

Planning Proposal

GENERAL AMENDMENTS

March 2023



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EXECUTIVE SUMMARY

Lismore City Council periodically reviews the Local Environmental Plan 2012 (LEP 2012) with amendments involving correction of minor mapping anomalies; minor zone changes; adjustment of the land use table; refinement or addition of non-mandatory provisions; and amendment of schedules as required. This planning proposal comprises the seventh round of general amendments to LEP 2012.

This proposal includes minor amendments to: Clause 4.2C - *Erection of dual occupancies (detached) in Zone RU1*; Clause 4.2E – *Exceptions to minimum subdivision lot sizes for certain split zones*; Clause 6.7 - *Dual occupancies (detached) in Zone R5*; Schedule 5 Environmental Heritage and the associated Heritage Map; Land Zoning Map; Lot Size Map and Height of Buildings Map.

This planning proposal has been prepared in accordance with the Department of Planning & Environment's Local Environmental Plan Making Guideline September 2022. A Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is sought.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this proposal include:

- 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.
- Enable the subdivision of split zone allotments that incorporate Zone RU2 Rural Landscape.
- 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.
- Update the Heritage Map and associated Schedule 5 in response to a recent boundary adjustment.
- Update the Land Zoning Map (including some consequential amendments to the Lot Size Map and the Height of Buildings Map) to rectify minor anomalies.
- Update the Land Zoning Map to amend erroneous definitions of the Sewage Treatment Plant and the Waste or resource management facility
- Update the Land Zoning Map, Lot Size Map and Height of Building Maps at Weston Park to ensure the public drain remains within the RE1 zone.

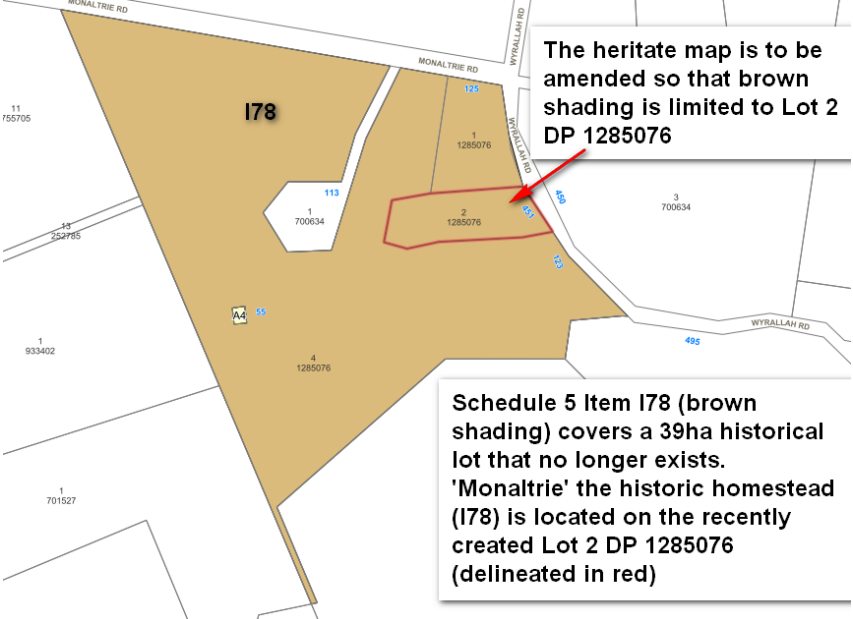
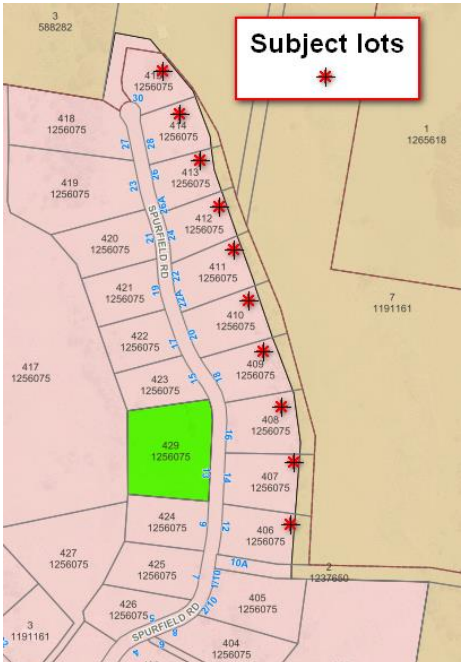
PART 2 – EXPLANATION OF PROVISIONS

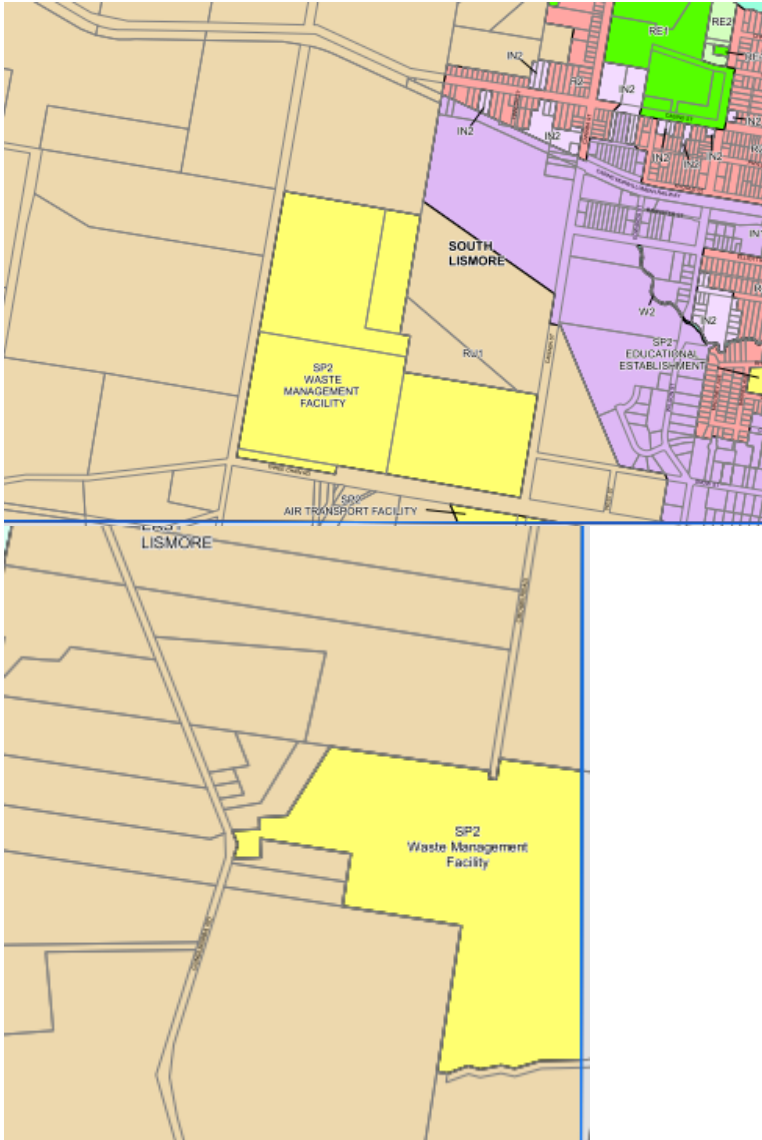
This planning proposal is the seventh round of general amendments to LEP 2012. The proposal includes amendments to the Height of Buildings Map; Land Zoning Map; Lot Size Map; and Schedule 5 *Environmental heritage*. Details of the planning proposal are provided in Table 1 below, with text to be removed shown in red strikethrough and new text shown in green. Proposed LEP Maps are contained within appendix 1.

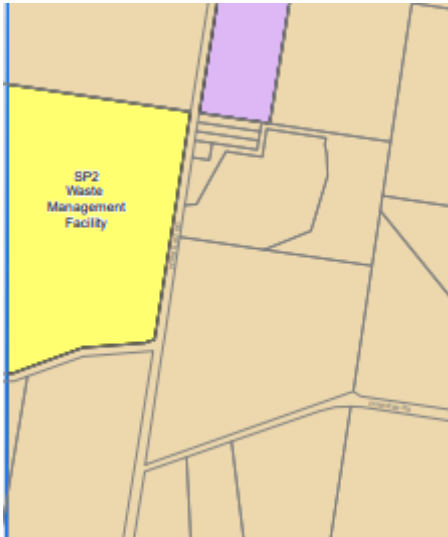

Table 1 Details of the planning proposal

Item/Site	Proposed Amendment
Part 4 Principal development standards	
Item A Removal of the 100m separation requirement and single driveway	4.2C Erection of dual occupancies (detached) in Zone RU1 (1) The objectives of this clause are as follows— (a) to provide alternative accommodation for rural families and workers, (b) to protect the primary production potential of the land,

