

# Planning Proposal

Introduction of an Affordable Housing Contribution Scheme

March 2024



Contents

Delegation of plan making functions ..... 5

Part 1 - Objectives or Intended Outcomes..... 6

    Objective ..... 6

    Intended Outcomes ..... 6

Part 2 - Explanation of Provisions..... 7

Part 3 - Justification..... 7

    Section A - Need for the Planning Proposal..... 7

    Section B – Relationship to strategic planning framework..... 9

    Section C – Environmental, social and economic impact ..... 10

Part 4 - Maps..... 12

Part 5 - Community Consultation..... 16

Part 6 - Project Timeline..... 17

Conclusion ..... 17

    APPENDIX 1 – Compliance with Section 9.1 Ministerial Directions ..... 18

    ATTACHMENT 1 – Lismore Affordable Housing Contribution Scheme..... 25

# Introduction

A ‘**perfect storm**’ of housing, funding, economic and environmental factors has resulted in an affordable housing crisis across Australia, including the Lismore LGA. It is increasing housing stress and the risk of homelessness amongst even those who would once have been able to access private rental, including low income working people and moderate income families.

These factors include a decreasing rate of long-term **private rental accommodation** and lack of growth in **housing diversity** over the past decade or so amid increasing demand from an aging population, household formation from young people and relationship breakdown, demand from workers in cyclical and seasonal work, and the increase in lower paid workers in growing service sectors. The higher-than-average rate of people on very low and low incomes in Lismore LGA is also relevant in this regard.

These longer-term or structural factors have been significantly worsened by natural disasters and the COVID 19 pandemic over the past few years.

The legacy of **repeated flooding** in the Northern Rivers continues to have significant impacts on the local rental and purchase market, both in terms of increased pressure on private rental supply, and on lower cost accommodation in caravan parks, motels and older flats and units, thus also adversely affecting those who are most vulnerable in the housing market, including people needing short-term and temporary accommodation. Across the Lismore LGA, 1720 residential dwellings were classified as ‘damaged’ during the 2022 flood events, including 37 that were destroyed, 482 with severe impact, 880 with major impact, 215 with minor impact.<sup>1</sup>

The lasting effects of the **COVID 19 pandemic** are apparent in the higher-than-average rates of growth in rents related largely to the movement of people on higher incomes from cities to regions, with both short-term and more structural changes in patterns of living and working likely. Lismore Council’s *Affordable and Diverse Housing Strategy* (2022) notes the ‘emergency situation with respect to the lack of housing and affordability in our community’, as well as ‘changes in the housing market that have seen an increased demand in prices for houses, particularly during the Covid pandemic’.<sup>2</sup>

Real (adjusted for inflation) **rents increased dramatically** in Lismore LGA from March 2020 to March 2022 compared with lower historical growth rates. In the 12 months from March 2020 (just before the first ‘lockdown’) to March 2021, median rent on a one-bedroom flat in the LGA increased by 19% in real terms compared with a -13% in NSW, with this negative growth in NSW rents largely influenced by people leaving the Greater Sydney rental market. Local rents on a three-bedroom house grew by 17% during this period compared with 7% for NSW. Growth in two-bedroom units was also strong in the LGA, increasing by 6% from 2020-21, and 11% in 2021-22 compared with -5% and -1% for NSW, again strongly influenced by the Greater Sydney rental market.

Interestingly, this trend has reversed in 2022-23 with the end of COVID 19 restrictions, with negative growth in local rents, and positive growth in NSW rents, although the rental prices in the LGA are still far higher than pre-COVID rents.

Importantly, **social housing supply has failed to keep pace with growing need** over many years and decreased proportionally from 4.2% of dwellings in 2011 to 3.9% in 2021, with the quantum of supply remaining static in absolute terms. Waiting times for all sizes of dwellings was 5-10 years for the Lismore allocation zone in June 2022,<sup>3</sup> although this is likely to be higher at the time of writing due to more recent flood events and pressure on the private rental market.

At the lower end of the market, **very low income renters and those with special needs** have been most seriously affected by the lack of affordable rental and the severely inadequate

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<sup>1</sup> Lismore City Council (2022) Flood Response, June, Pg 29.

<sup>2</sup> Lismore Affordable and Diverse Housing Strategy, Pg 5.

<sup>3</sup> The most recent time period for which this data is available.

supply of social housing. Very low income renters are by far the largest group in housing stress and are **unable to affordably rent even a studio or one bedroom apartment in the LGA**. The affordability situation for **most low income renting households** is also problematic.

Almost half of the 2,423 households in housing stress at the time of the 2021 Census were **very low income renting households**. Together, very low and low income renters make up almost 70% of those in housing stress. This is 77% when moderate income renters are added.

There is projected to be a 15.2% increase in population and a 15.7% increase in dwellings from 2021-41. Assuming growth of around 15%, this would mean that an additional 365 households would be in housing stress by this time, most of them very low and low income renters.

As such, the **main target groups for any affordable housing created through the AHCS needs to be very low and low income renting households**. By far, the most serious and urgent need is for affordable rental for smaller very low income renting households (lone persons and couples), likely needing rents set at social housing levels.

