

Planning Proposal

Schedule 1 Amendment to allow subdivision that is below minimum lot size at 92 Dunoon Rd, North Lismore (Lot 11 DP1096690)

1 May 2025



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EXECUTIVE SUMMARY

This planning proposal has been prepared in respect to land described as 92 Dunoon Rd, North Lismore (Lot 11 DP 1096690). The planning proposal was lodged with the NSW Planning Portal on October 17, 2024.

The planning proposal seeks to create an Additional Permitted Use (APU) to allow for the subdivision of the land to create two lots that are below minimum lot size. This will allow the existing goods transport terminal and associated manager's residence to be located on a separate lot from the remainder of the farm, which includes a dwelling and ancillary farm buildings.

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

This report assesses the merits of the planning proposal in accordance with the Department of Planning & Environment's *Local Environmental Plan Making Guideline* (August 2023). A Gateway determination is sought pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

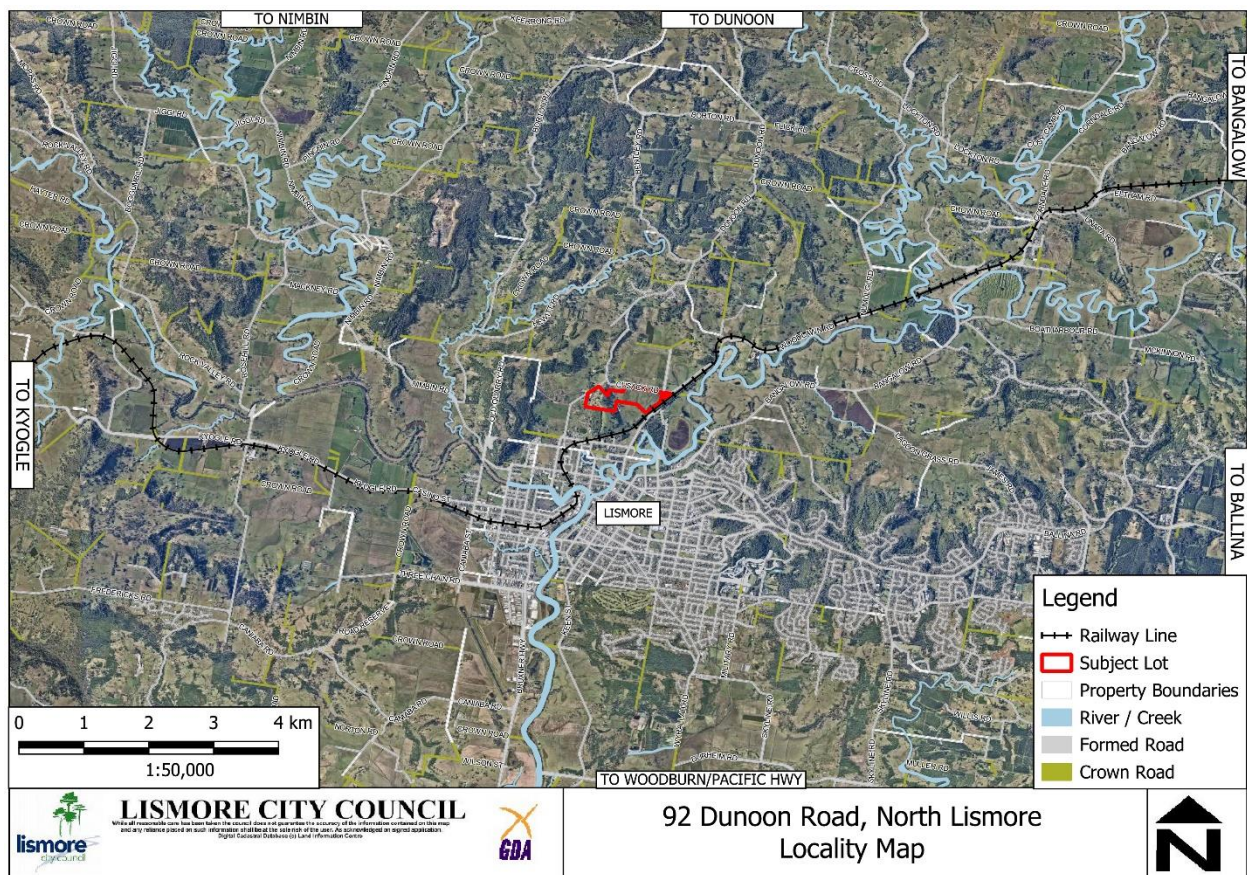


Figure 1. Locality Map - 92 Dunoon Road, North Lismore.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

Objective

To amend Schedule 1 of the Lismore LEP 2012 to allow an additional permitted use, being the subdivision of land to create two lots that are below minimum lot size at 92 Dunoon Road, North Lismore (Lot 11, DP 1096690).

Intended outcome

To enable the subdivision of the existing approved goods transport terminal and associated manager's residence from the balance of the farm.