Item/Site	Proposed Amendment
requirement for detached dual occupancies	<p>(c) to ensure development is of a scale and nature that is compatible with the rural character and environmental capabilities of the land.</p> <p>(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production unless the consent authority is satisfied that—</p> <p>(a) the development will not impair the use of the land for agriculture or rural industries, and</p> <p>(b) each dwelling will use the same vehicular access to and from a public road, and</p> <p>(c) each dwelling will be situated within 100 metres of each other, and</p> <p>(d) (b) the land is physically suitable for the development, and</p> <p>(e) (c) the land is capable of accommodating the on-site disposal and management of sewage for the development, and</p> <p>(f) (d) the development will not have an adverse impact on the scenic amenity or character of the rural environment.</p>
Item B Enable the split zone clause for RU2 zoned land.	<p>4.2E Exceptions to minimum subdivision lot sizes for certain split zones</p> <p>(1) <i>The objectives of this clause are as follows—</i></p> <p>(a) <i>to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</i></p> <p>(b) <i>to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</i></p> <p>(2) <i>This clause applies to each lot (an original lot) that contains—</i></p> <p>(a) <i>land in a residential, business, industrial or recreation zone, or Zone RU5 Village or Zone SP2 Infrastructure, and</i></p> <p>(b) <i>land in Zone RU1 Primary Production, Zone RU2 Rural Landscape Zone, C2 Environmental Conservation or Zone C3 Environmental Management.</i></p> <p>(3) <i>Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—</i></p> <p>(a) <i>one of the resulting lots will contain either—</i></p> <p>(i) <i>only the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, or</i></p> <p>(ii) <i>land in a residential, business, industrial or recreation zone, or Zone RU5 Village or Zone SP2 Infrastructure, that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land as well as all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and</i></p> <p>(b) <i>all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>(4) <i>A dwelling cannot be erected on a lot created under subclause (3)(a)(i).</i></p>
Part 6 Additional local provisions	
Item C Removal of the 80m separation requirement for detached dual occupancies in the R5 zone	<p>6.7 Dual occupancies (detached) in Zone R5</p> <p>(1) This clause applies to land in Zone R5 Large Lot Residential.</p> <p>(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) each dwelling will use the same vehicular access from a public road, and</p> <p>(b) each dwelling will be situated wholly within a radius of 80 metres of each other, and</p> <p>(c) (a) the land is physically suitable for the erection of the dwellings, and</p> <p>(d) (b) the land is capable of accommodating the on site disposal and management of sewage for the development.</p>
Schedule 5 & Associated Heritage Map	
Item D Amend mapping and schedule 5 description because of recent boundary changes to the Lot and DP.	<p>Schedule 5</p> <p>Part 1 Environmental Heritage</p> <p>For item I78, omit the property description 'Lot 2, DP 700634' and insert in its place 'Lot 2 DP 1285076'</p> <p>Heritage Map</p> <p>Amend The Heritage Map Sheets HER_006AA & HER_006AB so that Item I78 is only located on Lot 2 DP 1285076</p>

Item/Site	Proposed Amendment
	 <p>The heritate map is to be amended so that brown shading is limited to Lot 2 DP 1285076</p> <p>Schedule 5 Item 178 (brown shading) covers a 39ha historical lot that no longer exists. 'Monaltrie' the historic homestead (178) is located on the recently created Lot 2 DP 1285076 (delineated in red)</p>
Mapping	
<p>Item E</p> <p>Correct zoning anomaly to remove split zones for residential blocks on Spurfield Road. The intention is to correct an error in the previous mapping and prevent residents from having split zone parcels.</p>	<p>Land Zoning Map</p> <p>Amend the Land Zoning Map – Sheet LZN_005 for part 12, 14, 16, 18, 20, 22, 24, 26, 28 & 30 Spurfield Road, McLeans Ridges (part Lots 406 – 415 inclusive all in DP 1256075) so that Zone R5 Large Lot Residential applies to the entire allotments.</p> <p>Lot Size Map</p> <p>Amend the Lot Size Map – Sheet LSZ_005 so that 1ha (Y1) applies to the land proposed for Zone R5 Large Lot Residential at part 12, 14, 16, 18, 20, 22, 24, 26, 28 & 30 Spurfield Road, McLeans Ridges (part Lots 406 – 415 inclusive all in DP 1256075).</p> <p>Height of Buildings Map</p> <p>Amend the Height of Buildings Map – Sheet HOB_005 so that a maximum building height of 8.5m (I) applies to the land proposed for Zone R5 Large Lot Residential at part 12, 14, 16, 18, 20, 22, 24, 26, 28 & 30 Spurfield Road, McLeans Ridges (part Lots 406 – 415 inclusive all in DP 1256075).</p>  <p>Subject lots</p>
<p>Item F</p> <p>Correct land use definition</p>	<p>Land Zoning Map</p> <p>Amend Map Sheet LZN_005AA so that the Zone SP2 description of “Waste management facility” is omitted and “Sewage treatment plant” is inserted in its place</p>

Item/Site	Proposed Amendment
	<p>for the following land at South Lismore: Lots 62, 71 & 74 all in DP 755737; Lot 1 DP 122295; and Lot 1 DP 182457.</p> <p>Amend Map Sheet LZN_006AA and LZN_006AB so that the Zone SP2 description of “Waste Management Facility” is omitted and “Waste or resource management facility” and “Sewage treatment plant” is inserted in its place for Lot 2 DP 1213261 at Monaltrie.</p> 

Item/Site	Proposed Amendment
	
<p>Item G</p> <p>Amend zoning boundary to accommodate drain in the RE1 zoned land. The intention is to ensure that the public drain remains inside the land zoned as RE1 Public Recreation so that Council remains in control of the public drain.</p>	<p>Land Zoning Map</p> <p>Amend the Land Zoning Map – Sheet LZN_006AB for part 5 Reserve Street Goonellabah (part Lot 2 DP 814012) so that Zone RE1 Public Recreation is expanded to cover the area of drainage infrastructure on the western side of the Zone R1 General Residential portion of the lot. Refer to the existing Zone Map below</p> <p>Lot Size Map</p> <p>Amend the Lot Size Map – Sheet LSZ_006AB so that 400m² does not apply to the expanded area of Zone RE1 that is proposed to cover the drainage infrastructure at part 5 Reserve Street Goonellabah (part Lot 2 DP 814012).</p> <p>Height of Buildings Map</p> <p>Amend the Height of Buildings Map – Sheet HOB_006AB so that a maximum building height of 8.5m does not apply to the expanded area of Zone RE1 that is proposed to cover the drainage infrastructure at part 5 Reserve Street Goonellabah (part Lot 2 DP 814012).</p> 

Item/Site	Proposed Amendment

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

The planning proposal is not a result of any strategic study or report. The planning proposal is part of a periodic review of LEP 2012 aiming to correct minor mapping anomalies, minor site-specific alteration of land use zones, adjust the land use table, refine non-mandatory provisions and amend schedules as required.
- Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is the best means of achieving the intended outcomes listed in Part 1 of this report. Table 2 below provides justification for the proposed amendments.

Table 2 Justification for the proposed amendments

Item/Site	Proposed Amendment
Part 4 Principal development standards	
Item A 4.2C Erection of dual occupancies (detached) in Zone RU1	<p>By way of a Notice of Motion (12.3), Council resolved at the meeting of 8 November 2022 That Council</p> <ol style="list-style-type: none"> remove the 100 metre separation requirement for additional dwellings to be constructed in the RU1 zone where suitable, in circumstances where a 100 metre separation is not achievable OR that a better dwelling site can be located greater than 100 metres and the objectives of the clause can be better achieved. provide a briefing to councillors regarding progressing the option to include up to three dwellings on RU1 zoned land. <p>The Councillors report stated “The 100-metre rule absolutely does not automatically result in favourable planning outcomes, considering that a dwelling footprint is going to be comparably the same, the actual land utilised for a dwelling whether < or > 100 metres is not going to physically impact the size and scale of development on a rural property.</p> <p>There are other planning provisions and controls that can be utilised to support suitable locations >100 metres separation for dual occupancies, such as land use conflict risk and boundary setbacks.... This proposal could allow for additional housing in the LGA:</p> <ol style="list-style-type: none"> for those proponents who don't have a suitable dwelling site within 100 metres; or for those proponents who have a preferred, better site greater than 100 metres and have not proceeded on this basis.” <p>The item was resolved at the Council meeting 8/3.</p> <p>It is also proposed that the requirement for a single driveway also be removed from the LEP and placed into the DCP instead with guidance around what is expected and when Council would accept variations.</p>

Item/Site	Proposed Amendment
	<p>The requirements to have a 100m separation and a single driveway are often varied, and this results in DAs going to Council (or now the LPP) for decision. Since 2016, 7 (5%) rural detached dual occupancies applications have had a variation due to having a second driveway and 10 (7%) have had a variation due to being more than 100m. Of those, only two applications were refused (one seeking a variation to the distance and one seeking a variation to the distance and single driveway). All other applications were considered suitable.</p> <p>Controls will remain in clause 4.2C to ensure that the objectives of the clause are maintained. Applications will still need to demonstrate that:</p> <ul style="list-style-type: none"> • The development not does impair the agricultural use of the land • The land is physically suitable • The land is capable of accommodating on-site disposal and management of sewage and • The development will not have an adverse impact on the scenic amenity or character <p>Note 1. Lismore DCP Chapter 1 Residential Development, including Section 10 Rural Dual Occupancy (Detached), will be amended in a future DCP general amendment to reflect any changes to LEP 2012 clause 4.2C.</p> <p>Note 2. Part 2 of the above resolution does not form part of this LEP general amendment planning proposal.</p>
<p>Item B 4.2E Exceptions to minimum subdivision lot sizes for certain split zones</p>	<p>Clause 4.2E in its original form was gazetted on 25 October 2013 (LEP Amendment 4). Without this clause subdivision under the then new Lismore Standard Instrument LEP was not possible for certain split zoned lots. Clause 4.2E was further refined as part of the second round of general LEP amendments (LEP Amendment 10), gazetted on 19 December 2014.</p> <p>In its current form the clause applies to an allotment that contains:</p> <ol style="list-style-type: none"> (a) Land in a residential, business, industrial or recreation zone, or Zone RU5 Village or Zone SP2 Infrastructure, and (b) Land in Zone RU1 Primary Production, Zone C2 Environmental Conservation or Zone C3 Environmental Management. <p>Zone RU2 has recently been applied at 3 urban bushland locations as part of the urban Deferred Matter rezoning planning proposal. The Urban DM rezoning was 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. The original Zone RU2 area had no potential for subdivision and the split zone clause had no utility in this zone.</p> <p>Now that Zone RU2 has been included in 3 flood free urban sites, all of which have areas of Zone R1 with subdivision potential, it is time to consider the merits of including Zone RU2 in the split zone clause.</p> <p>Zone RU2 was selected for these urban bushland sites in order to navigate the DM Council resolution that did not enable the use of E zones (now C zones) unless requested by the landholder.</p>
Part 6 Additional local provisions	
<p>Item C 6.7 Dual occupancies (detached) in Zone R5</p>	<p>Clause 6.7 provides criteria for dual occupancies (detached) in Zone R5 Large Lot Residential, including “each dwelling will be situated wholly within a radius of 80 metres from each other”.</p> <p>Allotment areas within Zone R5 Large Lot Residential range from 2,500m² to several hectares, with the likely median area estimated to be 5,000m². The dimensions of the majority of the R5 lots are such that each dwelling will be located within the required radius of 80m, without the application of clause 6.7 development standard. Larger R5 lots are often constrained with slope, vegetation etc and there are often valid arguments to locate dwellings outside of the required radius of 80m. It is proposed to omit the 80m development standard and single driveway requirement and enable a merit-based assessment for the location of dual occupancies (detached). The Lismore DCP will be amended upon gazettal of this amendment to provide further guidance regarding driveways. Remaining controls within Clause 6.7 of the LEP will ensure the site is suitable for accommodating dual occupancies.</p>
Schedule 5 & Associated Heritage Map	