The housing situation for very low and low income renters becomes more serious when the lack of affordability of private rental for these groups is considered.

Recent data from the NSW Rent and Sales Report<sup>4</sup> and a rental snapshot by JSA in mid-2023 indicates that even a **studio apartment and one bedroom strata dwelling** is not affordable to any very low income renting household. A median priced studio apartment was affordable to only 60% of low income renters, while a one bedroom strata dwelling was affordable to only the upper 20% of the low income range. It is also noted that there was insufficient data (too few lettings) for data on studio apartments to be published in the Rent and Sales Report, showing a significant gap in supply for lone person low income renters.

The situation was a little better for **moderate income renting households**. Most could affordably rent a two bedroom dwelling; however median rent on a three bedroom home was affordable to only the upper 5% of the moderate income range. As such, there is also a significant gap for **very low, low and moderate income families** seeking affordable rental in the LGA.

Overall, around **65% of affordable dwellings** are likely to be needed by smaller (lone person and couple only) households, and 35% need to be suitable for families with children based on current need.

It is clear that the **private market in Lismore LGA is unable to supply affordable rental accommodation** to the vast majority of very low and low income renting households, or to most moderate-income families; and that deep subsidies will be required to provide affordable housing for those who most need it.

Given the quantum and nature of housing stress, and the unaffordability of private rental, it is likely that around 85% of future affordable housing need will **not be met** through the private market. The other 15% *could* be provided through the market, but this would only be for a minority of smaller low income renting households, and for small moderate income renting households, **provided there is an increase in supply** of studio and one bedroom apartments, and that increases in real rents do not continue at the rate that has occurred in more recent years.

Meeting the remaining 85% of affordable housing need will generally require deep subsidies. This indicates that strong intervention through the planning system in the form of **mechanisms to capture an equitable share of land value uplift through the AHCS**, as well as the direct creation of affordable housing on public land through development partnerships, will be required to achieve affordability for the vast majority of relevant target groups.

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<sup>4</sup> Most recent data DCJ Rent and Sales Report (December Quarter 2022).

The significant land value uplift on a number of greenfield sites provides **a real opportunity to engage the planning system in the creation of affordable housing contributions** for the Lismore LGA that are not currently available in many other regional areas of NSW.

## **Delegation of plan making functions**

Council seeks authority of plan making functions pursuant to Section 3.36 of *the EP&A Act*.

# Part 1 - Objectives or Intended Outcomes

## Objective

The Planning Proposal and associated Lismore Affordable Housing Contributions Scheme have been prepared in accordance with the NSW Government's *Guideline for Developing an Affordable Housing Contribution Scheme (February, 2019)*.

The objective of this Planning Proposal is to amend the Lismore LEP 2012 through the introduction of an Affordable Housing Contribution Scheme to increase the supply of affordable rental housing in perpetuity in the Lismore Local Government Area while maintaining the viability of development.

## Intended Outcomes

The intended outcomes of this Planning Proposal are to:

- Introduce local planning controls applicable to land identified in the proposed 'Affordable Housing Contribution Scheme' when the land is rezoned.
- The planning controls seek to secure a reasonable proportion of residential development for affordable rental housing in perpetuity and in accordance with the Affordable Housing Contribution Scheme.
- Provide for the delivery of affordable rental housing as a form of vital social infrastructure.
- Provide a transparent framework for development to make equitable affordable rental housing contributions.
- Provide certainty and clarity for landowners and developers seeking to develop land in the Lismore LGA.

## Part 2 - Explanation of Provisions

To achieve the outcomes, the Planning Proposal seeks to include a new clause within Part 6 Additional Local Provisions of the Lismore LEP 2012. The proposed clause is set out below.

### 6.12 Affordable housing contributions

- (1) The objectives of this clause are as follows—
  - (a) to capture increases in land value when rezoning of the land enables an increase in housing density,
  - (b) to enable the imposition of conditions relating to the provision of affordable housing,
  - (c) to deliver housing that promotes and retains a socially diverse residential population.
- (2) This clause applies to development for residential purposes on land identified as “affordable housing contribution area” on the Affordable Housing Contribution Scheme Map with the exception of:
  - (a) Public housing as defined in section 3 of the Housing Act 2001;
  - (b) Community housing as defined in section 3 of the Housing Act 2001; or
  - (c) Development on land zoned as R5 Large Lot Residential.
- (3) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution.
- (4) The contribution must be calculated in accordance with the *Lismore Affordable Housing Contributions Scheme* adopted by the Council on [insert date].
- (5) In this clause —

***affordable housing contribution area*** means the Lismore Local Environmental Plan 2012 Affordable Housing Contribution Scheme Map:

***Lismore Affordable Housing Contribution Scheme*** means the Affordable Housing Contribution Scheme adopted by the Council on [insert date].

The Planning Proposal also seeks to introduce a new map to identify the areas where the Affordable Housing Contribution clause will apply. This will be titled Affordable Housing Contribution Scheme Map and will include new map sheets.

A draft Affordable Housing Contribution Scheme (AHCS) has been prepared to support the new clause and is included as Attachment 1 – Affordable Housing Contribution Scheme.