Site description and setting

92 Dunoon Road, North Lismore (Lot 11, DP 1096690) is located approximately 2.7km by road from the Lismore CBD. The site has an area of 36.31ha and is zoned RU1 (Primary Production) with a minimum lot size of 40ha. The western side of the property contains a goods transport terminal and associated manager's residence that was approved in 2000 (DA2000/176) and utilises vehicle access from Dunoon Rd. A separate farmhouse and associated sheds have vehicle access from Cusack Road and the land is predominantly utilised for cattle grazing. The topography of the land is such that the farm and the transport business are located on either side of a ridgeline.

Surrounding land uses are predominantly cattle grazing with some rural dwellings. The Lismore Go Kart Track and Showgrounds are located to the south. Future residential development in the North Lismore Plateau precinct is to be located to the east and north-east.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome of the planning proposal will be achieved by amending Schedule 1 of the Lismore Local Environmental Plan (LEP) 2012 by the inclusion of an additional permitted use to permit the subdivision of land to create two lots that are below minimum lot size.

It is intended the additional permitted use clause include items Council is required to consider and be satisfied for any future development application for a two-lot subdivision including the following:

- The consent authority is satisfied the subdivision is suitable in relation to the flood hazard, flood function and flood behaviour relevant to the subject lands/allotments.
- To ensure any future subdivision does not increase land use conflict and is appropriate for the topography and constraints of the site.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Section A – Need for the planning proposal

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

No, the planning proposal is not the result of any endorsed LSPS, strategic study or report. Rather it is the result of correspondence between Lismore City Council and the landowners' planning consultants about the strategic merit of separating the existing business from the balance of the farm.

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

Yes, it is considered that a Planning Proposal to amend Schedule 1 is the best way to achieve the objectives.

Clause 4.6 of the Standard Instrument LEP allows a consent authority some discretion to vary a development standard where there are sufficient environmental planning grounds. However, the clause specifically precludes the subdivision of land below minimum lot size for certain zones, including RU1 Primary Production. Therefore, the only way for Council to consider the merits of the proposed subdivision is to first amend the Lismore LEP 2012 by way of a Schedule 1 Additional Permitted Use (APU) for the subject site.

Section B – Relationship to the 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 gives effect to the objectives of the North Coast Regional Plan 2041. See **Appendix 1** for detail on how the proposal gives effect to the Plan.

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 Council's LSPS – Inspire Lismore 2040. The relevant planning priorities are addressed below in Table 1.

#	Planning Priority	Consistency
1	Growth is consolidated around Lismore city, CBD and villages	The proposal will allow for the creation of one additional rural lot. The site's proximity to the Lismore CBD (2.7km) is considered to be consistent with this objective.
3	Rural and natural landscapes will be identified & protected.	The proposal is not considered to have any impact upon the existing rural landscape.

4	Recognise, embrace and protect our cultural heritage.	<p>Aboriginal Cultural Heritage has been addressed in Section C of this Planning Proposal.</p> <p>An AHIMS database search identifies no record of an Aboriginal site or places within a 50 metre radius of the subject site.</p> <p>Further consultation may be required with Heritage NSW, and Ngulingah Local Aboriginal Land Council (LALC) as a condition of Gateway.</p>
6	Expand agriculture & agribusiness while protecting productive agricultural land.	The proposal is expected to support the ongoing use of the site as a goods transport terminal, which supports agribusinesses in the region.
8	Consolidate existing industries & support their continued growth.	The proposal is expected to support the ongoing use of the site as a goods transport terminal, which supports agribusinesses in the region.
9	Transport & communications keep our communities connected and facilitate the expansion of industries	The proposal is expected to support the ongoing use of the site as a goods transport terminal, which supports agribusinesses in the region.
10	Areas of high biodiversity value and connectivity are protected and enhanced.	No areas of high biodiversity value or connectivity will be impacted.
11	Waterways, riparian areas and water catchments are protected and enhanced.	The site is within the drinking water catchment. No impact is anticipated as a result of the proposal.
12	Protect and improve productive agricultural land and other natural resources.	The eastern portion of the site is mapped as Important Farmland, based upon the Northern Rivers Farmland Protection Project (2005). The proposed APU seeks to subdivide an approved commercial activity (good transport terminal) from farming operations (cattle grazing). No impact upon the productivity of agricultural land is anticipated as a result of the planning proposal.
13	Identify, manage and adapt to risks from natural hazards.	<p>A bushfire hazard assessment has been undertaken and consultation will be undertaken with the RFS post-Gateway.</p> <p>The lower lying parts of the property are within Council's flood planning area.</p> <p>The access for the farmhouse via Cusack Road is located on Extreme Flood Risk mapped land where access/evacuation may become unavailable in the event of flood. Council's Development Engineer has advised the existing farmhouse access will be inundated in a one in ten year event or lower.</p> 