Item/Site	Proposed Amendment
Item D Schedule 5 Part 1 Environmental Heritage and Heritage Map	LEP Schedule 5 includes 178, 451 Wyrallah Road, with the now superseded property description '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.
Mapping	
Item E Correct zoning anomaly to remove split zones for residential blocks on Spurfield Road.	The eastern side of Spurfield Road McLeans Ridges incorporates 10 lots with split zones. The land in this area is within Zone R5 Large Lot Residential and these 10 allotments erroneously include an area of Zone RU1 Primary Production. These 10 allotments range in area from approximately 6,000m ² to 10,000m ² . The Zone RU1 component of the lots ranges 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 DA plans and the final subdivision certification plans.
Item F Correct land use definition	Council's sewage treatment plant at South Lismore (135, 135A, 135B & 147 Three Chain Road and 171 Caniaba Road) 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". Council's waste or resource management facility and sewage treatment plant at Monaltrie (313 Wyrallah Road 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".
Item G Amend zoning boundary to accommodate drain in the RE1 zoned land.	A land area of approximately 700m ² , in the south eastern portion of Weston Park (5 Reserve Street Goonellabah), was rezoned from RE1 Public Recreation to R1 General Residential as part of LEP 2012 Amendment No. 7. Refer to the figure below. LEP Amendment 7, gazetted on 5 December 2014, 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. Council's property staff lodged a DA for the subdivision of this land in 2022. A drain has subsequently been identified within the proposed R1 allotment adjacent to the western boundary. The DA has now been withdrawn and 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 50m ² . Council's property staff intend to lodge a new subdivision DA when the zone boundary realignment is finalised.

Section B – Relationship to Strategic Planning Framework

3. ***Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***
The planning proposal is consistent with the actions contained within the North Coast Regional Plan 2041. A compliance table is provided at Appendix 2.
4. ***Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?***
The planning proposal is consistent with Lismore's LSPS, Lismore's Growth Management Strategy 2015 – 2035 and Imagine Lismore (Community Strategic Plan) 2017 – 2027.
5. ***Is the planning proposal consistent with any other applicable State and regional studies or strategies?***
N/A
6. ***Is the Planning Proposal consistent with applicable State Environmental Planning Policies?***

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Appendix 3.

7. *Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?*

The planning proposal is consistent, or any inconsistency can be justified, with the applicable s9.1 Ministerial Directions. A Section 9.1 checklist for the planning proposal is provided at Appendix 4.

Section C – Environmental, Social and Economic Impact

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

The planning proposal is not likely to directly lead to adverse impact on threatened species, populations or ecological communities or their habitats. The planning proposal includes changes that will be applied LGA wide, where site-specific impacts will be assessed at the DA stage. There is no critical habitat in the Lismore LGA.

9. *Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?*

An overview of the natural hazards that apply to land proposed for rezoning is provided below in Table 3. Several of the sites proposed for minor rezonings are identified as bushfire prone land. The planning proposal will be referred to the NSW Rural Fire Service in accordance with Ministerial Direction 4.4. There are no likely negative environmental effects associated with the planning proposal with regards to natural hazards.

Table 3 Natural hazards

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
Item A 4.2C Erection of dual occupancies (detached) in Zone RU1	Potential. The change is not site-specific, some RU1 zoned areas are within flood zones and this will be considered at the DA stage.	Potential. To be considered at DA stage	Potential. To be considered at DA stage.	Potential. To be considered at DA stage	Potential. To be considered at DA stage
Item B 4.2E Exceptions to minimum subdivision lot sizes for certain split zones	Potential. To be considered at DA stage	Potential. To be considered at DA stage	Potential. To be considered at DA stage	Potential. To be considered at DA stage	Potential. To be considered at DA stage
Item C 6.7 Dual occupancies (detached) in Zone R5	Potential. To be considered at DA stage	Potential. To be considered at DA stage	Potential. To be considered at DA stage	Potential. To be considered at DA stage	Potential. To be considered at DA stage
Item D Schedule 5 Part 1 Environmental Heritage and Heritage Map	NA.	N/A	N/A	N/A	N/A
Item E Correct zoning anomaly to remove split zones for residential blocks on Spurfield Road.	NA. Site is not within the flood planning area.	Unlikely. To be considered at DA stage.	Unlikely. Site is mapped as containing bushfire vegetation, however zoning map	NA	NA

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
			change seeks to rectify anomaly only, bushfire risk would have been considered at the rezoning and subdivision stages.		
Item F Correct land use definition	NA	NA	Unlikely. Site is mapped as containing bushfire vegetation, however zoning map change seeks to rectify an incorrect definition only.	NA Zoning map change seeks to rectify incorrect definition only.	N/A
Item G Amend zoning boundary to accommodate drain in the RE1 zoned land.	NA	NA	NA	NA	NA

10. Has the Planning Proposal adequately addressed any social and economic effects?

The general amendments planning proposal involves minor changes to written instrument, to Schedule 5 and minor mapping changes. The proposed modifications to the written instrument will have no adverse impacts on cultural heritage values.

Section D – State and Commonwealth Interests

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

The planning proposal will not create additional demand for public infrastructure.

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

The views of State and Commonwealth public authorities will be sought in accordance with the Gateway determination.

PART 4 - MAPPING

Refer to Appendix 1 or separately submitted PDF maps.

PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post Gateway determination. Council considers that a twenty eight (28) day public exhibition period is appropriate in this instance.

Notification of the exhibited planning proposal will include:

- An advertisement in Local Matters that circulates in the LGA.
- The website of Lismore City Council and the DPE's Planning Portal
- Letter to affected landholders for items D, E, F, G and H

The written notice:

- 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 and Environment.
- The Gateway determination.

PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
March 2023	Report planning proposal to Council.
May/ June 2023	Gateway determination issued by Department of Planning, Industry and Environment.
July 2023	Government agency consultation.
July 2023	Public consultation.
August 2023	Analysis of public submissions & public agency comments Preparation of Council report.
September 2023	Report to Council.
October 2023	Opinion sought from Parliamentary Counsel's Office Preparation of LEP Map sheets.
October 2023	Making of the LEP. Notification of the LEP. 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.

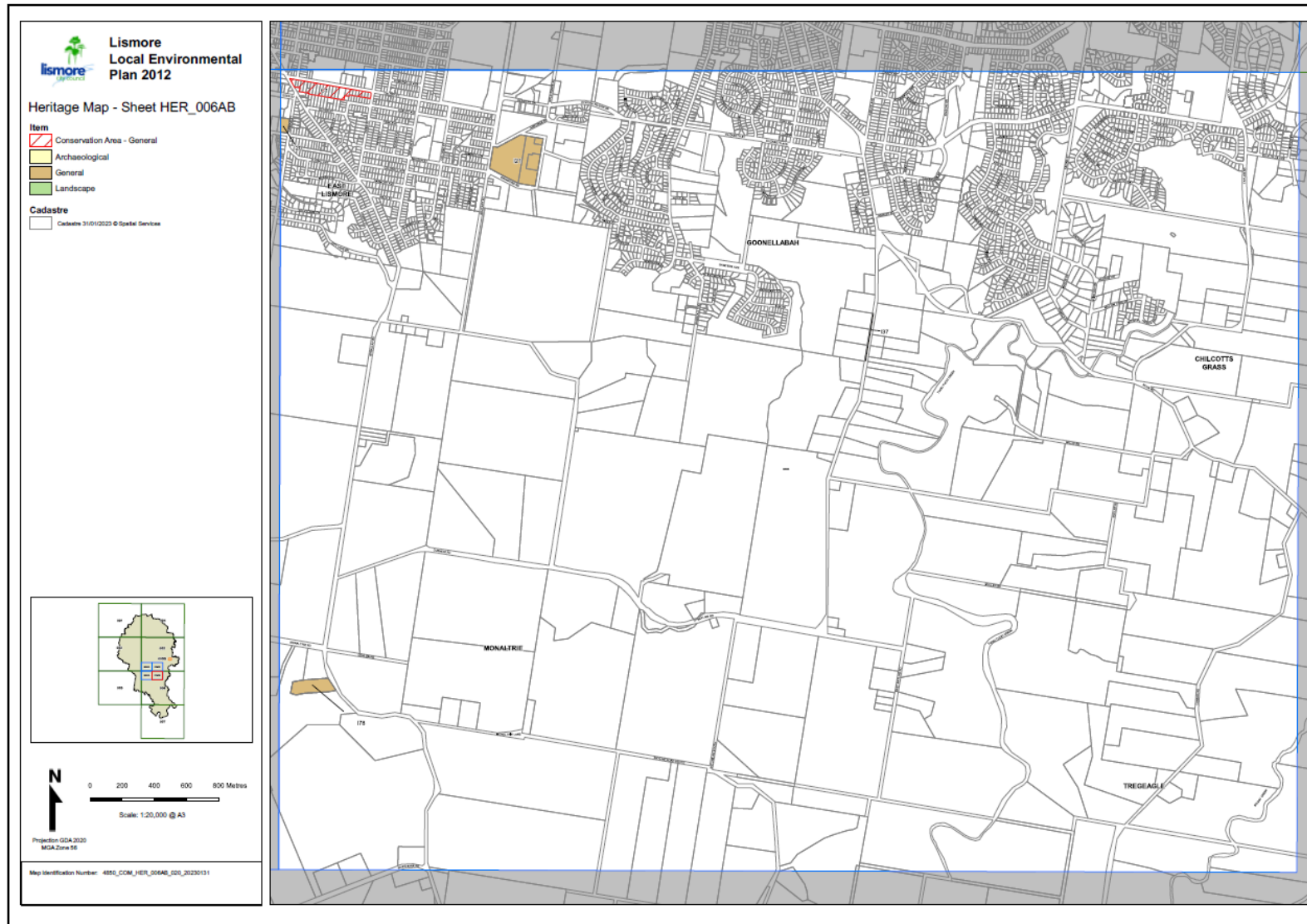
Conclusion

This proposal includes 7 separate amendments that are all 'housekeeping' in nature. The intent of this proposal is to ensure that Lismore's LEP and mapping remain up to date and relevant. 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.