## Part 3 - Justification

### Section A - Need for the Planning Proposal

**Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

Yes. An AHCS is supported by Council's *Inspire Lismore 2040 Local Strategic Planning Statement* (LSPS), the *Lismore Affordable and Diverse Housing Strategy 2023* and the *Lismore Growth & Realignment Strategy 2022*.

The LSPS was adopted by Council on 14 July 2020 and endorsed by the DPE on 20 August, 2020. It called for updating the Lismore Housing Strategy to investigate the merits of an Affordable Housing Contribution Scheme and associated LEP amendments (Action A1.2, p. 27).

As a result, in March 2023, Council adopted the Affordable and Diverse Housing Strategy. Action 14 of this Strategy is to develop an AHCS. The strategy also provides the evidence base required to initiate the AHCS process.

The *Growth & Realignment Strategy 2022* was adopted by Council on 13 December 2022 and conditionally approved by DPE on 22 June, 2023. It identifies the land to which viability testing will be applied to for a future AHCS.

**Q2. 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 only way for an Affordable Housing Contribution Scheme to be introduced.

One of the objectives of the *Environmental Planning and Assessment Act 1979* (the Act) is to promote the delivery and maintenance of affordable housing.

The Act enables councils to levy contributions for affordable housing. To achieve this, the Act requires need in an area to be identified in a state environmental planning policy. *State Environmental Planning Policy (Housing) 2021* identifies that there is a need for affordable housing within each area of the State.

Once an area is identified as having a need, a council can seek to amend its Local Environmental Plan (LEP) to have reference to an affordable rental housing contribution scheme and to levy affordable housing contributions.

As set out in Section 1.4 of the Lismore Affordable Housing Contribution Scheme, detailed housing market analysis shows that, while there is significant underlying demand for affordable housing and there are limited opportunities for the market to meet the demand for affordable housing in Lismore LGA.

The analysis concludes that there is a gap between the current needs and supply of rental accommodation for very low, low and moderate income households, thus the development of an Affordable Housing Contribution Scheme is warranted on the basis of need. The greatest unmet need for affordable housing in Lismore LGA is among very low and low income renting households.

Given the Act and the existing planning framework, developing an Affordable Housing Contribution Scheme is a key initiative that Council can pursue in reducing the local affordable housing gap.



## Section B – Relationship to strategic planning framework

### **Q3. 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)?**

Yes. The plan contributes to the achievement of objective two of the North Coast Regional Plan 2041 (NCRP). Objective 2 of the NCRP is to 'Provide for more affordable and low cost housing'. It seeks to improve the affordability of housing in the north coast and notes the challenges of the housing market in the region.

Additionally, the Planning Proposal aligns with objective 1 of the Lismore Regional City Action Plan 2036 (LCRAP). Objective 2 of the LRCAP is to 'Support community aspirations for greater housing diversity and choice'.

Actions 1.1 and 1.2 within this objective specifically relate to affordable housing:

1.1 Encourage housing options that support social inclusion, including crisis accommodation, housing for seniors and persons with a disability, lone-person households and affordable living.

1.2 Form partnerships to develop proposals that facilitate an increase in affordable and smaller forms of housing, higher density and community living options.

### **Q4. 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?**

Yes, the Planning Proposal is consistent with the LSPS and the Community Strategic Plan.

Inspire Lismore 2040 is the overarching principle strategic planning document for Lismore City Council. It sets out the vision for Lismore and the land use priorities and actions that will enable the vision to be realised. The LSPS sets out five key themes and 14 planning priorities.

The Planning Proposal aligns with the following themes and priorities:

#### Theme 1, Liveable Places

Priority 1: *Growth is consolidated around Lismore City, CBD and villages*

Planning priority 1 relates to growth and new residential development including housing affordability. Under priority 1, Action A1.2 of the LSPS commits Council to investigate the merits of an AHCS. This proposal now seeks to implement the AHCS.

Priority 2: *Create a city and villages that support active and healthy living*

The Proposal increases the ability for affordable housing to be provided within the LGA. This will in turn contribute to a vibrant city.

### **Imagine Lismore (Community Strategic Plan) 2022-2032**

The Imagine Lismore Community Strategic Plan (CSP) was developed and adopted by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the LGA for a period of 10 years. Imagine Lismore includes a list of challenges that the plan aims to address.

This Planning Proposal contributes to the achievement of D4 'Our Community has a diversity of affordable housing options'.

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

Yes, the Proposal is consistent and will positively contribute to the NSW Housing Strategy, Housing 2041. The NSW Housing Strategy sets out a 20 year vision for housing in NSW. It sets out the government's goals and ambitions for future housing that meets the current needs of residents. Its vision is set around four pillars; supply; diversity; affordability; and resilience.

The Proposal will positively contribute to the achievement of the strategy by increasing the provision of affordable housing. Amongst other actions, the *NSW Housing Strategy* calls for:

- Increasing the supply of affordable housing (pp. 9, 26);
- Continuing to invest in growing and changing the social housing portfolio, so it can meet future needs and challenges (p. 26); and
- Supporting growth in the community housing sector, including Aboriginal community housing (p. 26)

**Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

State Environmental Planning Policy (Housing) 2021

The policy identifies that there is a need for affordable housing across the whole of the State, and this includes the precincts identified in the Affordable Housing Contribution Scheme.