		<div data-bbox="772 174 965 347"> <p> <input checked="" type="checkbox"/> Risk Precincts <input checked="" type="checkbox"/> Extreme <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low </p> </div> <p>The probable maximum flood (PMF) is illustrated below.</p> <div data-bbox="762 441 1396 799"> </div> <p>The low-lying sections of Cusack Road and internal driveway access within the proposed eastern lot are subject to flooding.</p> <p>In the event that Cusack Road becomes inundated, it is envisaged that residents will have ample time to evacuate to high ground in the locality if need be, which in this instance is flood free Dunoon Road.</p> <p>To assist in the event of an evacuation process of residents, there will typically be adequate flood warnings put in place by the BOM and the SES prior to evacuation to ensure flood evacuation occurs in a timely manner. In accordance with the Australian Warning System (AWS), it is understood that flood communication protocols have now been updated, and triggers now follow AWS classifications of 'Advice', 'Watch and Act', and 'Emergency Warning'.</p> <p>Whilst a range of methods of disseminating public flood warnings are used, more contemporary measures are now also available including text messages that are distributed by the NSW SES. Alerts are also made public on the NSW</p> <p>With regard to a flood evacuation route to higher ground, the existing dwelling within the proposed eastern lot is serviced with an internal access driveway approximately 300 metres in length which connects to Cusack Road, which in turn connects to Dunoon Road. Cusack Road and Dunoon Road will offer an alternative flood evacuation route from the land. Upon exiting the proposed eastern lot, Cusack Road is only subject to flooding for a distance of 200 metres when heading west towards Dunoon Road before becoming flood free. Dunoon Road will allow for an evacuation route above the 100 year ARI flood event and PMF flood event.</p> <p>The flood evacuation route is relatively straight forward, and require travelling uphill along constantly rising road to higher ground above the PMF level. This will facilitate car-based evacuation to land beyond the flood plain.</p> <p>It is also noted that a future two lot subdivision design will not require a change in the landform that would result in a hinderance for flood evacuation.</p>
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		<p>Given the above it is recommended the additional permitted use clause include items Council is required to consider and be satisfied for any future development application for a two-lot subdivision including the following:</p> <ul style="list-style-type: none"> • The consent authority is satisfied the subdivision is suitable in relation to the flood hazard, flood function and flood behaviour relevant to the subject lands/allotments.
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Table 1: Consistency with the Lismore Local Strategic Planning Statement

The site is not identified as a potential growth area or infill site within Lismore City Council's adopted Growth and Realignment Strategy. However, the proposed Schedule 1 amendment to allow an Additional Permitted Use (APU) that is the creation of two lots below minimum lot size does not seek to rezone the land or allow for any change to existing land uses. The intended outcome is not considered to be contradictory with the intent of the Growth and Realignment Strategy.

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

The planning proposal is not considered to be inconsistent with any State and regional study or strategy.

6. *Is the planning proposal consistent with applicable SEPPs?*

The planning proposal is seeking to create an Additional Permitted Use allowing for the subdivision of land below minimum lot size on land zoned RU1 Primary Production. The SEPP Primary Production (2021) requires the consent authority to consider the following matters for land zoned RU1 for any subdivision where the land will be utilised for the purpose of a dwelling:

(5) The following matters are to be taken into account—

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The wording of the proposed Schedule 1 LEP amendment is consistent with this requirement and will be considered with any future development application.

The far eastern boundary of the property is fringed by the Coastal Environment map (Resilience and Hazards SEPP) due to the site being within 500 meters of the Wilson River. It is not anticipated that this will preclude any future application to subdivide the land.

No other SEPPs are directly applicable to the Planning Proposal.

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

The planning proposal is consistent with the applicable section 9.1 Ministerial Directions. Refer to **Appendix 2** for s9.1 compliance table.

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 included a Biodiversity Assessment undertaken by GeoLINK, (September 2024) that has been per reviewed by Lismore Council's ecologist.

The GeoLINK report and internal review confirm the site has limited biodiversity values, reflecting the substantial disturbance history of the site, and that there will be limited impact on threatened species as a result of the planning proposal and future subdivision. Proposed mitigation measures have been identified including:

- Native vegetation retained.
- Only woody weeds to be removed when establishing fence and doglegging fence if native trees are encountered on boundary.
- Biosecurity risk management strategy prepared to manage weed threats.
- Koala sensitive fencing to be used.

