes
D	Update the Heritage Map and associated description in Schedule 5 in response to a recent boundary adjustment. LEP and Map change.	Yes
E, F, G & H	Update the Land Zoning Map (including some consequential amendments to the Lot Size Map and the Height of Buildings Map) to rectify minor anomalies. LEP and Map changes	Council state that the outcome of these items is to correct mapping anomalies. Whilst this appears correct for items E (correct cadastral shift resulting in split lot zones) and F (correct description of site specific landuse on land zoned SP2), items G and H relate to the rezoning of part lots. It is recommended therefore that Part 1 and Part 2 of the planning proposal be updated to correctly reflect the objective and intended outcome of items G & H.

The objectives of this planning proposal are clear and adequate for items A – F. However the planning proposal is to be updated to more accurately reflect the intent of items G and H.

1.3 Explanation of provisions

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

Item A – Seeks to amend clause 4.2C Erection of dual occupancies (detached) in Zone RU1 to delete subclauses (b) and (c) (detailed above) that relate to vehicular access and separation distance from existing dwelling.

No mapping amendments will result from this item.

Item B – Seeks to amend clause 4.2E Exceptions to minimum subdivision lot sizes for certain split zones to include RU2 Rural Landscape zone in subclauses 2(b) and 3(a)(i) & (ii).

No mapping amendments will result from this item.

Item C – Seeks to amend clause 6.7 Dual occupancies (detached) in Zone R5 by removing subclauses (a) & (b) that relate to vehicular access and separation distance from existing dwelling.

No mapping amendments will result from this item.

Item D – Seeks to amend Schedule 5 of Lismore LEP 2012 to insert an amended property description for item 178 (Figure 1) and amend Map sheet HER_006AA and 006AB to reflect this change.

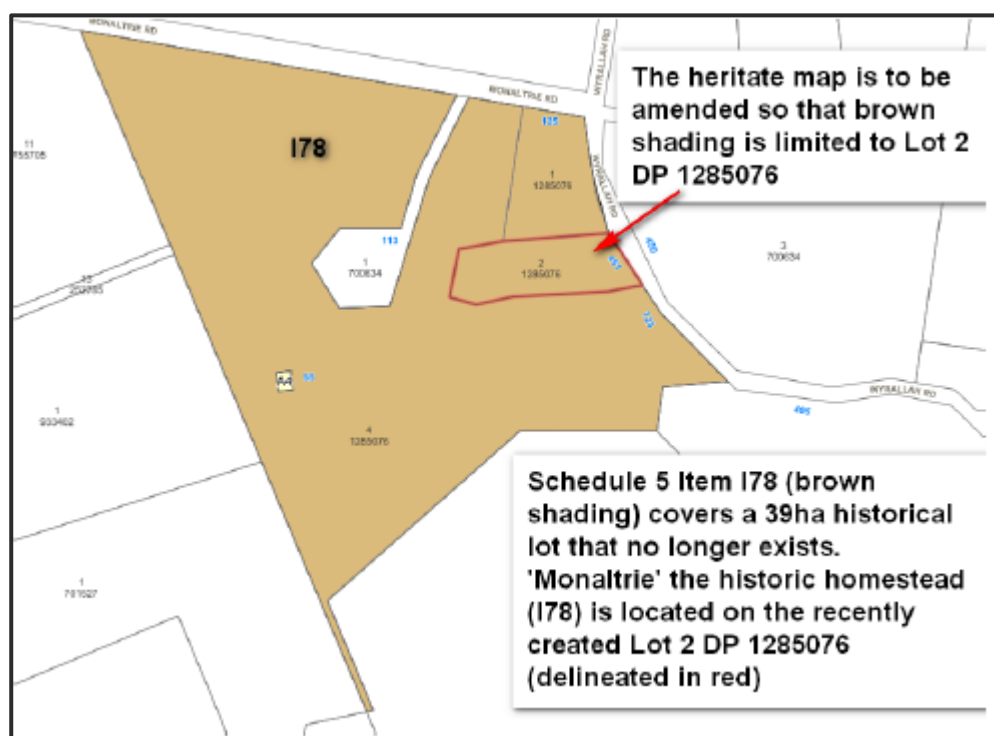


Figure 1 - Item D

Item E – Rezone that part of Lots 406 – 415 DP1256075, Spurfield Rd, McLeans Ridges currently zoned RU1 to R5 (consistent with the remainder of the lot) to correct a mapping anomaly (Figure 2). This item also seeks to amend the applicable Maximum Building Height (HoB) and Minimum Lot Size (MLS).

The planning proposal seeks to amend Map sheets LZN_005, LSZ_005 & HOB_005 only for this item.

Table 4 Item E proposed amendments

Control	Current	Proposed
Zone	Part R5 Large Lot Residential & RU1 Primary Production	R5 Large Lot Residential
Maximum height of the building	R5 – 8.5m RU1 – N/A	8.5m
Minimum lot size	R5– 1ha RU1 – 40ha	1ha
Number of dwellings	1	1



Figure 2 - Item E

Item F – Correct the landuse description for:

- Lots 62, 71 & 74 DP755737, Lot 1 DP122295 & Lot 1 DP182457, South Lismore from “Waste management facility” to ‘Sewage treatment plant’ (Figure 3); and
- Lot 2 DP 1213261, Monaltrie from ‘Waste management facility’ to ‘Waste or Resources management facility’ (Figure 4).

The planning proposal seeks to amend Map sheets LZN_005AA, 006AA and 006AB only.