The *Lismore Affordable Housing Contribution Scheme* has regard to the affordable housing principles in clause 15 as set out in section 1.7 of the scheme.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

An assessment against the Ministerial Directions is provided at Appendix 1.

**Section C – Environmental, social and economic impact**

**Q8. 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 proposal is in addition to planning controls and will not affect land use.

**Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

None have been identified.

**Q10. Has the planning proposal adequately addressed any social and economic effects?**

The proposal is in addition to planning controls and will not affect land use. Economic modelling demonstrates that the proposed affordable housing contribution will be viable due to value uplift as a result of changes in planning controls.

It will have a positive social impact with regard to increasing the supply of affordable rental housing appropriate to the needs of very low and low income households, the retention of historical populations in danger of being displaced through gentrification, reduce the increasing incidence of homelessness, and contribute to local and regional economic development through accommodating key workers close to their places of employment.

#### **Section D – Infrastructure (Local, State and Commonwealth)**

##### **Q11. Is there adequate public infrastructure for the planning proposal?**

The proposal is in addition to planning controls and will not further affect demand for public infrastructure. The sites are within well-located areas in terms of transport and services.

#### **Section E – State and Commonwealth Interests**

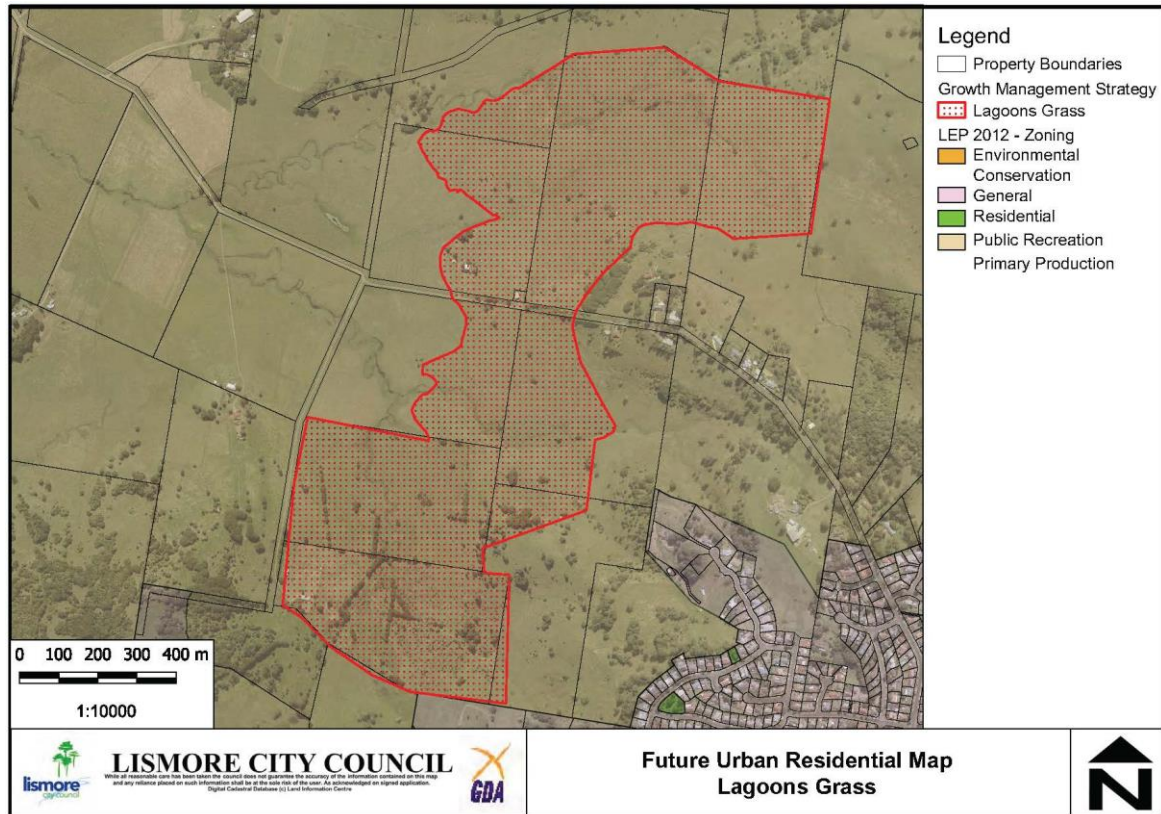
##### **Q12. What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway determination?**

No consultation has been undertaken with federal public authorities and government agencies prior to preparing this planning proposal. Consultation has been held with the NSW Department of Planning regarding preparation of the AHCS and accompanying modelling, and their comments have been taken into account in the draft AHCS and accompanying modelling submitted for Gateway Determination.