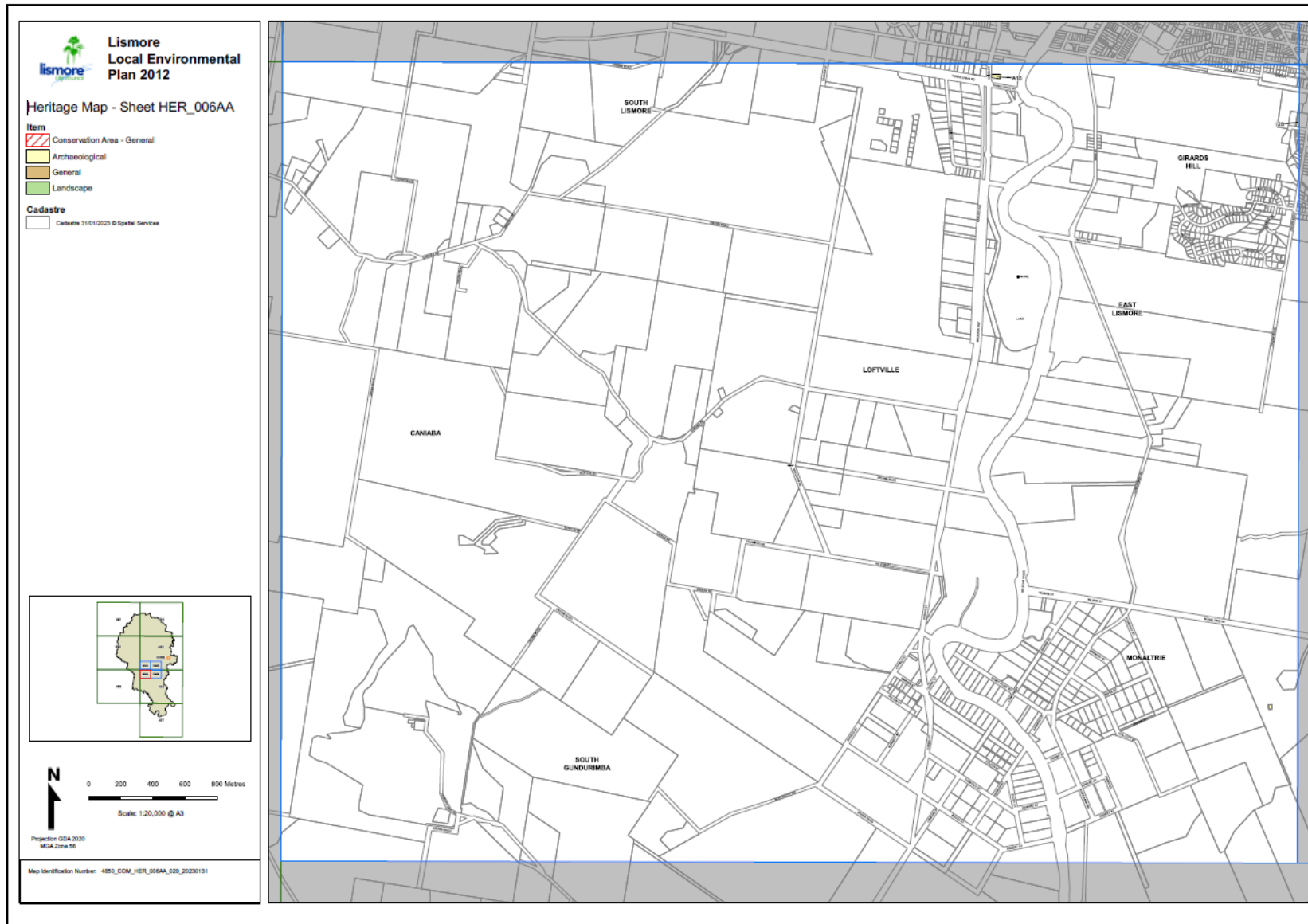
APPENDIX 1 – Mapping

Item D

Heritage Map 006AA, proposed

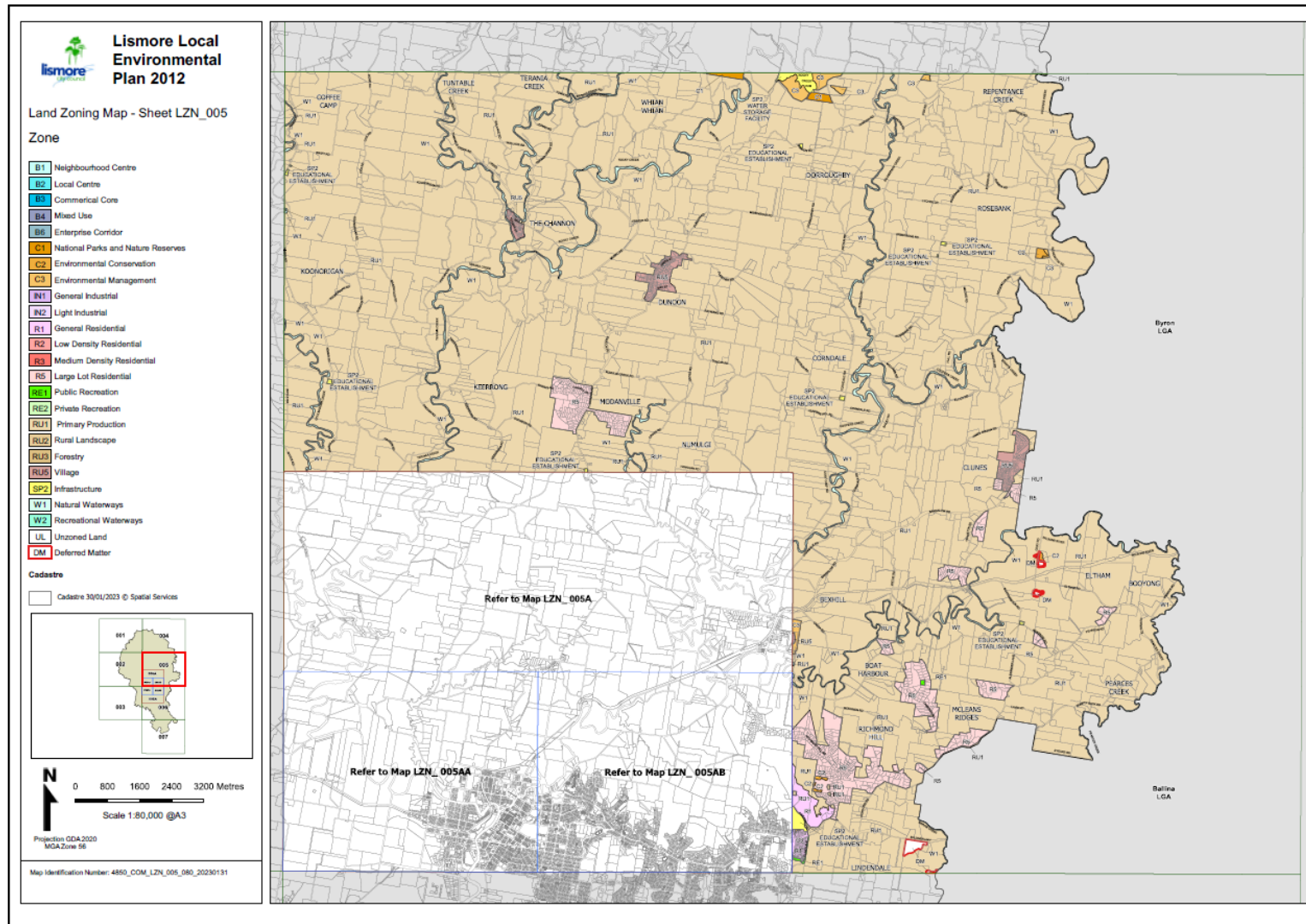


Heritage Map Sheet 006AB, proposed

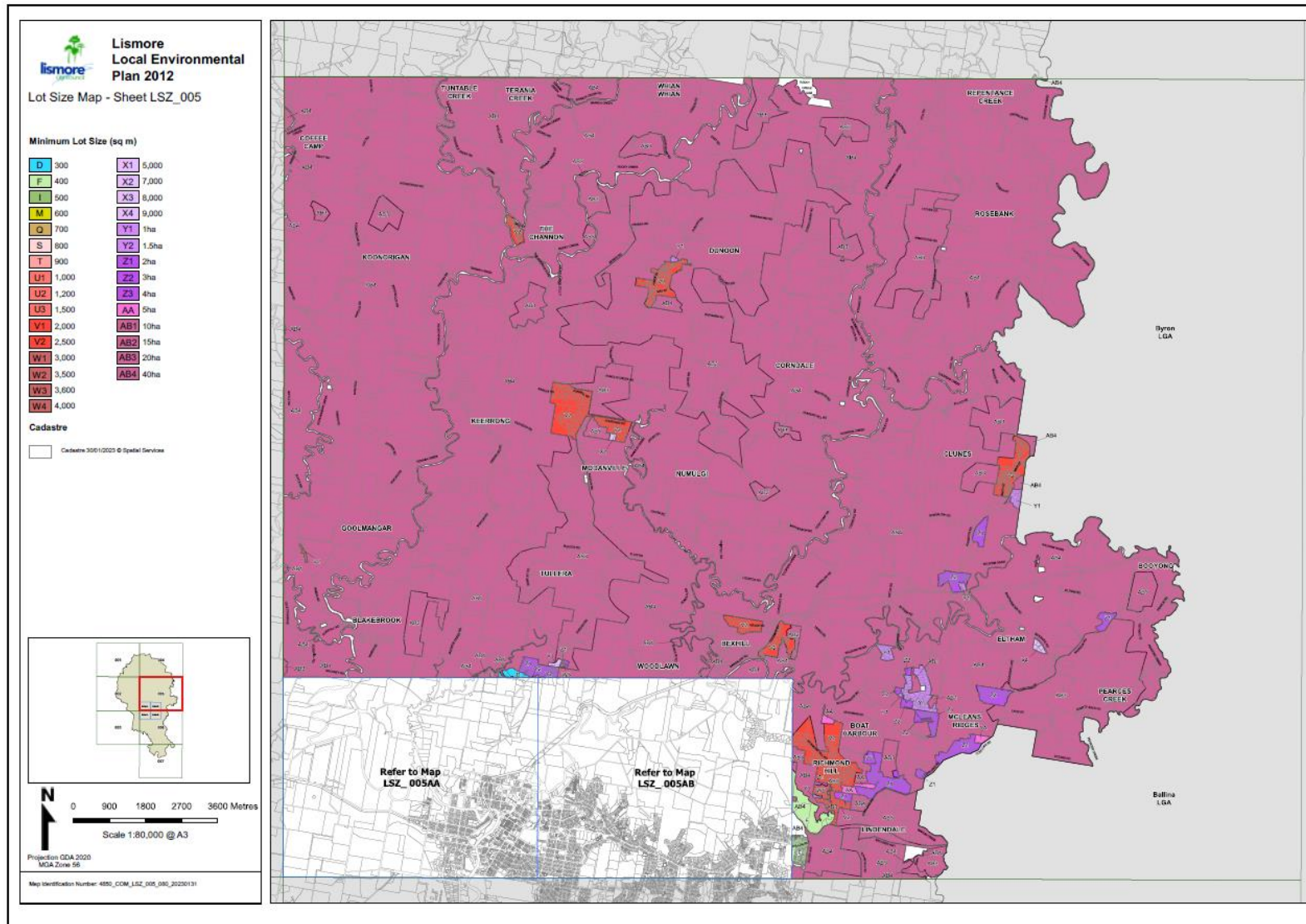


Item E

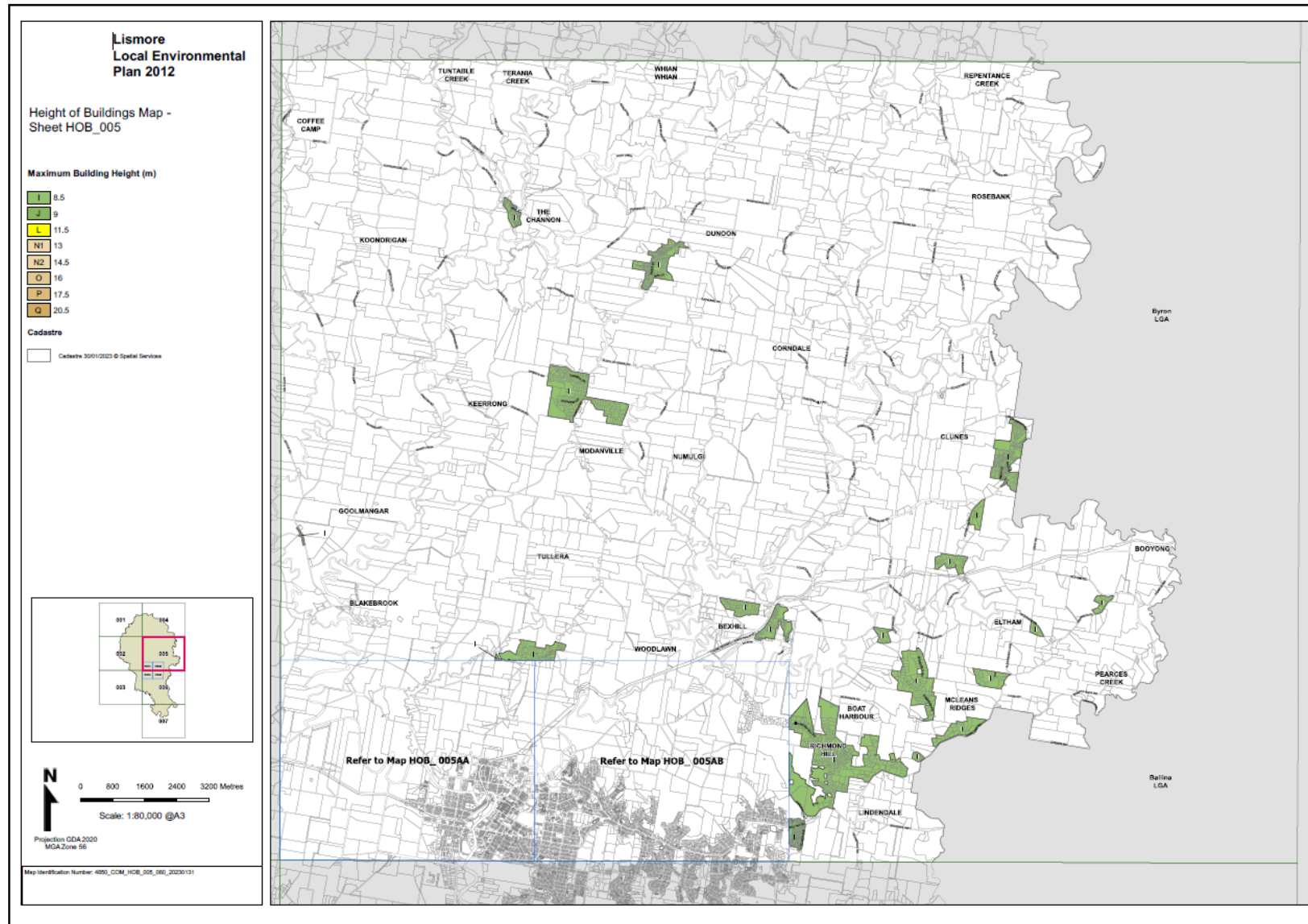
Land Zoning Map 005, proposed



Lot Size Map 005, proposed

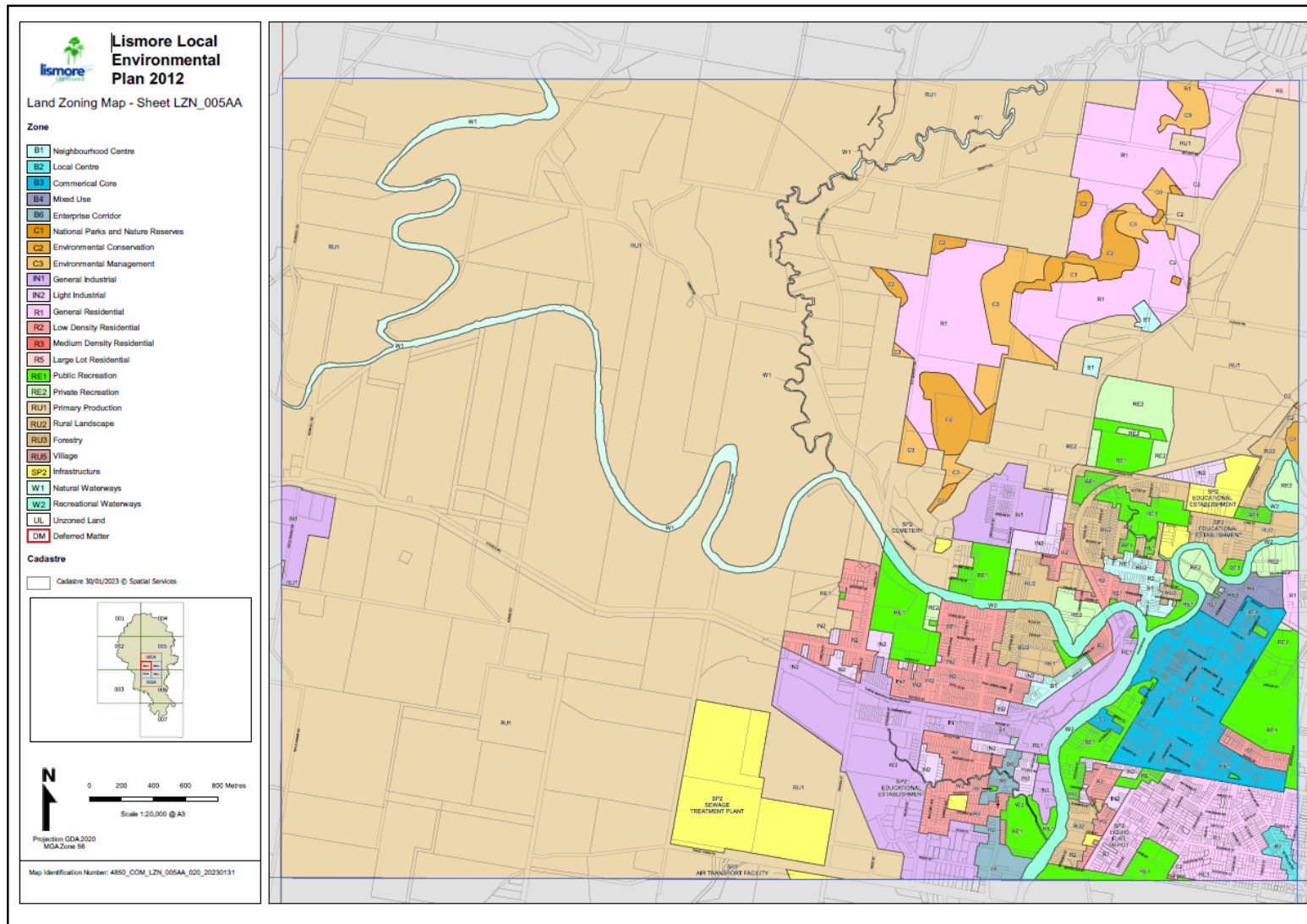


Height of Buildings Map 005, proposed

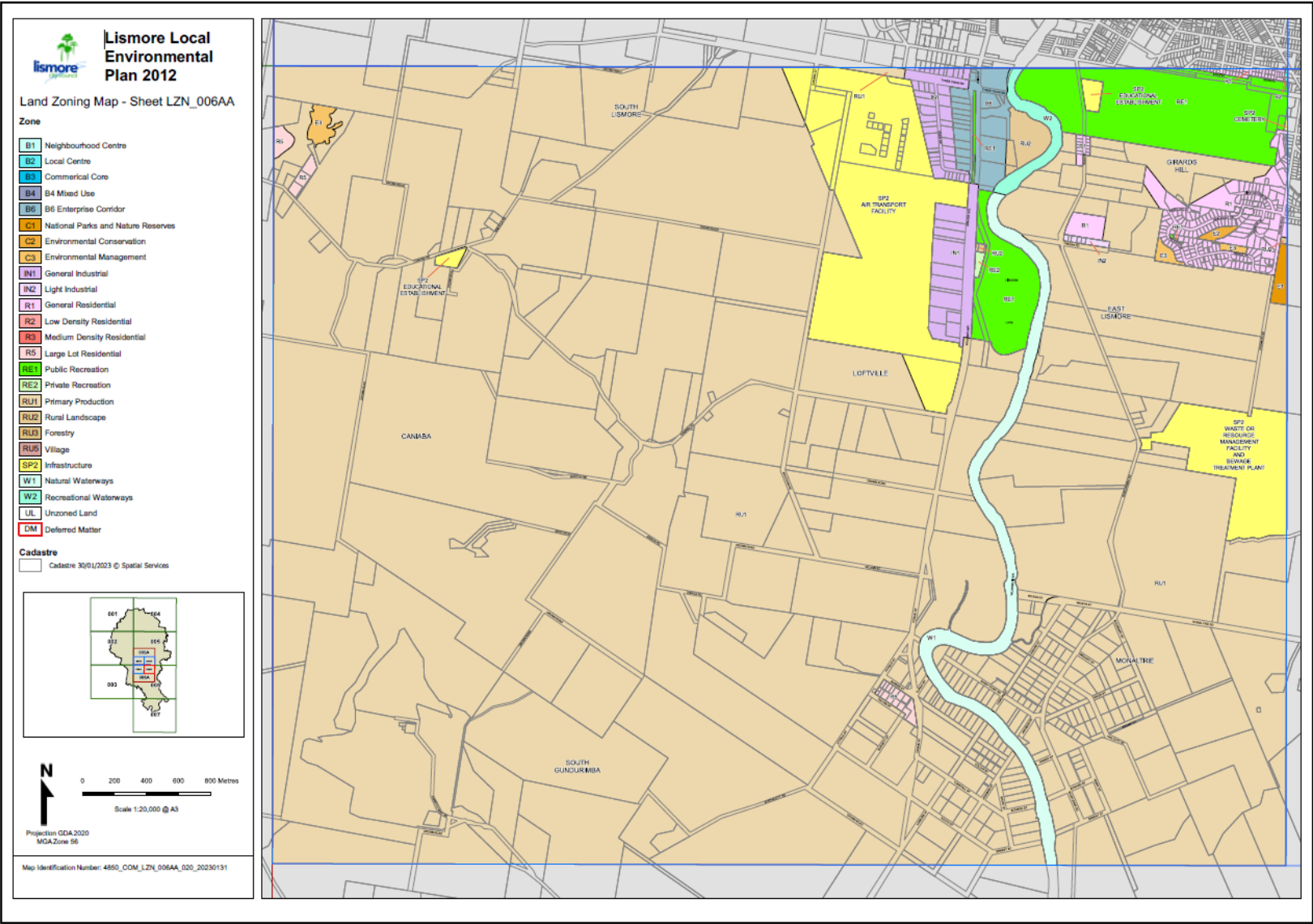


Item F

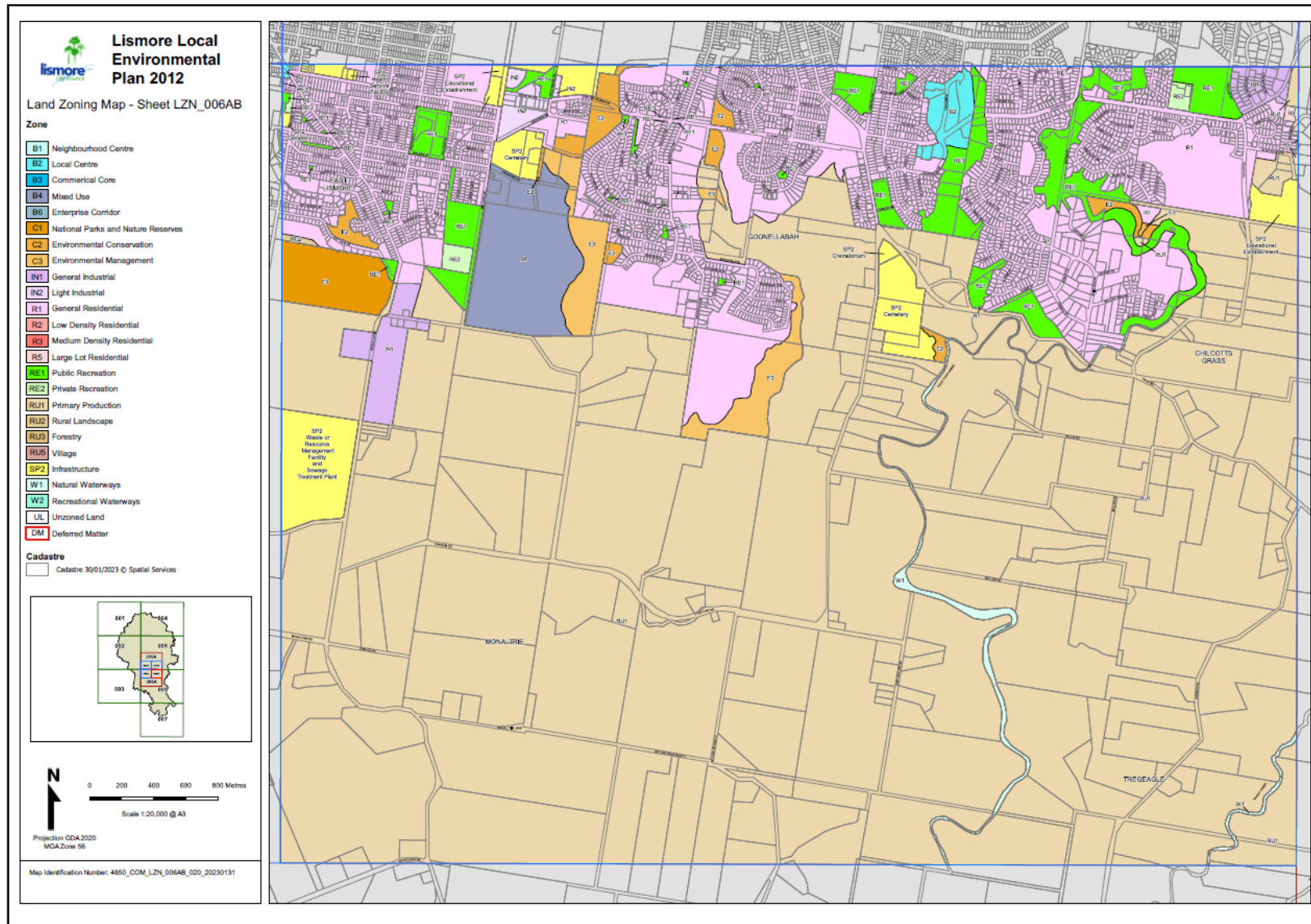
Land Zoning Map 005AA, proposed



Land Zoning Map 006AA, proposed

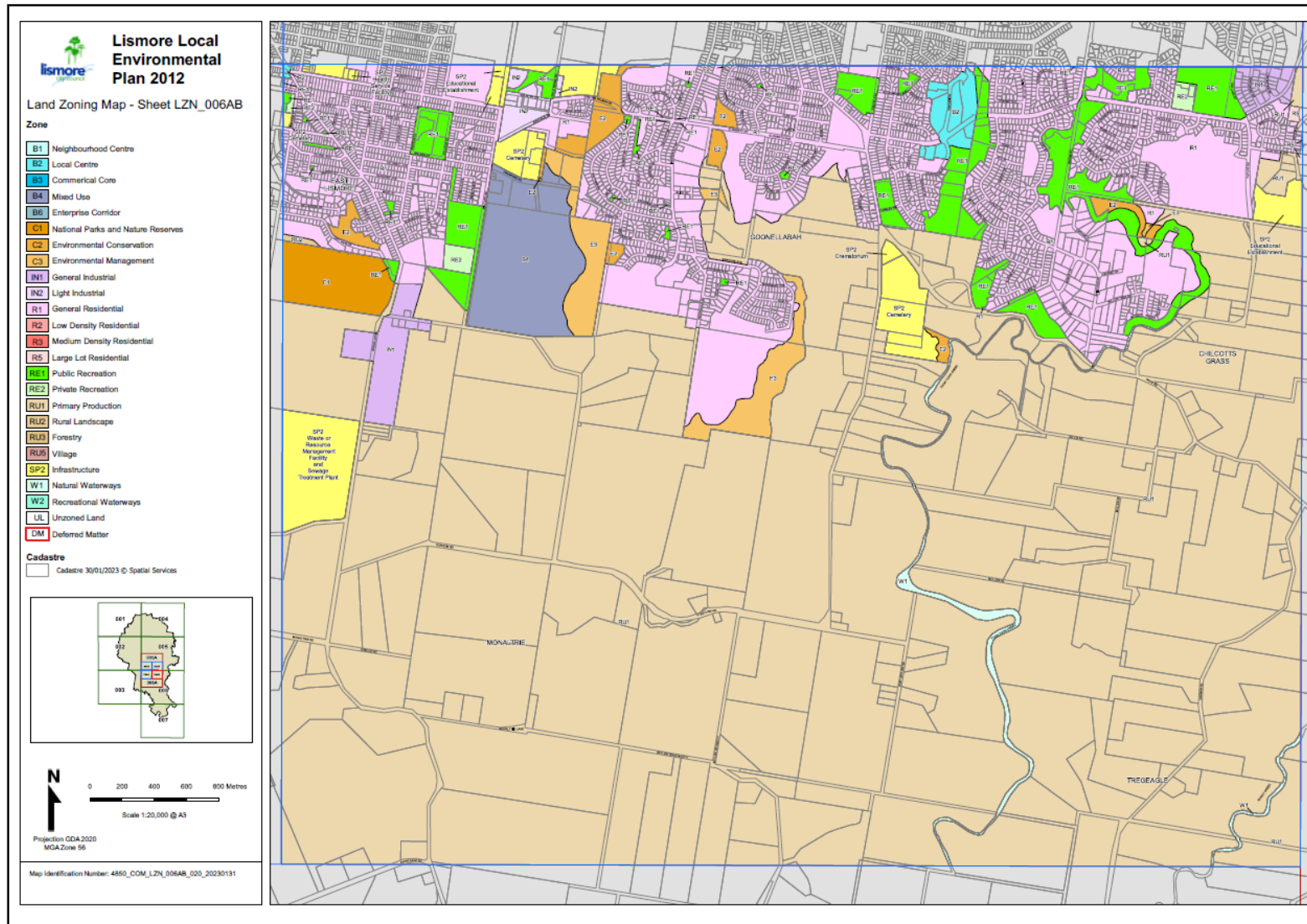


Land Zoning Map 006AB, proposed

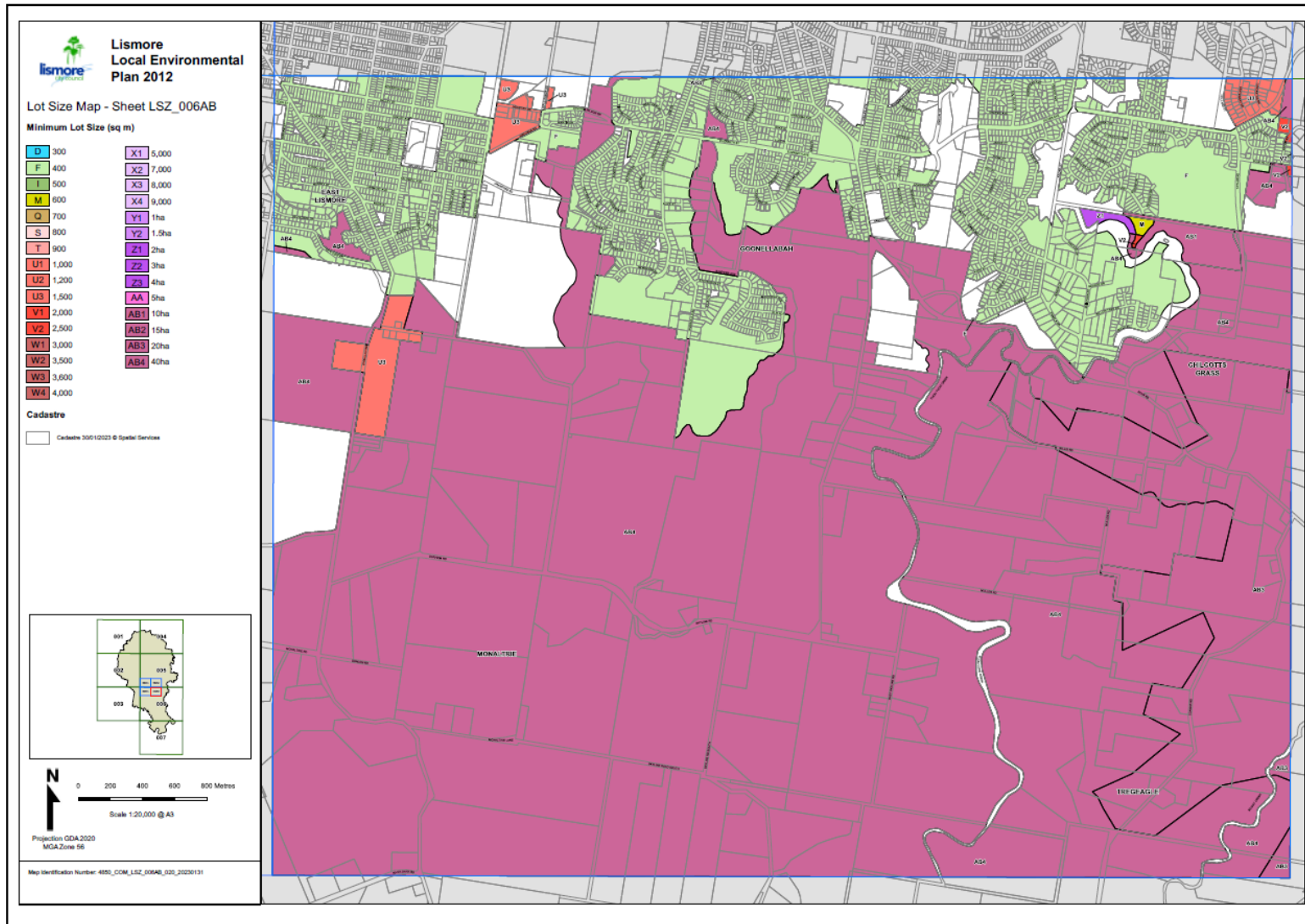


Item G

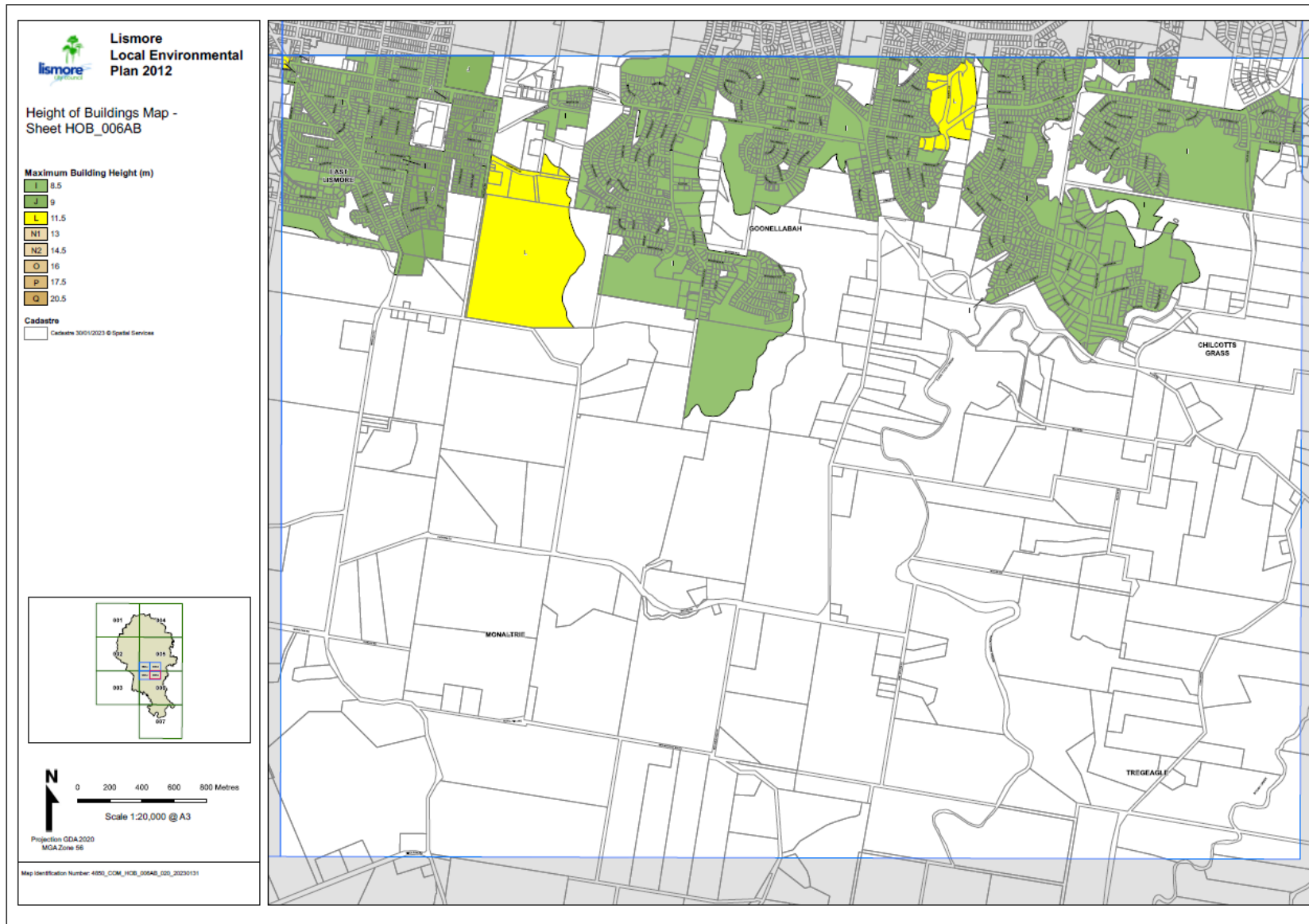
Land Zoning Map 006AB, proposed



Lot Size Map 006AB, proposed



Height of Buildings Map 006AB, proposed



APPENDIX 2

Objective	Compliance
Goal 1: Liveable, sustainable and resilient	
1. Provide well located homes to meet demand	Consistent Item A and C seek to better facilitate rural detached dual occupancies where it can be demonstrated that they do not have negative impact on the rural or agricultural value of the land. This will contribute to the provision of homes to meet local demand.
2. Provide for more affordable and low cost housing	Consistent Item A and C Item A and C seek to better facilitate rural detached dual occupancies where it can be demonstrated that they do not have negative impact on the rural or agricultural value of the land. This will contribute to the provision of homes to meet local demand and in some instances may provide affordable housing for rural workers or family members of the landowner (for example, independent children who can't afford to move out of home otherwise or ageing parents).
3. Protect regional biodiversity and areas of high environmental value	Consistent This proposal will not preclude the achievement of this goal.
4. Understand, celebrate and integrate Aboriginal culture	Consistent This proposal will not preclude the achievement of this goal.
5. Manage and improve resilience to shocks and stresses, natural hazards and climate change	Consistent Current legislation in place to minimise risk from bushfire. Robust flood provisions exists in Lismore LEP and DCP. The proposal does not increase risks from natural hazards.
6. Create a circular economy	Consistent This proposal will not preclude the achievement of this goal.
7. Promote renewable energy opportunities	Consistent This proposal will not preclude the achievement of this goal.