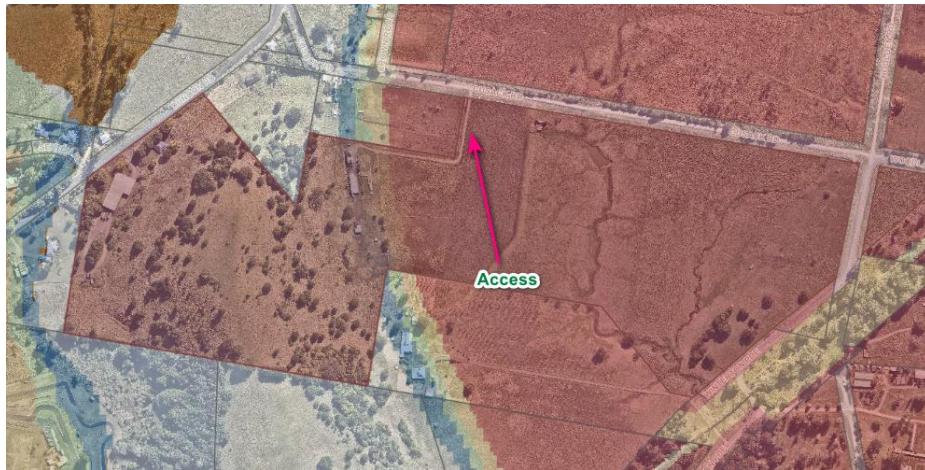
9. *Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?*

The site is impacted by bushfire prone vegetation. A bushfire hazard assessment has been undertaken and will be provided to the Rural Fire Service as part of post-Gateway consultation. The report concludes:

"This Bushfire Hazard Assessment has taken into consideration the proposed development, existing vegetation, effective slope and FDI detailed within PBP 2019. Adequate and appropriate bushfire protection measures are available and can be implemented to facilitate the proposed subdivision of Lot 11 DP 1096690, 92 Dunoon Road, North Lismore. The proposal conforms with the standards, performance criteria and intent of measures outlined in PBP 2019 and complies with Section 100B of the Rural Fires Act 1997.

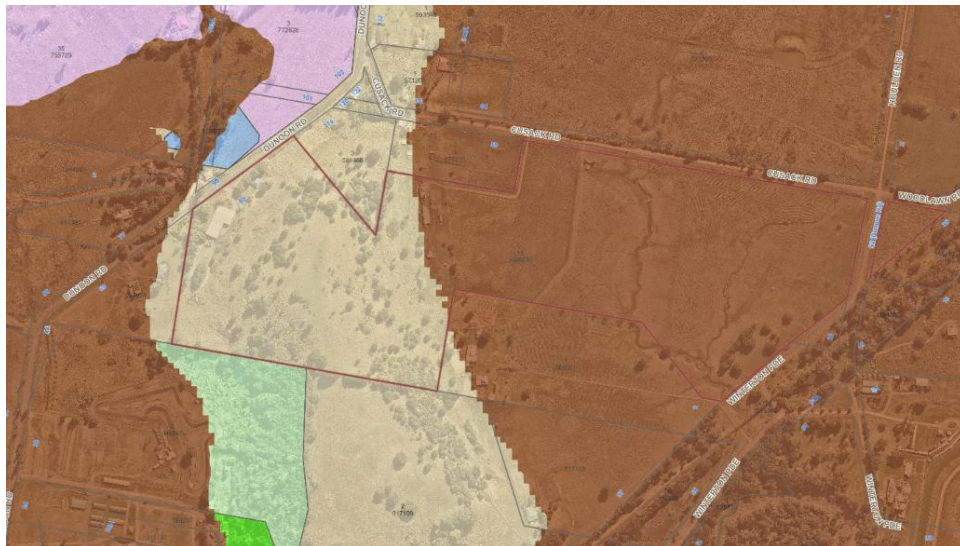
It is therefore recommended that the proposed development is approved and conditioned in accordance with the recommendations provided within this assessment."

The lower lying parts of the property are within Council's flood planning area. The access for the farmhouse via Cusack Road is located on Extreme Flood Risk mapped land where access/evacuation may become unavailable in the event of flood. Council's development Engineer has advised the existing farmhouse access will be inundated in a one in ten-year event or lower.



- ☒ Risk Precincts
- ☒ Extreme
- ☒ High
- ☒ Medium
- ☒ Low

The probable maximum flood (PMF) is illustrated below.



The low-lying sections of Cusack Road and internal driveway access within the proposed eastern lot are subject to flooding.

In the event that Cusack Road becomes inundated, it is envisaged that residents will have ample time to evacuate to high ground in the locality if need be, which in this instance is flood free Dunoon Road.

To assist in the event of an evacuation process of residents, there will typically be adequate flood warnings put in place by the BOM and the SES prior to evacuation to ensure flood evacuation occurs in a timely manner. In accordance with the Australian Warning System (AWS), it is understood that flood communication protocols have now been updated, and triggers now follow AWS classifications of 'Advice', 'Watch and Act', and 'Emergency Warning'.

Whilst a range of methods of disseminating public flood warnings are used, more contemporary measures are now also available including text messages that are distributed by the NSW SES. Alerts are also made public on the NSW SES website, NSW BOM website, and the Lismore Disaster Dashboard website.