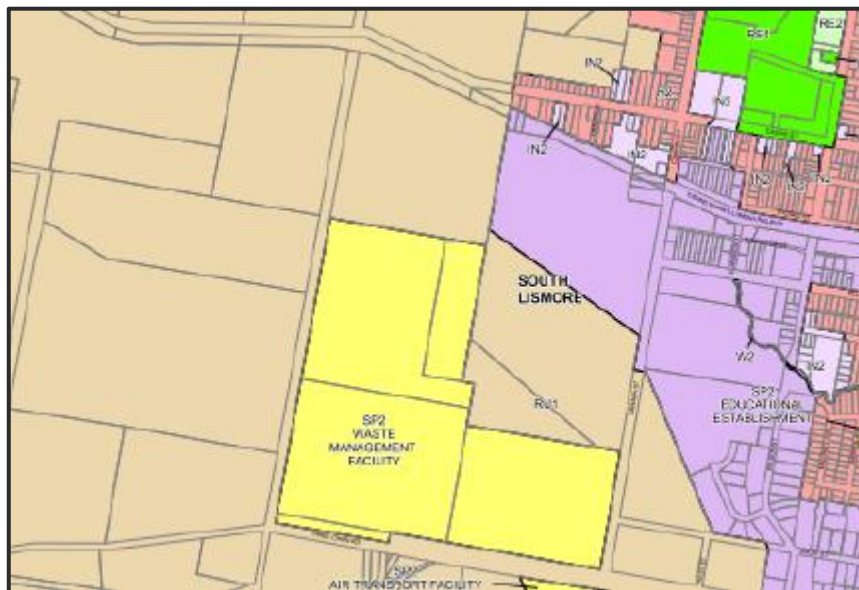


Figure 3 - Item F

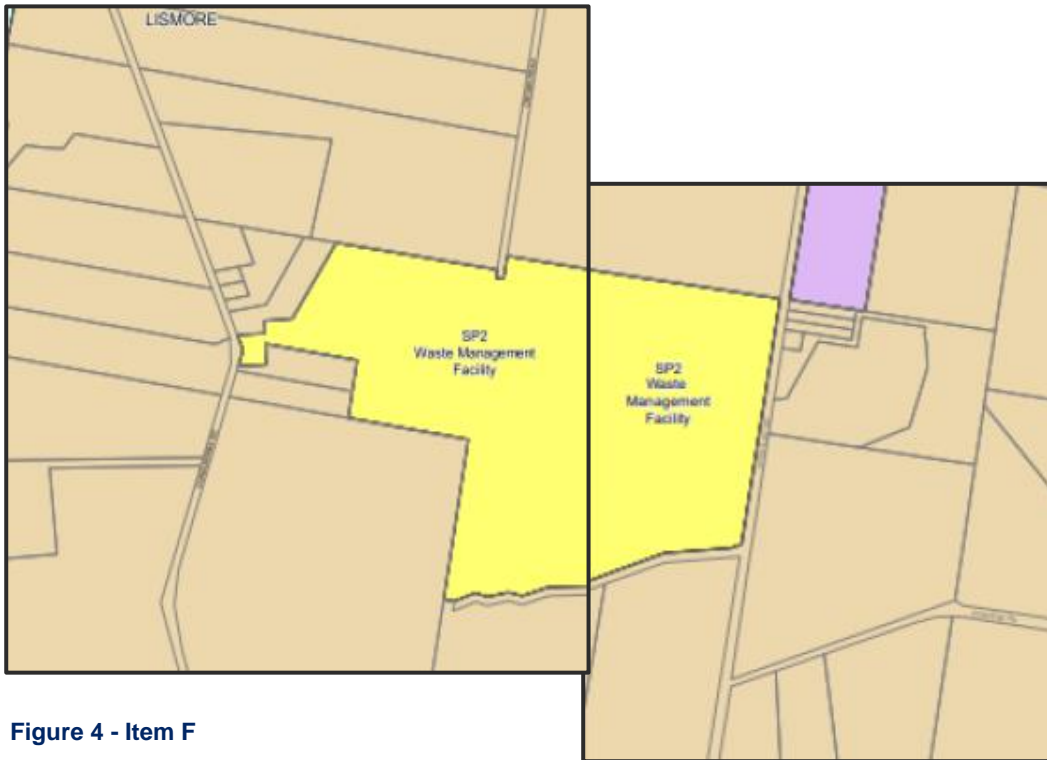


Figure 4 - Item F

Item G - Rezone Lot 3 DP 720443, 731 Ballina Rd and Lot 2 DP 720443, 733 Ballina Rd, Goonellabah from RE1 Public Recreation to R1 General Residential. This item also seeks to amend the applicable minimum lot size (MLS) and maximum building height (HOB).

Whilst the planning proposal describes this as a correction to a zone anomaly, the intention is to clearly rezone the subject parcels of land to better reflect the existing use of the land as a school site that is owned by the Department of Education.

The planning proposal seeks to amend Map sheets LZN_005AB, LSZ_005AB and HOB_005AB only.

Table 5 Item F proposed amendments

Control	Current	Proposed
Zone	RE1 Public Recreation	R1 General Residential
Maximum height of the building	N/A	8.5m
Minimum lot size	N/A	400m ²



Figure 5 - Item G

Item H – Amend the zone boundary between R1 and RE1 on Lot 2 DP 814012 so that an existing drain currently located within the R1 portion of the lot will be located within the RE1 part of the lot. This item will effectively rezone 50m² of the subject lot from R1 to RE1 and amend the applicable development standards.

The planning proposal seeks to amend Map sheets LZN_006AB, LSZ_006AB and HOB_006AB only.

Table 6 Item H proposed amendments

Control	Current	Proposed
Zone	R1	RE1
Maximum height of the building	8.5m	N/A
Minimum lot size	400m ²	N/A



Figure 6 - Item H

For the most part, the planning proposal contains an explanation of provisions that adequately explains how the objectives of each housekeeping item will be achieved. As detailed above however, items G and H will need to be reworded prior to public exhibition to clearly illustrate that rezoning the subject land is the intent of the proposed amendment.

1.4 Site description and surrounding area

The planning proposal applies to the following land:

- Item A - All land zoned RU1 Primary Production (no map change);
- Item B - All split zoned lots within a residential, business, industrial or recreation zone, or Zone RU5 Village or SP2 Infrastructure zones and land zoned RU1 Primary Production, RU2 Rural Landscape, C2 Environmental Conservation or C3 Environmental Management (no map change).
- Item C – All land zoned R5 Large Lot Residential (no map change).
- Item D – Heritage item at Lot 2 DP 1285076 (formerly Lot 2 DP 700634) (Figure 1).
- Item E – Part Lots 406 – 415 DP 1256075, 12, 14, 16, 18, 20, 22, 24, 26, 28 & 30 Spurfield Rd, McLeans Ridges (Figure 2).
- Item F – Lots 62, 71 & 74 DP 755737, Lot 1 DP 122295 & Lot 1 DP 182457, 135, 135A, 135B & 147 Three Chain Road and 171 Caniaba Road South Lismore (Figure 3) and Lot 2 DP 1213261, 313 Wyrallah Road Monaltrie (Figure 4).
- Item G – Lot 3 DP 720443, 731 Ballina Rd & Lot 2 DP 720443, 733 Ballina Rd, Goonellabah (Figure 5).
- Item H – Part Lot 2 DP 814012, 5 Reserve St, Goonellabah (Figure 6).

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the maps detailed below. Whilst the maps are considered suitable for community consultation, it is recommended that prior to community consultation, the planning proposal is updated to include all existing and proposed maps for each item. Proposed maps changes are detailed below.