8. Support the productivity of agricultural land	Consistent Item A and C have the potential to negatively impact on the footprint of agricultural land by enabling dwellings to be sprawled across the site rather than in a tight cluster, however, controls will remain in the clause to ensure that the rural and agricultural value of the land will not be negatively impacted. This will be determined at development application stage. The proposal will be referred to the DPIE.
9. Sustainably manage and conserve water resources	Consistent This proposal will not preclude the achievement of this goal.
10. Sustainably manage the productivity of our natural resources	Consistent This proposal will not preclude the achievement of this goal.
Goal 2: Productive and connected	
11. Support cities and centres and coordinate the supply of well-located employment land	Consistent This proposal will not preclude the achievement of this goal.

12.Create a diverse visitor economy	Consistent This proposal will not preclude the achievement of this goal.
13.Champion Aboriginal self-determination	Consistent This proposal will not preclude the achievement of this goal.
14.Deliver new industries of the future	Consistent This proposal will not preclude the achievement of this goal.
15.Improve state and regional connectivity	Consistent This proposal will not preclude the achievement of this goal.
16.Increase active and public transport usage	Consistent This proposal will not preclude the achievement of this goal.
17.Utilise new transport technology	Consistent This proposal will not preclude the achievement of this goal.
Goal 3: Growth Change and Opportunity	
18.Plan for sustainable communities	Consistent This proposal will not preclude the achievement of this goal.
19.Public spaces and green infrastructure support connected and healthy communities	Consistent This proposal will not preclude the achievement of this goal.
20.Celebrate local character	Consistent This proposal will not preclude the achievement of this goal.

APPENDIX 3

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP (Biodiversity and Conservation) 2021 (Previously Koala Habitat Protection 2020 and 2021 and others)	3 and 4 Koala habitat protection provides for CKPOMs.	Consistent Items within this PP will not preclude the application of this SEPP
SEPP (Building Sustainability Index: BASIX) 2004	NA	NA
SEPP (Exempt and Complying Development Codes) 2008	NA	NA
SEPP (Housing) 2021	The principles of this Policy are as follows— (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, (c) ensuring new housing development provides residents with a reasonable level of amenity, (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, (e) minimising adverse climate and environmental impacts of new housing development, (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,	Consistent Items A and C seek to better enable housing for rural workers and is consistent with this SEPP. Other items in this PP do not preclude the application of, and are consistent with, this SEPP.