With regard to a flood evacuation route to higher ground, the existing dwelling within the proposed eastern lot is serviced with an internal access driveway approximately 300 metres in length which connects to Cusack Road, which in turn connects to Dunoon Road. Cusack Road and Dunoon Road will offer an alternative flood evacuation route from the land. Upon exiting the proposed eastern lot, Cusack Road is only subject to flooding for a distance of 200 metres when heading west towards Dunoon Road before becoming flood free. Dunoon Road will allow for an evacuation route above the 100 year ARI flood event and PMF flood event.

The flood evacuation route is relatively straight forward, and require travelling uphill along constantly rising road to higher ground above the PMF level. This will facilitate car-based evacuation to land beyond the flood plain.

It is also noted that a future two lot subdivision design will not require a change in the landform that would result in a hinderance for flood evacuation.

Given the above it is recommended the additional permitted use clause include items Council is required to consider and be satisfied for any future development application for a two-lot subdivision including the following:

- the consent authority is satisfied the subdivision is suitable in relation to the flood hazard, flood function and flood behaviour relevant to the subject lands/allotments.

10. *How has the planning proposal adequately addressed any social and economic effects?*

No adverse social or economic issues have been identified.

Section D – Infrastructure (Local, State and Commonwealth)

11. *Is there adequate public infrastructure for the planning proposal?*

No change to existing public infrastructure is required as a result of the planning proposal.

Section E – State and Commonwealth Interests

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

No consultation has been conducted pre-Gateway given the minor nature of the planning proposal. Relevant state and federal public authorities and government agencies will be consulted in line with any Gateway condition.

PART 4 - MAPPING

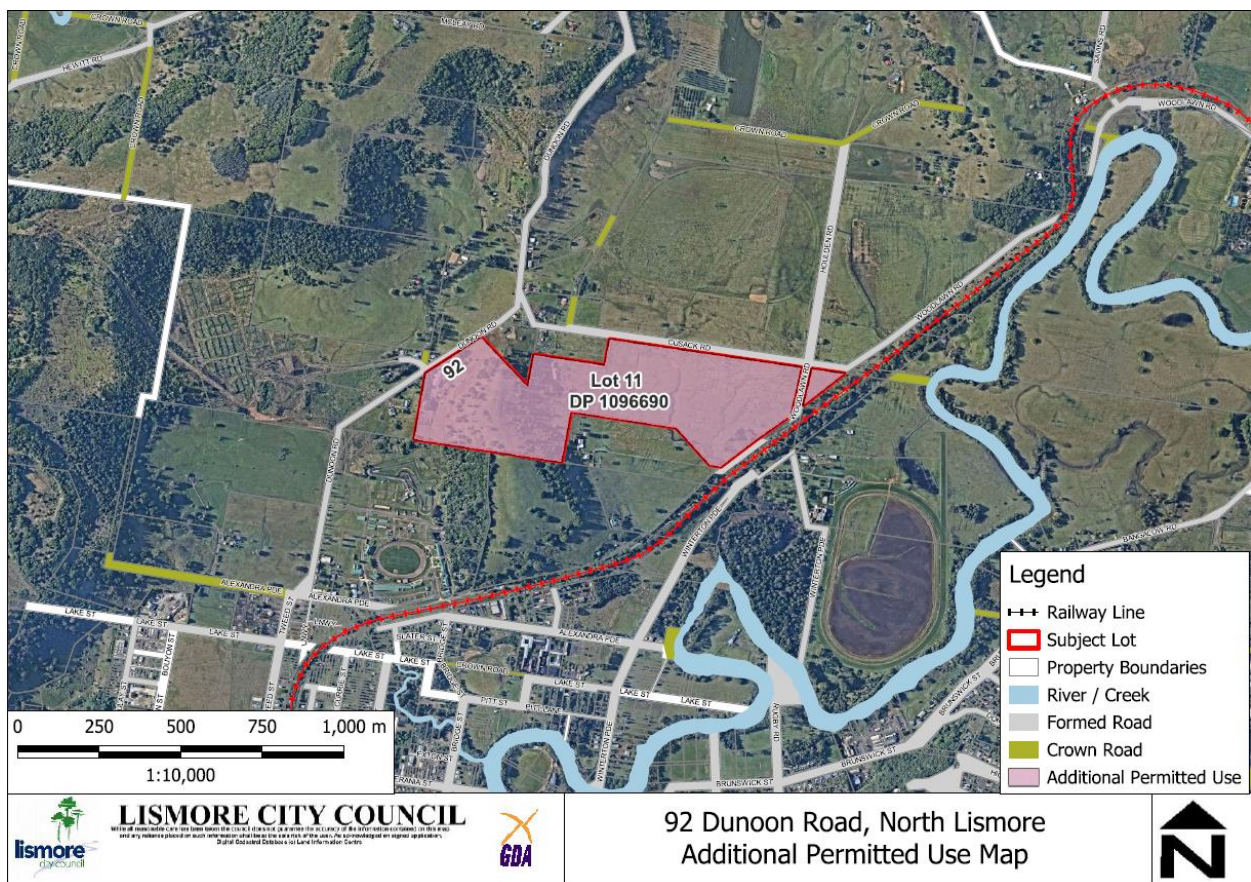


Figure 2. Proposed LEP Mapping amendment.