Item D – changes to map sheets HER_006AA & HER_006AB

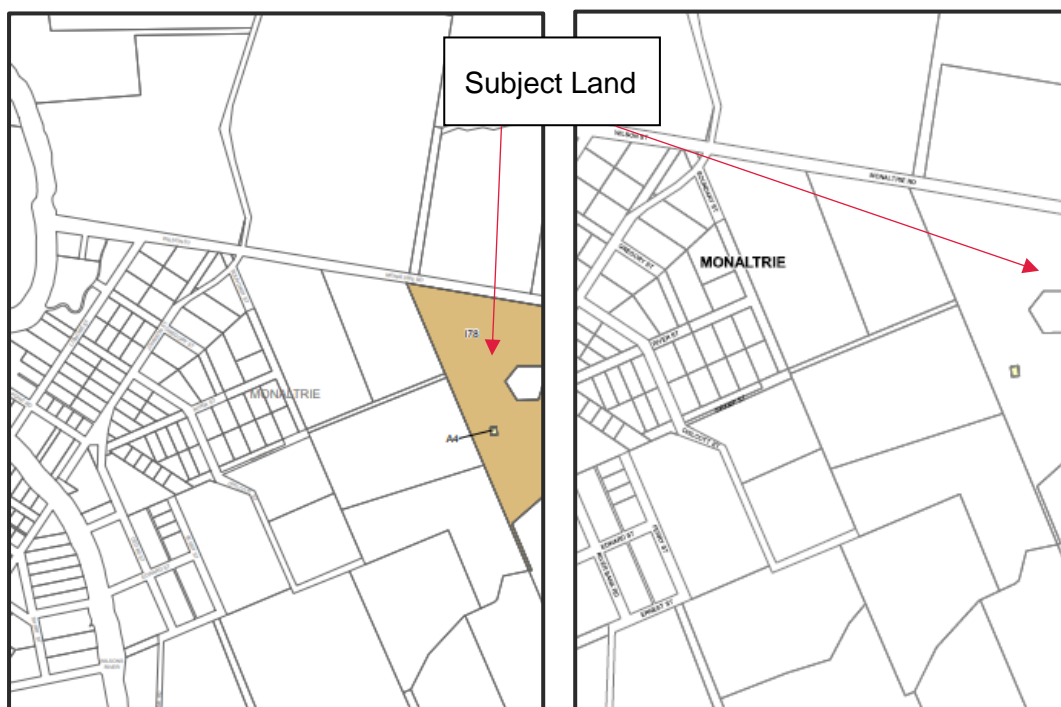


Figure 7 - Existing and Proposed map HER_006AA



Figure 8 - Existing and proposed map HER_006AB

Item E – changes to map sheets LZN_005, LSZ_005 & HoB_005

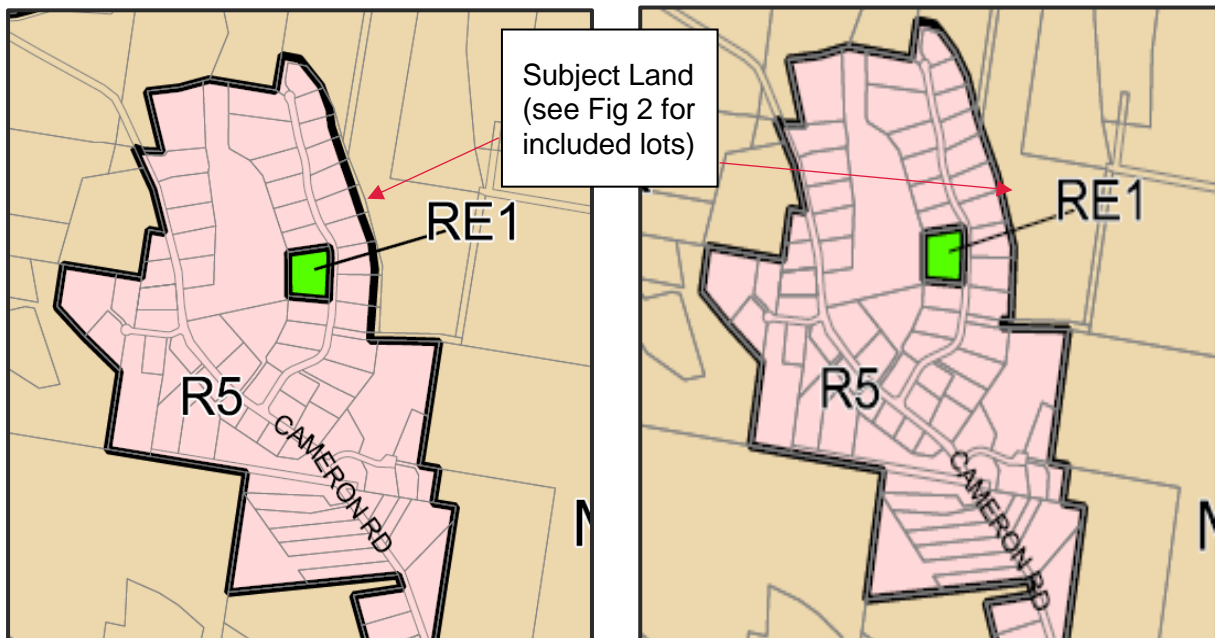


Figure 9 - Existing and proposed LZN_005

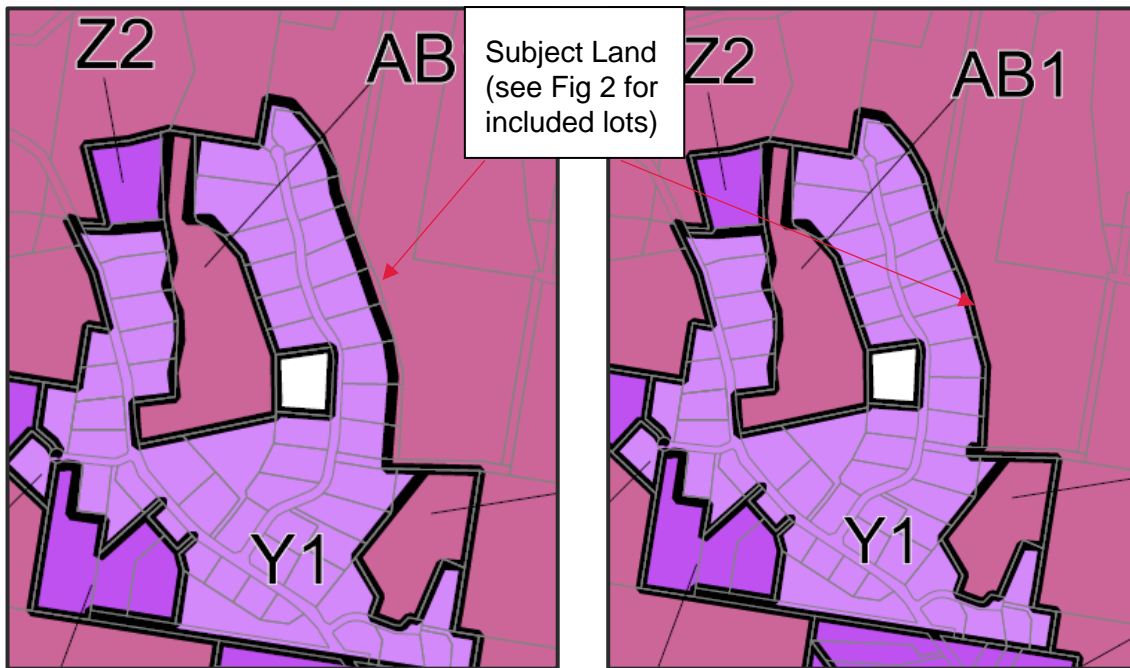


Figure 10 - Existing and proposed LSZ_005



Figure 11 - Existing and proposed HoB_005

Item F - Changes to map sheets LZN_005AA, LZN_006AA & LZN_006AB

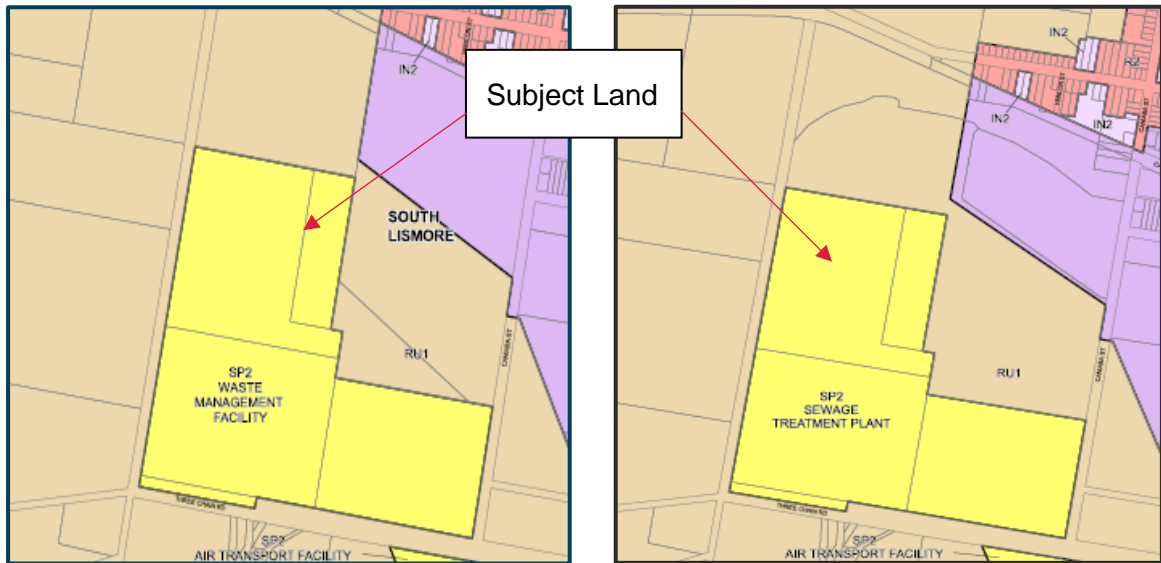


Figure 12 - Existing and proposed LZN_005AA

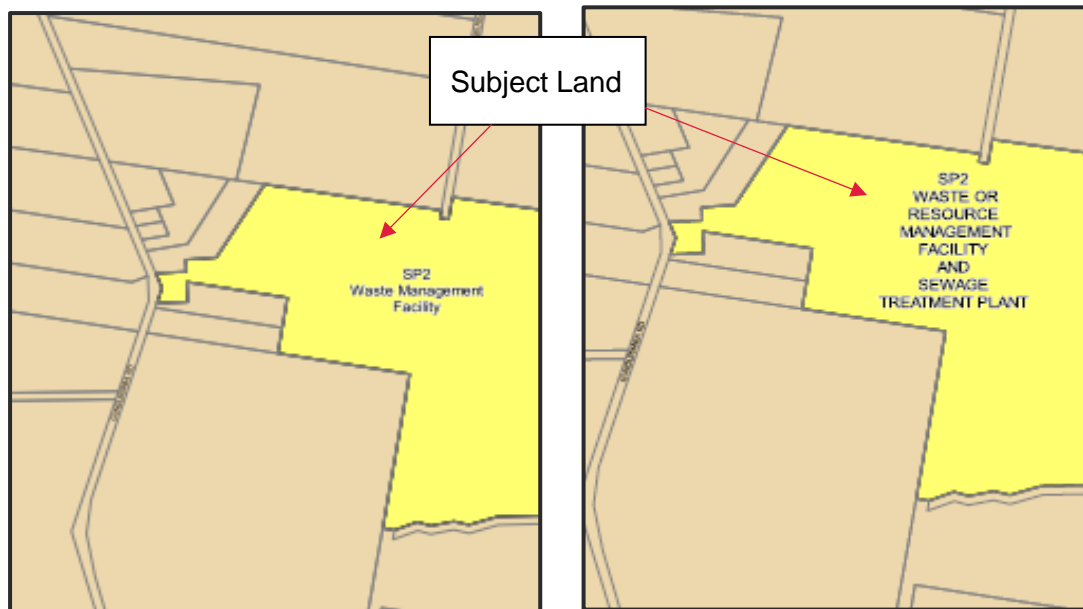


Figure 13 - Existing and proposed LZN_006AA

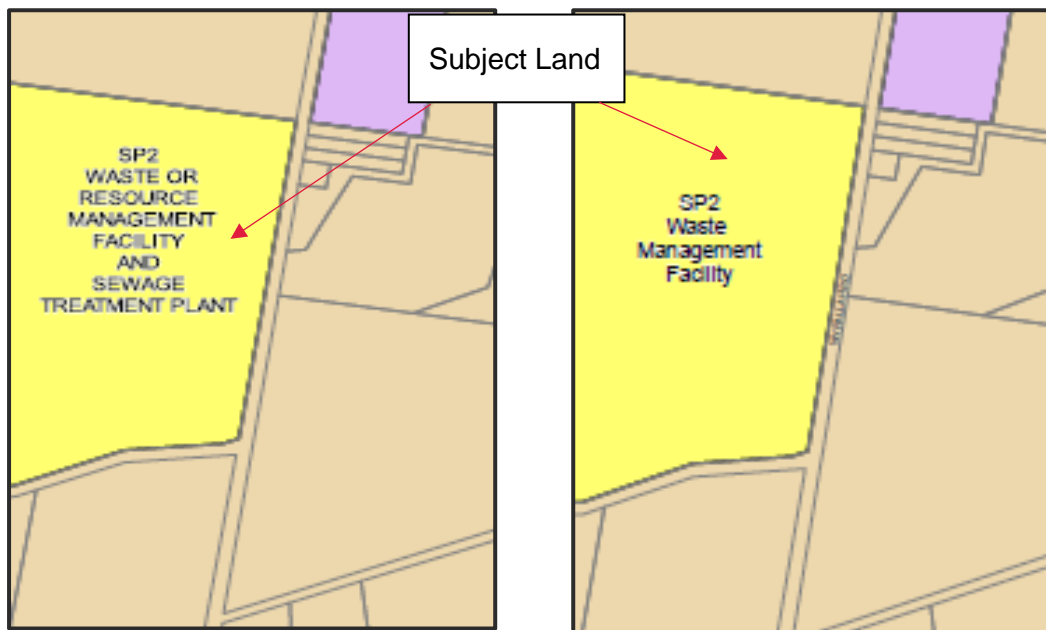


Figure 14 - Existing and proposed LZN_006AB

Item G – Changes to map sheets LZN_005AB, LSZ_005AB & HoB_005AB

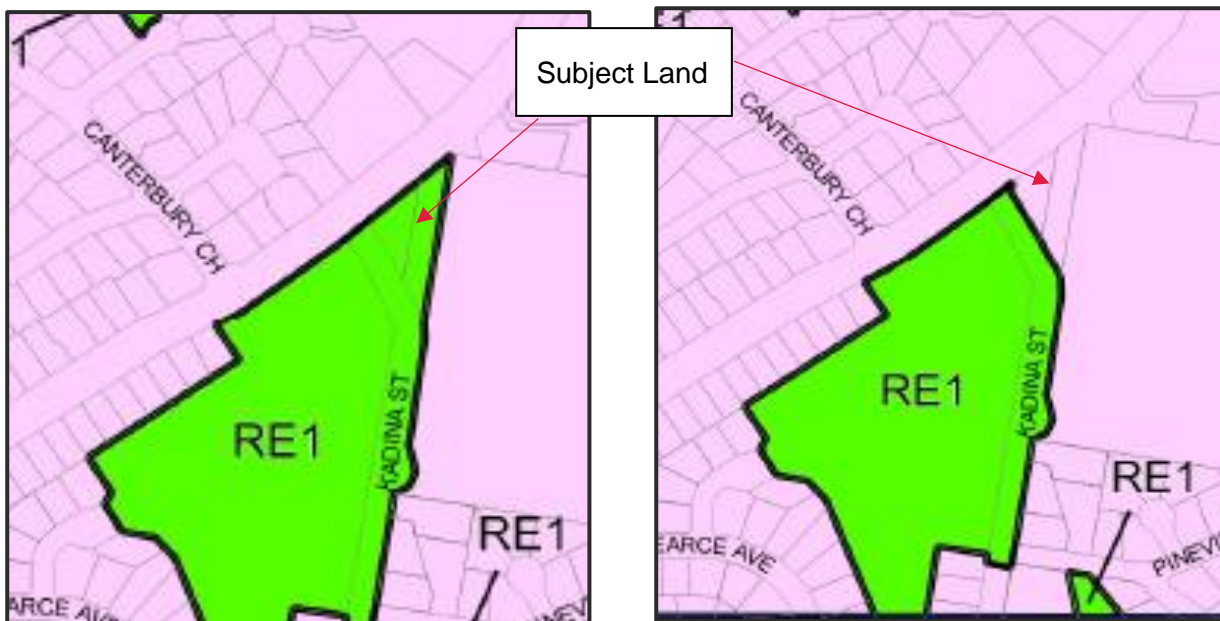


Figure 15 - Existing and proposed LZN_005AB

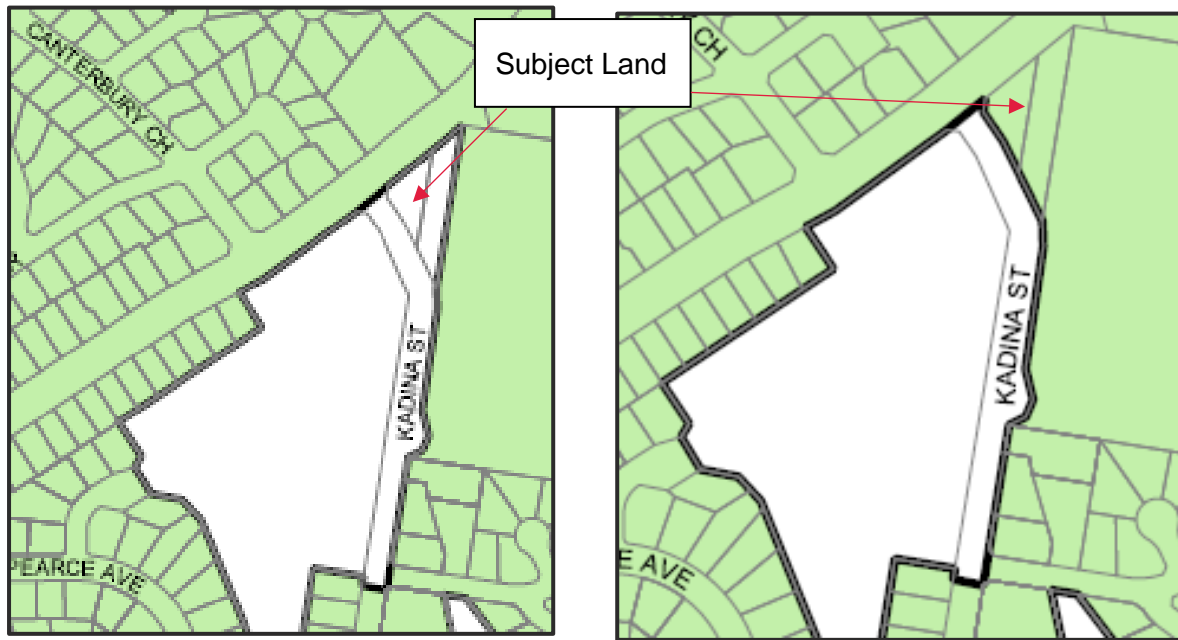


Figure 16 - Existing and proposed LSZ_005AB

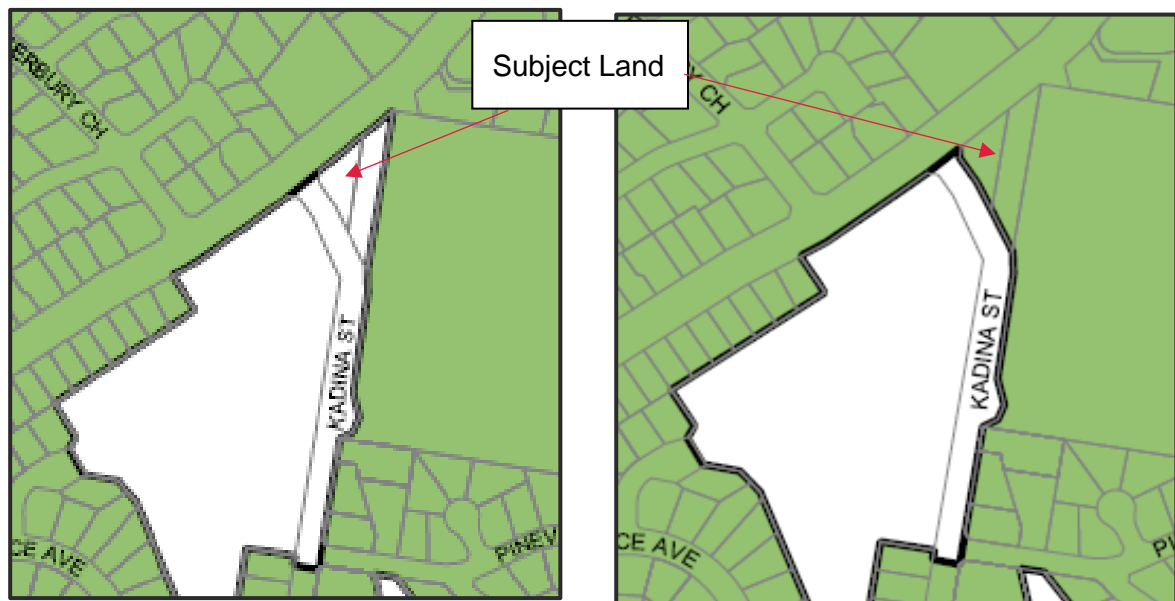


Figure 17 - Existing and proposed HoB_005AB

Item H – Changes to map sheets LZN_006AB, LSZ_006AB & HoB_006AB

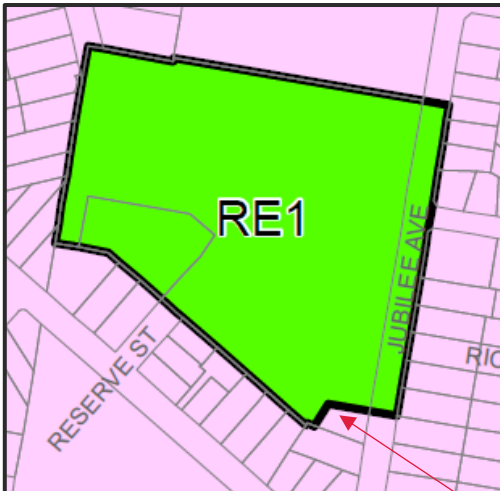


Figure 18 - Existing and Proposed LZN_006AB

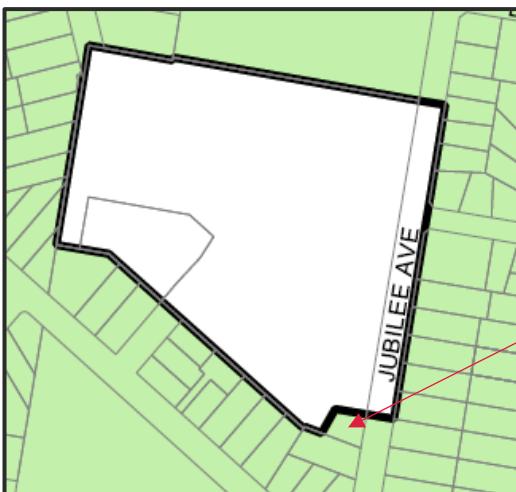


Figure 19- Existing and Proposed MLS_006AB

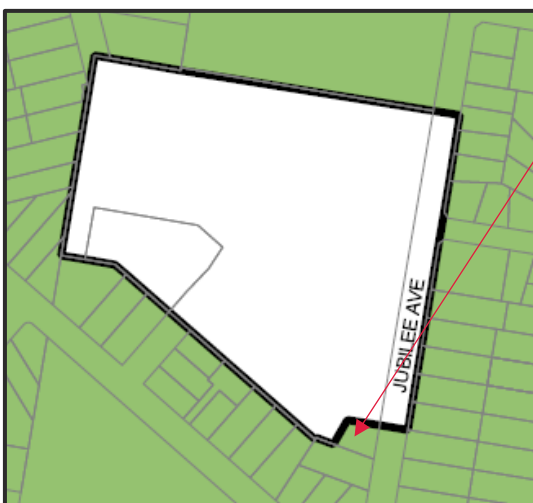


Figure 20 - Existing and Proposed HoB_006AB

Note: due to the minor nature of the rezoning of land subject to Item H (approx 50m²) there is little discernible difference at Map Scale 1:20,000 @ A3

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 a periodic review of the Lismore LEP 2012 by Lismore City Council. The justification for each proposed change is identified in the table below.