## Part 4 - Maps

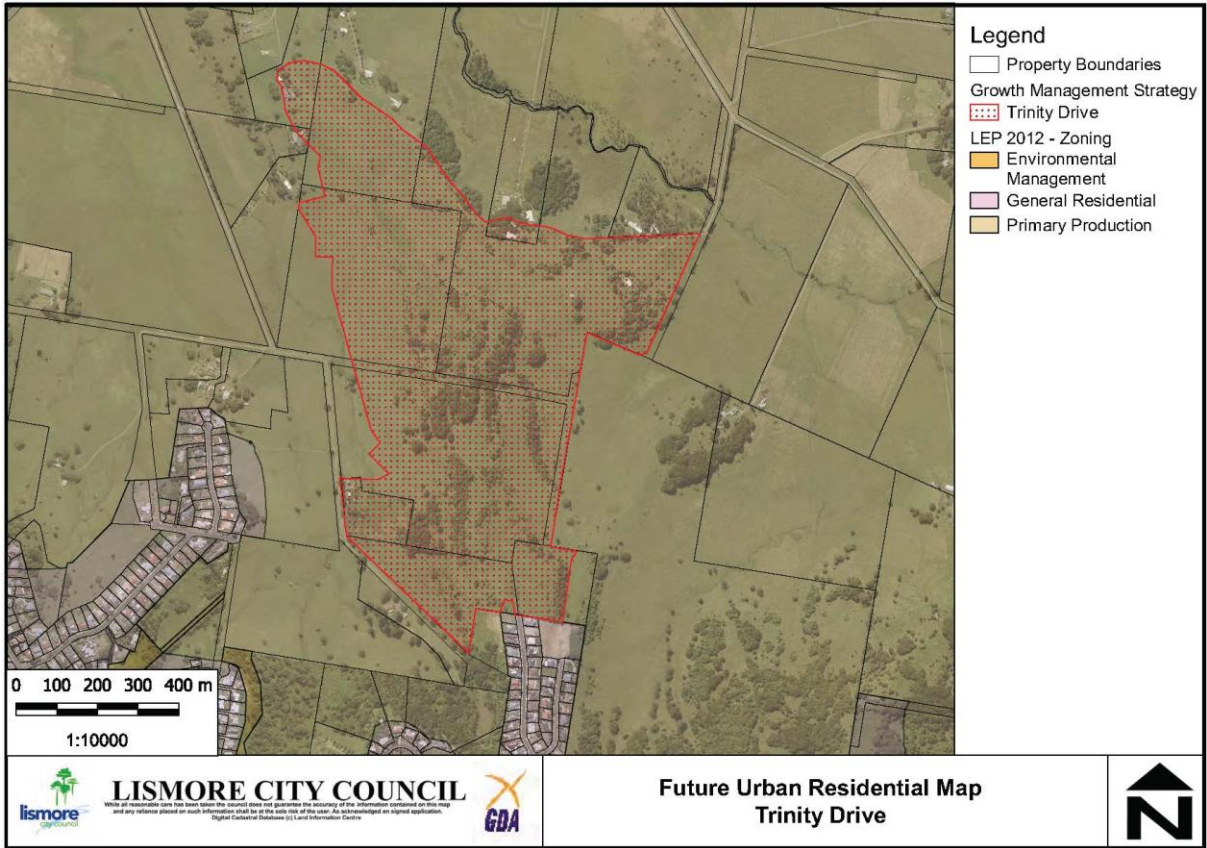
The maps below from the Lismore Growth and Realignment Strategy (2022) identify future urban residential growth areas and therefore the land parcels where the *Lismore Affordable Housing Contribution Scheme* is applicable. These sites will be included in the Lismore Local Environmental Plan's Affordable Housing Contribution Scheme Map as shown in Map 5.

Map 1 - Lagoons Grass, included in Precinct 1 'Goonellabah Greenfield' of the AHCS