The Additional Permitted Uses LEP Map (APU_005A) will be amended as shown above to identify 92 Dunoon Road, North Lismore (Lot 11 DP 1096690) as Item 9.

The proposed outcome of the planning proposal will be achieved by amending Schedule 1 of the Lismore Local Environmental Plan (LEP) 2012 by the inclusion of an additional permitted use to permit the subdivision of land to create two lots that are below minimum lot size.

It is intended the additional permitted use clause include items Council is required to consider and be satisfied for any future development application for a two-lot subdivision including the following:

- the consent authority is satisfied the subdivision is suitable in relation to the flood hazard, flood function and flood behaviour relevant to the subject lands/allotments.

- To ensure any future subdivision does not increase land use conflict and is appropriate for the topography and constraints of the site,

PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation in accordance with any Gateway determination. Public exhibition will be undertaken in accordance with the DPE *Local Environmental Plan Making Guideline* – (August 2023) and Council's Community Participation Plan.

PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
December 2024	Report planning proposal to Council
January 2025	Gateway determination issued by DPE
January 2025	Amend planning proposal report in accordance with Gateway
February 2025	Commence agency consultation
February 2025	Commence public exhibition
April 2025	Consideration of submissions
April 2025	Post-exhibition review and additional studies
May 2025	Report to Council – consultation and submissions analysis
May 2025	Submission to Department for finalisation (where applicable)
June 2025	Gazettal of LEP amendment

APPENDIX 1

NORTH COAST REGIONAL PLAN 2041 - COMPLIANCE TABLE

Objective	Compliance
Goal 1: Liveable, sustainable and resilient	
1. Provide well located homes to meet demand	The proposal will have no impact on the two existing dwellings. An additional dwelling could potentially be located on the proposed residual farm lot in the future, which would be outside of the flood planning area and close to the Lismore CBD.
2. Provide for more affordable and low cost housing	No impact.
3. Protect regional biodiversity and areas of high environmental value	No areas of high biodiversity or environmental value will be impacted.
4. Understand, celebrate and integrate Aboriginal culture	Aboriginal Cultural Heritage has been addressed in Section C of this Planning Proposal. An AHIMS database search identifies no record of an Aboriginal site or places within a 50 metre radius of the subject site. Further consultation will be required with Heritage NSW, and Ngulingah Local Aboriginal Land Council (LALC).
5. Manage and improve resilience to shocks and stresses, natural hazards and climate change	A bushfire hazard assessment has been undertaken and consultation will be undertaken with the RFS post-Gateway. The lower lying parts of the property are within Council's flood planning area. The access for the farmhouse via Cusack Road is located on Extreme Flood Risk mapped land where access/evacuation may become unavailable in the event of flood. <ul style="list-style-type: none"> It is therefore recommended that the additional permitted use clause require the consent authority is satisfied the subdivision is suitable in relation to the flood hazard, flood function and flood behaviour relevant to the subject lands/allotments.
6. Create a circular economy	N/A
7. Promote renewable energy opportunities	N/A
8. Support the productivity of agricultural land	The eastern portion of the site is mapped as Important Farmland, based upon the Northern Rivers Farmland Protection Project (2005). The proposed APU seeks to subdivide an approved commercial activity (good transport terminal) from farming operations (cattle grazing). No impact upon the productivity of agricultural land is anticipated as a result of the planning proposal.
9. Sustainably manage and conserve water resources	N/A
10. Sustainably manage the productivity of our natural resources	N/A
Goal 2: Productive and connected	
11. Support cities and centres and coordinate the supply of well-located employment land	N/A
12. Create a diverse visitor economy	N/A
13. Champion Aboriginal self-determination	N/A

Objective	Compliance
14. Deliver new industries of the future	N/A
15. Improve state and regional connectivity	N/A
16. Increase active and public transport usage	N/A
17. Utilise new transport technology	N/A
Goal 3: Growth Change and Opportunity	
18. Plan for sustainable communities	N/A
19. Public spaces and green infrastructure support connected and healthy communities	N/A
20. Celebrate local character	N/A

APPENDIX 2

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Planning Systems		
1.1 Implementation of Regional Plans	(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	See Appendix 1
1.2 Development of Aboriginal Land Council land	(1) When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account: (a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.	N/A
1.3 Approval and Referral Requirements	(1) A planning proposal to which this direction applies must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and (c) not identify development as designated development unless the relevant planning authority: i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.	The Gateway Determination will determine the duration and extent of public and State Agency consultation requirements.