State Environmental Planning Policy	Requirements	Compliance
	(h) mitigating the loss of existing affordable rental housing.	
SEPP (Industry and Employment) 2021	NA	NA
SEPP No 65—Design Quality of Residential Apartment Development	NA	NA
SEPP (Planning Systems) 2021	NA	NA
SEPP (Primary Production) 2021	Chapter 2 Primary Production and rural development aims to facilitate the orderly economic use and development of lands for primary production and to reduce land use conflict in rural areas.	<p>Consistent</p> <p>Land Use Table</p> <ul style="list-style-type: none"> Item A seeks to remove the current separation requirement from clause 4.2C Erection of dual occupancies. The remainder of the controls will still achieve the objective of the clause (1)(b) to protect the primary production potential of the land and will ensure the clause, taken as a whole, continues to align with this SEPP. Item B seeks to include RU2 zoned land into the split zone clause 4.2E. The change does not contradict the SEPP. Item E is a mapping change to residential blocks on Spurfield Road. The change seeks to correct an error and change the zone boundary, resulting in what is seen to be a loss of RU1 land. The Zone RU1 component of the lots ranges 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 DA plans and the final subdivision certification plans. The change to the zone boundary does not contradict this SEPP. The proposal will be referred to the DPIE post Gateway.

State Environmental Planning Policy	Requirements	Compliance
SEPP (Resilience and Hazards) 2021 (Previously Remediation of Land (55), Coastal Management and Hazardous and Offensive Development (33))	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> • for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016 • to manage hazardous and offensive development • which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. 	<p>Consistent</p> <p>Item A & C changes the separation distance for detached dual occupancies in the rural and village areas, some of these may be within the coastal use area or the coastal environmental area. The change of separation distance does not contradict the SEPP and will not change the way the SEPP applies.</p>
SEPP (Resources and Energy) 2021	NA	NA
SEPP (Sustainable Buildings) 2022	NA	NA
SEPP (Transport and Infrastructure) 2021	NA	NA

APPENDIX 4

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Planning Systems		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	Consistent The Planning Proposal is consistent with the objections of the North Coast Regional Plan 2041, as outlined in appendix 2.