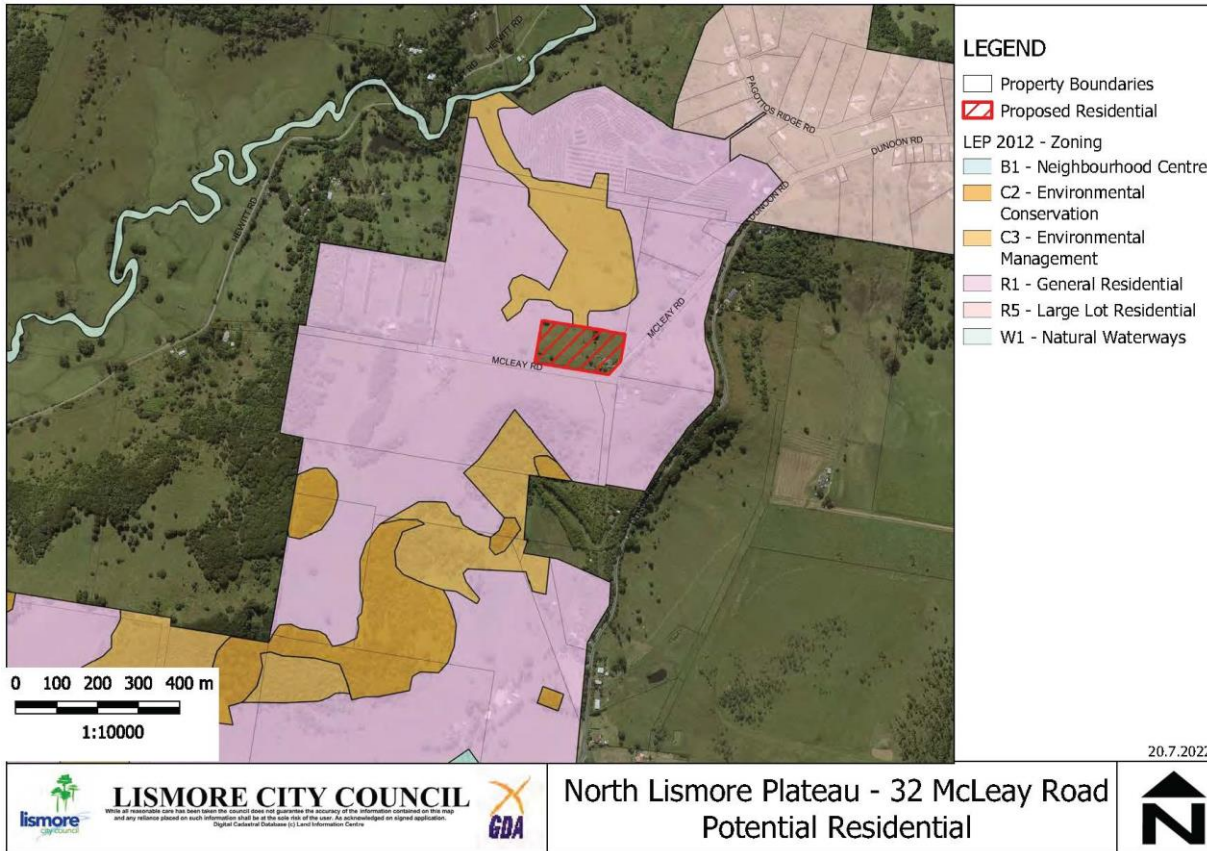




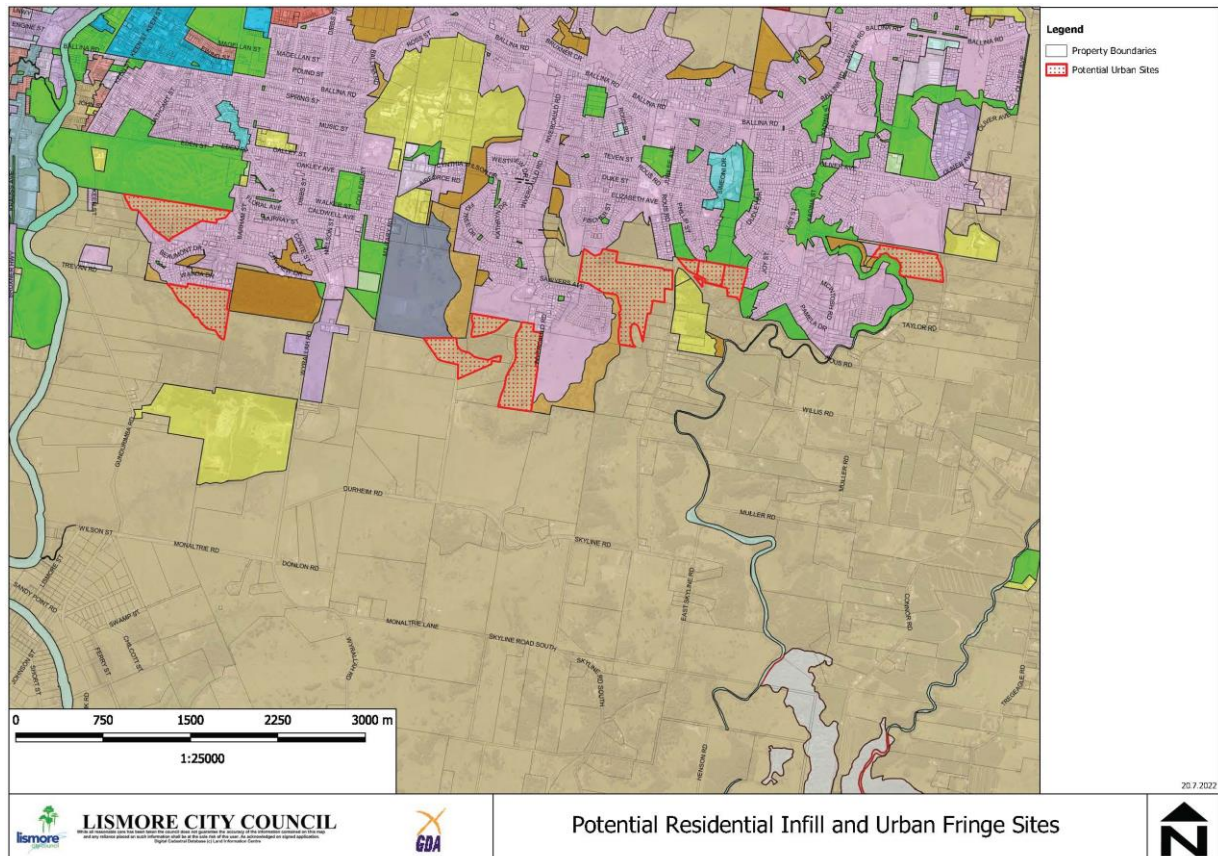
Map 2 - Trinity Drive, included in Precinct 1 'Goonellabah greenfield' as part of the AHCS