Ministerial Directions	Requirements	Compliance
1.4 Site Specific Provisions	<p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> (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 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. <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	Consistent. The Planning Proposal seeks to allow an Additional Permitted use in Schedule 1 of the Lismore LEP 2012.
3. Biodiversity and Conservation		
3.1 Conservation Zones	<p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".</p>	The Planning Proposal does not involve land within a Conservation zone.
3.2 Heritage Conservation	<p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes 	<p>The subject land is not identified as being an item of heritage significance nor as being located within a heritage conservation area pursuant to the Lismore LEP 2012.</p> <p>An AHIMS search was undertaken and no record of an Aboriginal site or place was identified within a 50 metre radius of the subject site.</p> <p>Further consultation may be required with Heritage NSW, and/or Ngulingah Local Aboriginal Land Council as a Gateway condition.</p>

Ministerial Directions	Requirements	Compliance
	identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	(1) A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final Recommendations.	N/A
3.5 Recreation Vehicle Areas	<p>(1) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <ul style="list-style-type: none"> (a) where the land is within a conservation zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation 	N/A
3.6 Strategic Conservation Planning	<p>(1) A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</p> <ul style="list-style-type: none"> (a) the protection or enhancement of native vegetation, (b) the protection or enhancement of riparian corridors, including native vegetation and water quality, (c) the protection of threatened ecological communities, threatened species and their habitats, 	N/A

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> (d) the protection or enhancement of koala habitat and corridors, and (e) the protection of matters of national environmental significance. <p>(2) A planning proposal authority must be satisfied that a planning proposal that applies to a strategic conservation area identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</p> <ul style="list-style-type: none"> (a) the protection or enhancement of native vegetation, (b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats, (c) the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna movement, and links to ecological restoration areas, and (d) the maintenance or enhancement of ecological function. <p>(3) A planning proposal must not rezone land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</p> <ul style="list-style-type: none"> (a) a rural, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone. <p>(4) A planning proposal must not rezone land identified as a strategic conservation area in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</p> <ul style="list-style-type: none"> (a) RU4, RU5, RU6, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone. 	
3.10 Water Catchment Protection	<p>(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following:</p> <ul style="list-style-type: none"> (a) is consistent with the objectives of this direction, (b) is consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, as published by Water Quality Australia, and any water quality management plan prepared in accordance with those guidelines, (c) includes documentation, prepared by a suitably qualified person(s), 	N/A

Ministerial Directions	Requirements	Compliance
	<p>indicating whether the planning proposal:</p> <ul style="list-style-type: none"> i. is likely to have an adverse direct, indirect or cumulative impact on terrestrial, aquatic or migratory animals or vegetation, and any steps taken to minimise such impacts ii. is likely to have an impact on periodic flooding that may affect wetlands and other riverine ecosystems iii. is likely to have an adverse impact on recreational land uses within the regulated catchment <p>(d) identifies and considers the cumulative impact of the planning proposal on water quality (including groundwater) and flows of natural waterbodies and on the environment more generally, including on land adjacent to or downstream of the area to which this direction applies,</p> <p>(e) identifies how the planning proposal will:</p> <ul style="list-style-type: none"> i. protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater), ii. impact the scenic quality of the natural waterbodies and the social, economic and environmental interests of the community, iii. protect and rehabilitate land from current and future urban salinity, and prevent or restore land degradation, <p>(f) considers any feasible alternatives to the planning proposal.</p> <p>(2) When preparing a planning proposal, the planning proposal authority must:</p> <ul style="list-style-type: none"> (a) consult with the councils of adjacent or downstream local government areas where the planning proposal is likely to have an adverse environmental impact on land in that local government area, and (b) as far as is practicable, give effect to any requests of the adjacent or downstream council. 	
4. Resilience and Hazards		
4.1 Flooding	(1) A planning proposal must include provisions that give effect to and are consistent with:	The eastern part of the property contains low lying areas that are impacted by flooding.

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	<ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. <p>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, (d) permit a significant increase in the development and/or dwelling density of that land, (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event. 	<p>The proposal to allow future subdivision of the site would allow a dual occupancy to be constructed with development consent.</p> <p>The lower lying parts of the property are within Council's flood planning area. The access for the farmhouse via Cusack Road is located on Extreme Flood Risk mapped land where access/evacuation may become unavailable in the event of flood.</p> <p>It is therefore recommended that the additional permitted use require the consent authority be satisfied the subdivision is suitable in relation to the flood hazard, flood function and flood behaviour relevant to the subject lands/allotments.</p>

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	<p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the dwelling density of that land, (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities. <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	
4.2 Coastal Management	<p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land. <p>(2) A planning proposal must not rezone land which would enable increased</p>	N/A

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	<p>development or more intensive land-use on land:</p> <ul style="list-style-type: none"> (a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: <ul style="list-style-type: none"> i. by or on behalf of the relevant planning authority and the planning proposal authority, or ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority. <p>(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</p> <ul style="list-style-type: none"> (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map. <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</p>	
4.3 Planning for Bushfire Protection	<p>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to Planning for Bushfire Protection 2019, 	<p>Part of the site is impacted by bushfire prone vegetation. A bushfire hazard assessment has been prepared and consultation with the RFS will be undertaken post-Gateway.</p>

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	<p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p> <p>(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <ul style="list-style-type: none"> i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area</p>	
4.4 Remediation of Contaminated Land	<p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <ul style="list-style-type: none"> (a) the planning proposal authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its 	No change of use is proposed as a result of the Planning Proposal and no potential contaminated land is identified at the site.