Table 7 Planning proposal justification

Amendment/Item	Justification
A - Seeks to amend clause 4.2C Erection of dual occupancies (detached) in Zone RU1 to delete provisions that require a single vehicular access from a public road and a separation distance of no greater than 100m from each other.	<p>This amendment was a specific resolution of Council with Council stating that the 100-metre separation distance rule does not automatically result in favourable planning outcomes. It was considered that the LEP contains other planning provisions and controls that can be utilised to support suitable separation distances for dual occupancies, such as land use conflict risk and boundary setbacks. It also enables opportunities for:</p> <ul style="list-style-type: none"> those proponents who don't have a suitable dwelling site within 100 metres; or those proponents who have a preferred, or better site greater than 100 metres <p>Council has also proposed that the requirement for a single driveway also be removed from the LEP and placed into the DCP considering its experience with variation requests to this provision.</p> <p>Council is confident that the objectives of the zone will be maintained despite the change to these specific provisions.</p> <p>As clause 4.2E is not a clause prescribed by the Standard Instrument – Principal LEP 2006, Council has discretion to vary, subject to final Parliamentary Counsel drafting.</p> <p>This amendment is considered to have merit subject to consultation with Department of Primary Industry (DPI) – Agriculture and Transport for NSW.</p>
B - Seeks to amend clause 4.2E Exceptions to minimum subdivision lot sizes for certain split zones to include RU2 Rural Landscape zone.	<p>Zone RU2 has recently been applied at 3 urban bushland locations as part of the urban Deferred Matter rezoning planning proposal gazetted on 9/7/2021. Prior to this, Zone RU2 was only applied to a small area of the LGA limited to flood prone sites adjacent to the urban area.</p> <p>The original Zone RU2 area had no potential for subdivision and the split zone clause therefore had no utility in this zone. However now that the RU2 zone has been included in 3 flood free urban sites with subdivision potential, Council</p>

	<p>considered that it should be included in the split zone cause.</p> <p>As clause 4.2E is not a clause prescribed by the Standard Instrument – Principal LEP 2006, Council has discretion to vary, subject to final Parliamentary Counsel drafting.</p> <p>This amendment is considered to have merit.</p>
<p>C - Seeks to amend clause 6.7 Dual occupancies (detached) in Zone R5 to delete provisions that require a single vehicular access from a public road and a separation distance of no greater than 80m from each other.</p>	<p>Council states that allotment areas within the R5 Large Lot Residential zone generally range from 2,500m² to several hectares, with the median area estimated to be 5,000m².</p> <p>Whilst the area of many R5 zoned lots enables a dwelling to be located within the required radius of 80m, many are also constrained by slope, vegetation etc and as such there is often a valid argument to locate dwellings outside of the required radius of 80m.</p> <p>Council has also proposed that the requirement for a single driveway also be removed from the LEP and placed into the DCP to enable a merit-based assessment for the location of dual occupancies (detached).