Map 3 - 32 McLeay Road, North Lismore Plateau, included as Precinct 2 in the AHCS



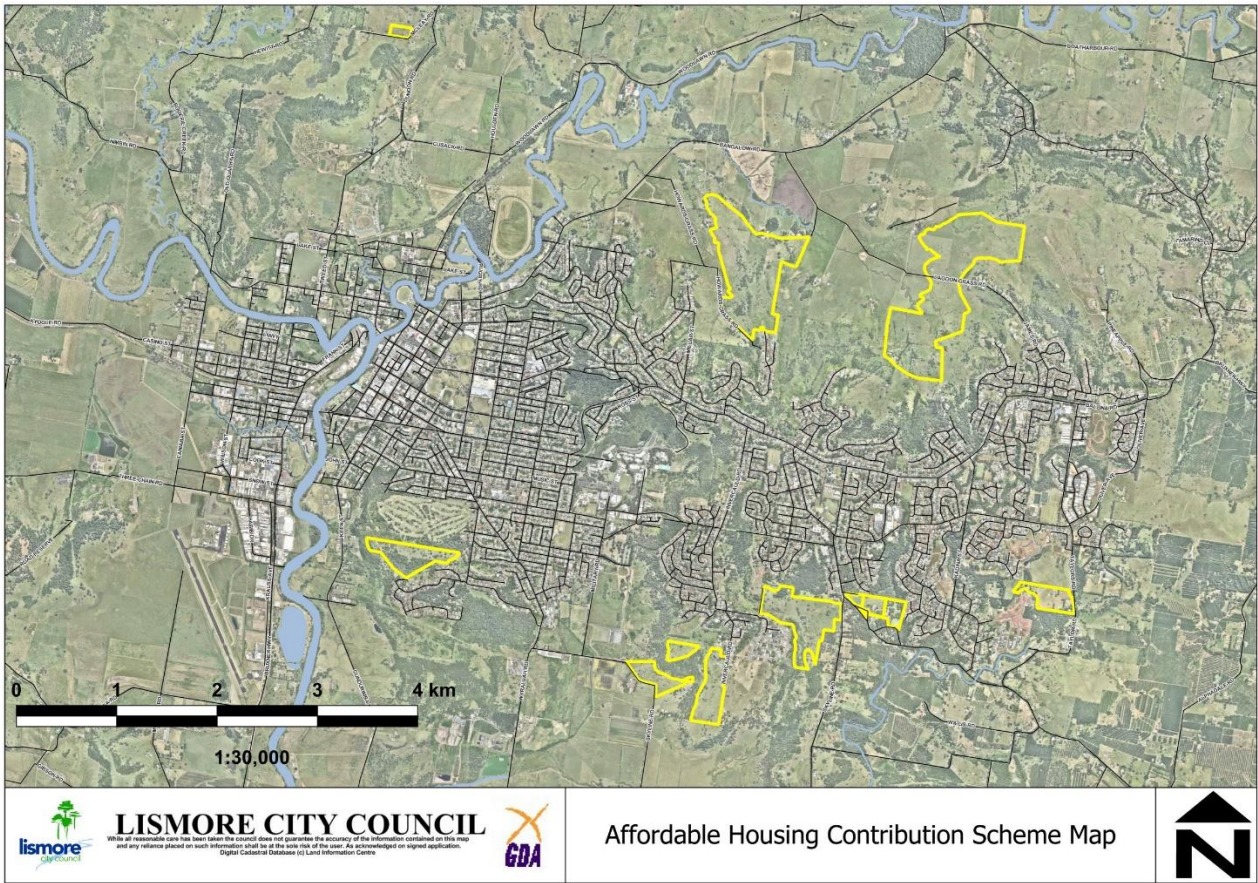
Map 4 - various infill parcels around Goonellabah and East Lismore, included in Precinct 3 of the AHCS



**Note:** part of the land identified on this map at 389 Keen St, East Lismore has already been zoned for residential use and therefore will not be subject to the Affordable Housing Contribution Scheme.



Map 5 - Affordable Housing Contribution Scheme Map



Note: map changed post-gateway due to previous error.

## Part 5 - Community Consultation

Early consultation has been undertaken with the Department of Planning and Environment which has informed the amendments sought in the proposal. Preliminary engagement with affected landowners was also undertaken by Council on October 26, 2023.

If the proposal is supported, formal stakeholder and community consultation, including consultation with public agencies, will be undertaken by Council in accordance with the legislative requirements of the EP&A Act 1979 and any additional conditions as imposed in a Gateway Determination.