1.2 Development of Aboriginal Land Council land	Not applicable	Not applicable.
1.3 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	Consistent. The Planning Proposal does not introduce new concurrence, consultation, or referral requirements. Nor does it propose new forms of designated development.
1.4 Site Specific Provisions	A Planning Proposal to allow a particular land use to be carried out must either; (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	Consistent.
1. Planning Systems – Place Based		
1.5 – 1.17	Not applicable	Not applicable
3. Biodiversity and Conservation		
3.1 Conservation Zones	(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that	Consistent

	apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands"	
3.2 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent Item D seeks to amend the Heritage Map. 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 I78. The item seeks to continue conserving the heritage item and is therefore consistent with this direction.
3.3 Sydney Drinking Water Catchments	Not applicable	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	Not applicable
3.5 Recreation Vehicle Areas	Not applicable	Not applicable
3.6 Strategic Conservation Planning	Not applicable	Not Applicable
4. Resilience and Hazards		
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Consistent Items D, E, G and H are not within a flood mapping area. 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.
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	Consistent Item A & C changes the separation distance for detached dual occupancies in the rural and village areas, some of these may be within the coastal use area or the coastal environmental area. The change of separation distance does not contradict the SEPP and will not change the way the SEPP applies.

4.3 Planning for Bushfire	A Planning Proposal in bush fire prone land: (a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation. (b) Have regard to Planning for Bush Fire Protection 2019. (c) Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent The following items have been identified as having bushfire vegetation. The proposal will be referred to the RFS post-gateway for consultation -Item F, corrects a land use definition only -Item G, change of zone boundary to include drain in RE1 zone
4.4 Remediation of Contaminated Land	This direction applies when a planning proposal authority prepares a planning proposal that applies to: (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	Consistent The site-specific items apply to land that has not been identified as potentially contaminated. The site-specific amendments seek to amend anomalies and are not intended to allow intensification of development.