</p> <p>As clause 4.2E is not a clause prescribed by the Standard Instrument – Principal LEP 2006, Council has discretion to vary, subject to final Parliamentary Counsel drafting.</p> <p>This amendment is considered to have merit subject to consultation with DPI – Agriculture.</p>
<p>D - Seeks to amend Schedule 5 of Lismore LEP 2012 to insert an amended property description for item 178 and amend the relevant map sheet.</p>	<p>Lismore LEP 2012 Schedule 5 includes item 178, 451 Wyrallah Road, with the now superseded property description of 'Lot 2 DP 700634'. This historical 39ha allotment was one of three lots involved in a boundary adjustment approved under DA20/140. Lot 2 DP 700634 incorporated 'Monaltrie', an historical homestead, which is now situated on the recently created allotment Lot 2 DP 1285076. The change is necessary to correctly identify the Lot and DP numbers and to locate the historical item 178.</p> <p>This amendment is considered to have merit.</p>
<p>E – Mapping anomaly/rezone that part of Lots 406 – 415 DP1256075, Spurfield Rd, McLeans Ridges currently zoned RU1 to R5 (consistent with the remainder of the lot) to correct a mapping anomaly (Figure 2). This item also seeks to amend the applicable Maximum Building Height (HoB) and Minimum Lot Size (MLS).</p>	<p>The eastern side of Spurfield Road McLeans Ridges incorporates 10 lots with split zones of R5 and RU1.</p> <p>These 10 allotments range in area from approximately 6,000m² to 10,000m² with the RU1 zone component ranging from approximately 3% to 18% of the area of the lots. The anomaly has existed since the allotments were subdivided over 10 years ago. The origin of the issue is likely to be a difference between the approved</p>