A 28-day public exhibition is recommended with Notification to include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the planning proposal;
- On the website of Lismore City Council and the Department of Planning, Industry and Environment;
- A letter to landowners; and
- Referral to State agencies through the planning portal

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land that is the subject of the planning proposal;
- State where and when the planning proposal can be inspected; and
- 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.
- The AHCS

The Gateway determination will confirm the public consultation requirements.



## Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within the indicative timeline shown below:

- Report to Council – **March 2024**
- Gateway determination issued – **May 2024**
- Agency and public consultation – **May - June 2024**
- Consideration of submissions – **July 2024**
- Council consideration of the proposal post exhibition – **November 2024** \*Note the caretaker period prevents the Planning Proposal being reported to the August and September meetings.
- Anticipated date of submission to the Department for notification of the making of the LEP – **December 2024**
- Anticipated date for plan making – **January 2025**

## Conclusion

The Planning Proposal to introduce the Lismore AHCS is founded on robust local, market and economic studies and aligns with the Environmental Planning and Assessment Act 1979.

## APPENDIX 1 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
<b>1. Planning Systems</b>		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	<b>Consistent</b> As discussed in Section 4.2.1 above, the Planning Proposal is consistent with The North Coast Regional Plan 2036 and the Lismore Regional City Action Plan 2036.
1.2 Development of Aboriginal Land Council land	Not applicable	<b>Not applicable.</b>
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.	<b>Consistent.</b> The Planning Proposal does not require concurrence, consultation or referral of a Minister or public authority and will be required to obtain Gateway Determination prior to exhibition.
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.	<b>Not applicable.</b>
<b>1. Planning Systems – Place Based</b>		
1.5 – 1.17	Not applicable	<b>Not applicable</b>
<b>3. Biodiversity and Conservation</b>		

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>	<p><b>Consistent</b></p> <p>The Planning Proposal will give effect to the Lismore Affordable Housing Contribution Scheme. The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will consider provisions that facilitate the protection and conservation of environmentally sensitive areas.</p>
3.2 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<b>Not applicable.</b>
3.3 Sydney Drinking Water Catchments	Not applicable	<b>Not applicable</b>
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	<b>Not applicable</b>
3.5 Recreation Vehicle Areas	Not applicable	<b>Not applicable</b>
3.6 Strategic Conservation Planning	Not applicable	<b>Not Applicable</b>
<b>4. Resilience and Hazards</b>		
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.	<b>Not applicable</b>
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	<b>Not applicable</b>

	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.	
4.3 Planning for Bushfire	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(b) Have regard to Planning for Bush Fire Protection 2019.</li> <li>(c) Restrict inappropriate development from hazardous areas.</li> </ul> <p>Ensure bush fire hazard reduction is not prohibited within the APZ.</p>	<p><b>Consistent</b></p> <p>The Planning Proposal will give effect to the Lismore Affordable Housing Contribution Scheme. The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will consider provisions that consider Bushfire Protection.</p>
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> <li>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</li> <li>(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,</li> <li>(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).</li> </ul>	<p><b>Consistent.</b></p> <p>The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i>. The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will consider provisions that consider Contaminated Land.</p>
4.5 Acid Sulfate Soils	<p>This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>	<p><b>Consistent</b></p> <p>The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i>. The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will consider provisions that consider Acid Sulfate Soils.</p>

4.6 Mine Subsidence and Unstable Land	Applies to mine subsidence areas Applies to areas identified as unstable	<b>Not applicable.</b>
<b>5. Transport and Infrastructure</b>		
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).	<b>Consistent</b>  The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i> . The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will consider provisions that integrate Land Use and Transport.
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 relevant public authority and the Director General of the Department of Planning.	<b>Not applicable.</b>
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	<b>Not applicable</b>
5.4 Shooting Ranges	Not applicable	<b>Not applicable</b>
<b>6. Housing</b>		
6.1 Residential Zones		<b>Consistent</b>  The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i> . The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will consider provisions related to Residential Zones.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	<b>Not applicable</b>
<b>7. Industry and Employment</b>		

7.1 Business and Industrial Zones	Not applicable	<b>Not applicable</b>
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	<b>Not applicable</b>
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	<b>Not applicable</b>
<b>8. Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	<b>Not applicable</b>
<b>9. Primary Production</b>		
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.	<b>Consistent</b> The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i> . The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will be required to justify the rezoning of Rural Zones to Urban Zones.
9.2 Rural Lands	1. A planning proposal must:  (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	<b>Consistent</b>  The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i> . The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will be required to justify the rezoning of Rural Land to Urban Land.

	<p>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 (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 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>	
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9.3 Oyster Aquaculture	Not applicable.	<b>Not applicable.</b>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>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:</p> <p>(a) the North Coast Regional Plan 2036, or</p> <p>(b) Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment.</p>	<p><b>Consistent</b></p> <p>The Planning Proposal will give effect to the <i>Lismore Affordable Housing Contribution Scheme</i>. The Scheme will only come into effect when a Planning Proposal to rezone land under the Scheme comes into effect. The Planning Proposal for rezoning will be required to justify the rezoning of Farmland.</p>



## **ATTACHMENT 1 – Lismore Affordable Housing Contribution Scheme**

See separate document