4.5 Acid Sulfate Soils	This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.	Consistent
4.6 Mine Subsidence and Unstable Land	Applies to mine subsidence areas Applies to areas identified as unstable	Not applicable.
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	Consistent
5.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the	Consistent Item G seeks to increase the RE1 boundary.

	relevant public authority and the Director General of the Department of Planning.	
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	Inconsistent pending referral Item D and item F relate to sites that are within the aircraft obstacle buffer of the Lismore Regional airport. Both items relate to map changes and are not intended to enable development intensification. The proposal will be referred to the airport operator post-gateway.
5.4 Shooting Ranges	Not applicable	Not applicable
6. Housing		
6.1 Residential Zones	The objectives are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	Consistent The objectives of this proposal, item A, B and C, align with the objectives of this direction. The proposal seeks to encourage a variety of housing choice without negatively impacting the rural and agricultural land values.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	Not applicable
7. Industry and Employment		
7.1 Business and Industrial Zones	Not applicable	Not applicable The Planning Proposal does not affect land within an existing or proposed business or industrial zone
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
8. Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable

9. Primary Production		
9.1 Rural Zones	A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Inconsistent, but justified Item E seeks to rezone land from a rural zone to a residential zone. It is justified as it is of a minor significance in accordance with (d) of the direction.
9.2 Rural Lands	<p>1. A planning proposal must:</p> <ul style="list-style-type: none"> (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <ul style="list-style-type: none"> (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains 	Consistent Controls remain in the Lismore LEP that will continue to protect the agricultural and rural value of the land. The proposal will be referred to DPIE post-Gateway.

	(c) where it is for rural residential purposes: i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land	
9.3 Oyster Aquaculture	Not applicable.	Not applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with: (a) the North Coast Regional Plan 2041, or (b) Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment.	Consistent The proposal is consistent with the NCRP 2041 as demonstrated at appendix 2.