	<p>DA plans and the final subdivision certification plans.</p> <p>The MLS for the R5 zoned land is 1ha. The rezoning of the RU1 portion to R5 will not increase the lot size of the subject lots to more than 1ha. No increase in subdivision potential will therefore result from this proposed amendment.</p> <p>This amendment is considered to have merit subject to consultation with DPI – Agriculture.</p>
<p>F - Correct the landuse description for:</p> <ul style="list-style-type: none"> • Lots 62, 71 & 74 DP755737, Lot 1 DP122295 & Lot 1 DP182457, South Lismore from “Waste management facility” to ‘Sewage treatment plant’; and • Lot 2 DP 1213261, Monaltrie from ‘Waste management facility’ to ‘Waste or Resources management facility’. 	<p>Council’s sewage treatment plant at South Lismore is within Zone SP2 Infrastructure in Map Sheet LZN_005AA where it is incorrectly described as a “Waste Management Facility”. The correct Standard Instrument (SI) LEP land use definition that should apply is “Sewage treatment plant”.</p> <p>Council’s waste or resource management facility and sewage treatment plant at Monaltrie is within Zone SP2 Infrastructure in Map Sheets LZN_006AA & LZN_006AB where it is incorrectly described as a “Waste management facility”. The correct SI LEP land use definitions that should apply are “Waste or resource management facility” and “Sewage treatment plant”.</p> <p>This amendment is considered to have merit.</p>
<p>G - Rezone Lot 3 DP 720443, 731 Ballina Rd and Lot 2 DP 720443, 733 Ballina Rd, Goonellabah from RE1 Public Recreation to R1 General Residential and amend the applicable development standards.</p>	<p>The subject lots are currently zoned RE1 Public Recreation despite the land being owned by the NSW Department of Education and used for a secondary school.</p> <p>In accordance with LEP Practice Note PN 10-00, best practice is for the land to be zoned R1 General Residential. This is also the zone that has been applied for other schools in the urban area.</p> <p>Despite being zoned RE1, the land is not classified as Community under the Local Government Act 1993.</p> <p>This amendment is considered to have merit subject to consultation with NSW Department of Education.</p>
<p>H - Amend the zone boundary between R1 & RE1 on Lot 2 DP 814012 so that an existing drain currently located within the R1 portion of the lot will be located within the RE1 portion of the lot. This item will effectively rezone part of the subject lot from R1 to RE1 and amend the applicable development standards.</p>	<p>A land area of approximately 700m², in the south-eastern portion of Weston Park was rezoned from RE1 Public Recreation to R1 General Residential as part of LEP 2012 Amendment No. 7 and involved the reclassification and or rezoning of 12 Council owned sites in order to facilitate the sale of the land in accordance with the Council resolution of 10 December 2013.</p>

	<p>A drain has subsequently been identified within the proposed R1 allotment adjacent to the western boundary. It is now proposed to realign the zone boundary so that the drainage infrastructure will be retained in Zone RE1 Public Recreation. This will have the effect of reducing the area of Zone R1 General Residential by approximately 50m². Council's property staff intend to lodge a new subdivision DA when the zone boundary realignment is finalised.</p> <p>This amendment is considered to have merit.</p>
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The planning proposal is the best and only means of achieving the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The planning proposal is not inconsistent with the North Coast Regional Plan 2041 (NCRP) and does not undermine the vision, land use strategy, goals, directions or actions.

The proposal facilitates minor housekeeping amendments to the written and mapping component of 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. It is considered that 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. The planning proposal has considered its compliance with the goals and objectives of the NCRP in Appendix 2.

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

3.2 Local

The proposal states that it is consistent with the Lismore Local Strategic Planning Statement 2040 (LSPS), Lismore Growth Management Strategy 2015 – 2035 and Imagine Lismore (Community Strategic Plan 2017 – 2027).

The planning proposal is considered to be broadly consistent with all relevant local strategic planning documents listed above.

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.

3.3 Section 9.1 Ministerial Directions

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

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Inconsistent Justified - minor significance	<p>The planning proposal is potentially inconsistent with this Direction as Items A & C apply across entire zones and may therefore incorporate land subject to flooding. Any inconsistency with this Direction is however considered to be of minor significance as the proposed LEP amendments relate to developments standards only and will not lead to an intensification of use. Location of any future detached dual occupancy is also able to be adequately considered at the development application stage.</p> <p>Items B, D, E, G & H are not mapped as being located within a flood mapping area.</p> <p>Item F is mapped as being within Lismore's flood mapping areas, however, the item seeks to correct a definition and will not impact the application of the LEP or preclude this direction. Any inconsistency is therefore considered to be of minor significance.</p>
4.2 Coastal Management	Inconsistent Justified - minor significance	<p>The planning proposal is potentially inconsistent with this Direction as Items A, B & C apply across entire zones and may therefore incorporate land located within the Coastal zone. Any inconsistency with this Direction is however considered to be of minor significance as the proposed LEP amendments relate to local provisions and zone specific developments standards only and any potential development generated as a result of these items can be adequately considered at the development application stage.</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>The planning proposal is potentially inconsistent with this Direction as Items A, B, C, E & G may contain land mapped as bushfire prone.</p> <p>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>