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	<p>contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>	
4.5 Acid Sulfate Soils	<p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p>	N/A

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	(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).	
4.5 Mine Subsidence and Unstable Land	<p>(1) When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</p> <p>(a) consult Subsidence Advisory NSW to ascertain:</p> <ul style="list-style-type: none"> i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and <p>(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>(2) A planning proposal must not permit development on land that has been identified as unstable as referred to in the application section of this direction.</p>	N/A
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	<p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	N/A
5.2 Reserving Land for Public Purposes	(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority	N/A

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	<p>and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and (c) identify the relevant acquiring authority for the land. <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) include the requested provisions, or (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired. <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
5.3 Development Near Regulated Airports and Defence Airfields	<p>(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) consult with the lessee/operator of that airport; (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport; (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. 	N/A

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	<p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(2) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</p> <p>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p> <p>(3) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <p>(a) consult with the Department of Defence if:</p> <p>i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</p> <p>ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</p> <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield.</p> <p>(4) A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction with</p>	

Ministerial Directions	Requirements	Compliance
	<p>respect to interior noise levels, if the proposal seeks to rezone land:</p> <p>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30.</p> <p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p>	
5.4 Shooting Ranges	<p>(1) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <p>(a) permitting more intensive land uses than those which are permitted under the existing zone; or</p> <p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range</p>	N/A
6. Housing		
6.1 Residential Zones	<p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	N/A
6.2 Caravan Parks and	(1) In identifying suitable zones, locations and provisions for caravan parks in a	N/A

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Manufactured Home Estates	<p>planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located, (b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent. 	
7: Industry and Employment		
7.1 Business and Industrial Zones	<p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	N/A
8: Resources and Energy		

Ministerial Directions	Requirements	Compliance
8.1 Mining, Petroleum Production and Extractive Industries	<p>(1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>(a) consult the Secretary of the Department of Primary Industries (DPI) to identify any:</p> <p>i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</p> <p>ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</p> <p>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</p> <p>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:</p> <p>i. development of resources identified under (1)(a)(i), or</p> <p>ii. existing development identified under (1)(a)(ii).</p> <p>(2) Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</p>	N/A
9: Primary Production		
9.1 Rural Zones	<p>(1) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p>	No rezoning is proposed.
9.2 Rural Lands	<p>(1) A planning proposal must:</p> <p>(a) be consistent with any applicable strategic plan, including regional and</p>	The Planning Proposal seeks to allow for the future subdivision of RU1 zoned land below the minimum lot size so that

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	<p>district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(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</p> <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility</p>	<p>an existing approved goods transport terminal can be subdivided from the balance of the farm.</p> <p>The eastern part of the site contains land identified as important agricultural land.</p> <p>No change to the minimum lot size is proposed, however the intent of the APU is to facilitate a future subdivision of the land into two lots.</p> <p>The following responses are provided in relation to Direction 9.2 requirements:</p> <p>(a) Responses to requirements within the North Coast Regional Plan (2041) and the Lismore Local Strategic Planning Statement are provided at Table 1 and Appendix 1.</p> <p>(b) No loss or impact on productive agricultural lands will occur as a result of the planning proposal.</p> <p>(c) Environmental and biodiversity values have been addressed at Q.8 of the Planning Proposal.</p> <p>(d) The wording of the proposed LEP amendment addresses the natural and physical constraints of the land.</p> <p>(e) The proposal aims to allow for the ongoing use of part of the site as a goods transport facility.</p> <p>(f) No change to existing farming land will result from the planning proposal</p> <p>(g) No change of use or land use conflict is anticipated as a result of the planning proposal</p> <p>(h) No impact on land identified as regionally significant farmland is anticipated.</p> <p>(i) No adverse social, economic or environmental impacts have been identified.</p>

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	<p>infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p> <p>Note: where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.</p>	
9.3 Oyster Aquaculture	<p>(1) In the preparation of a planning proposal the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply, (b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area, (c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility, (d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and (e) ensure the planning proposal is consistent with the Strategy. <p>(2) Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</p> <ul style="list-style-type: none"> (a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions, (b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and (c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act. 	N/A

Ministerial Directions	Requirements	Compliance
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>(1) A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes. (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes. (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes. 	No rezoning of land identified as regionally significant farmland is proposed.