4.4 Remediation of Contaminated Land	Unresolved	<p>The planning proposal is inconsistent with this Direction as Item G seeks to rezone land to R1 General Residential for educational purposes.</p> <p>The planning proposal has not provided an indication as to whether the land subject to Item G has been used for any purposes detailed in Table 1 of the Contaminated Land Planning Guidelines.</p> <p>Prior to exhibition, therefore, Council is to update the planning proposal to include a preliminary Contaminated Land Assessment that determines the suitability of the land subject to Item G.</p> <p>Consistency with this Direction remains unresolved until Council has provided further advice regarding the suitability of the subject land.</p>
5.2 Reserving land for Public Purposes	Inconsistent Justified – minor significance	<p>The planning proposal is inconsistent with this Direction as Item G seeks to reduce an existing RE1 zone whilst item H seeks to create land for public purposes without the approval of the relevant public authority and the Planning Secretary.</p> <p>This inconsistency of these items is considered to be of minor significance as Item G will rezone land owned by the Department of Education and not currently used for public open space purposes and Item H will effect only a very small amount of land that contains existing drainage infrastructure associated with adjoining Weston Park.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Unresolved	<p>This Direction applies to the planning proposal as Items D & F are located within the Aircraft Obstacle Buffer of the Lismore Regional Airport.</p> <p>Despite the amendments proposed by Items D & F relating only to map changes, it is recommended that the inconsistency with this Direction remain unresolved until Council has consulted with the lessee/operator of the Lismore Airport and the Civil Aviation Safety Authority (CASA).</p>
9.1 Rural Zones	Inconsistent Justified – minor significance	<p>The planning proposal is inconsistent with this Direction as the amendment proposed by Item A, B & E will affect land within a rural zone</p> <p>The inconsistency with this Direction is considered to be of minor significance as:</p> <ul style="list-style-type: none"> the change proposed by Items A & B will not rezone rural land; and the change proposed by Item E is considered to be a correction of a mapping anomaly and involves a small area of rural zoned land. The subject 10 allotments range in area from approximately 6,000m² to 10,000m² with the Zone RU1 component

		<p>of the lot's ranging from approximately 3% to 18% of the area of the lots.</p> <p>Consultation with DPI – Agriculture is however recommended.</p>
9.2 Rural Lands	Inconsistent Justified – minor significance	<p>The planning proposal is inconsistent with this Direction as Item E rezones land from RU1 to R5 and does not implement provisions such as supporting farmers in exercising their right to farms.</p> <p>This inconsistency is considered to be of minor significance due to the small quantity of land involved and the nature of the mapping anomaly which indicates the subjects lots were originally intended to be zoned all R1.</p> <p>Consultation with DPI – Agriculture is however recommended.</p>

3.4 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.

4 Site-specific assessment

4.1 Environmental

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

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Flooding	<p>As Items A & C apply across entire zones, certain lands may be subject to flooding. The proposed amendments however will maintain the status quo and will not lead to an intensification of landuse. It is considered that any future development on land impacted by flooding is able to be adequately assessed at the development application stage by relevant provisions in Lismore LEP 2012.</p> <p>Items B, D, E, G & H are not mapped as being located within a flood mapping area.</p> <p>Item F is mapped as being within Lismore's flood mapping areas, however, the item seeks to correct a definition and will not impact the application of the LEP.</p>
Bushfire	<p>Land subject to Items A, B, C & E may contain land mapped as bushfire prone due to the broad nature of the proposed amendments. It is considered that Lismore LEP 2012 contains adequate provisions that will enable this matter to be considered at the development application stage.</p> <p>Further consultation with NSW RFS has however been recommended in accordance with Direction 4.3 Planning for Bush Fire Protection.</p>

Contaminated Land	<p>Whilst Council have stated that the site-specific items apply to land that has not been identified as potentially contaminated and the amendments are not intended to allow intensification of development, Item G seeks to rezone land to R1 General Residential for educational purposes.</p> <p>Prior to community consultation therefore, the Planning proposal is to be updated to include a preliminary Contaminated Land Assessment to determine the suitability of the land subject to Item G.</p>
Ecological impacts	The planning proposal has not identified any of the subject land as having any ecological attributes that would potentially be adversely impacted by the proposal.

4.2 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 assessment

Social	No adverse social impacts associated with the proposal are considered likely due to the relatively minor and administrative nature of the proposal. The loss of land zoned for public open space in Item G is considered minor as the subject lots are owned by the Department of Education and associated with The Rivers Secondary College Kadina High Campus and are not available for public use.
Economic	No significant adverse economic impacts associated with the proposal have been identified.

4.3 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. Table 11 provides an assessment.

Table 11 Infrastructure

Local	There is no new local infrastructure required to facilitate the planning proposal.
State	It is not anticipated that there will be any impact on State or regional infrastructure or the requirement for additional funding.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The planning proposal has been categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working days.

5.2 Agencies

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

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

- NSW Rural Fire Service (RFS)
- Department of Primary Industries - Agriculture
- Lismore Regional Airport Operator
- Civil Aviation Safety Authority (CASA)
- NSW Department of Education

6 Timeframe

Council proposes a 6 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.

7 Local plan-making authority

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

As the site/planning proposal relates to local planning matters that are not considered to be contentious in nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The 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 not result in any adverse, social, economic or environmental impacts; and
- The proposed amendments are not inconsistent to the established strategic planning framework for the Lismore Local Government Area.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- a) include in *Part 1 Objectives and Intended Outcomes* the intended outcomes for Items F, G & H,
- b) amend *Part 2 Explanation of Provisions Table 1* to:
 - detail the intention to rezone that part of the land zoned R1 General residential to R5 Large Lot Residential for Item E,
 - detail the intention to rezone that part of the land zoned RE1 Public Recreation to R1General Residential for Item G; and
 - detail the intention to rezone approximately 50m² of land zoned R1 General Residential to RE1 Public Recreation for Item H.
- c) 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; and
- d) include a preliminary Contaminated Land Assessment for the land subject to Item G.

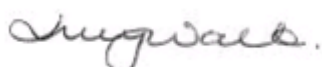
9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions, 4.1 Flooding, 4.2 Coastal Management, 5.2 Reserving Land for Public Purposes, 9.1 Rural Zone and 9.2 Rural Lands are minor or justified; and
- Note that the consistency with section 9.1 Directions, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land and 5.3 Development Near Regulated Airports and Defence Airfields 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 updated to prior to community consultation to:
 - a) include in *Part 1 Objectives and Intended Outcomes* the intended outcomes for Items F, G & H,
 - b) amend *Part 2 Explanation of Provisions Table 1* to:
 - detail the intention to rezone that part of the land zoned R1 General residential to R5 Large Lot Residential for Item E,
 - detail the intention to rezone that part of the land zoned RE1 Public Recreation to R1 General Residential for Item G; and
 - detail the intention to rezone approximately 50m² of land zoned R1 General Residential to RE1 Public Recreation for Item H.
 - e) 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; and
 - f) include a preliminary Contaminated Land Assessment for the land subject to Item G.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service (RFS)
 - Department of Primary Industries - Agriculture
 - Lismore Regional Airport Operator
 - Civil Aviation Safety Authority (CASA)
 - NSW Department of Education
 - Transport for NSW
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



20/04/2023

Lucy Walker

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Northern Region



16/5/2023

(Signature)

(Date)

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Director, Northern Region

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