



Planning Proposal

QPRLEP 2022

MINIMUM LOT SIZE SPLIT ZONE SUBDIVISION

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Ref: PP.2025.0003

Background

Council is initiating a planning proposal in response to a recent submission advising that Clause 4.1 of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022) is currently prohibiting any further subdivision of land in South Jerrabomberra, contradictory to the South Jerrabomberra Regional Job Precinct Master Plan dated March 2025.

The South Jerrabomberra Regional Jobs Precinct was identified by the NSW Government to drive investment and support growth in the region. Following a rigorous and exhaustive planning process, the Department of Primary Industries and Regional Development published the South Jerrabomberra Regional Job Precinct Master Plan in March 2025.

Biodiversity offsets and a Jerrabomberra Innovation Precinct Infrastructure Planning Agreement have been developed to manage the development of the precinct. Clause 4.1 of the QPRLEP 2022 is preventing the developer from meeting the obligations under these agreements as subdivision to excise C2 Environmental Conservation (C2) zoned land from the E3 Productivity Support (E3) is not permissible, due to the minimum lot size (MLS) of 80Ha over C2 zoned land (see Figure 2 below).

Figure 11 Poplars innovation sub precinct

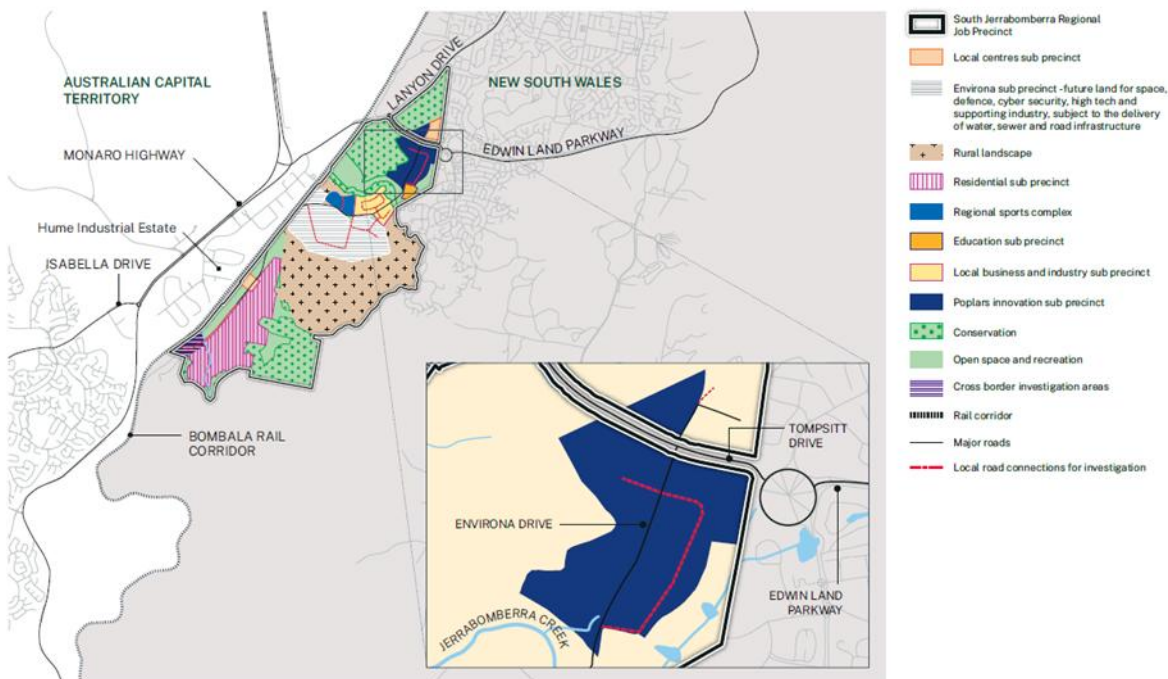


Figure 1: South Jerrabomberra Regional Job Precinct excerpt

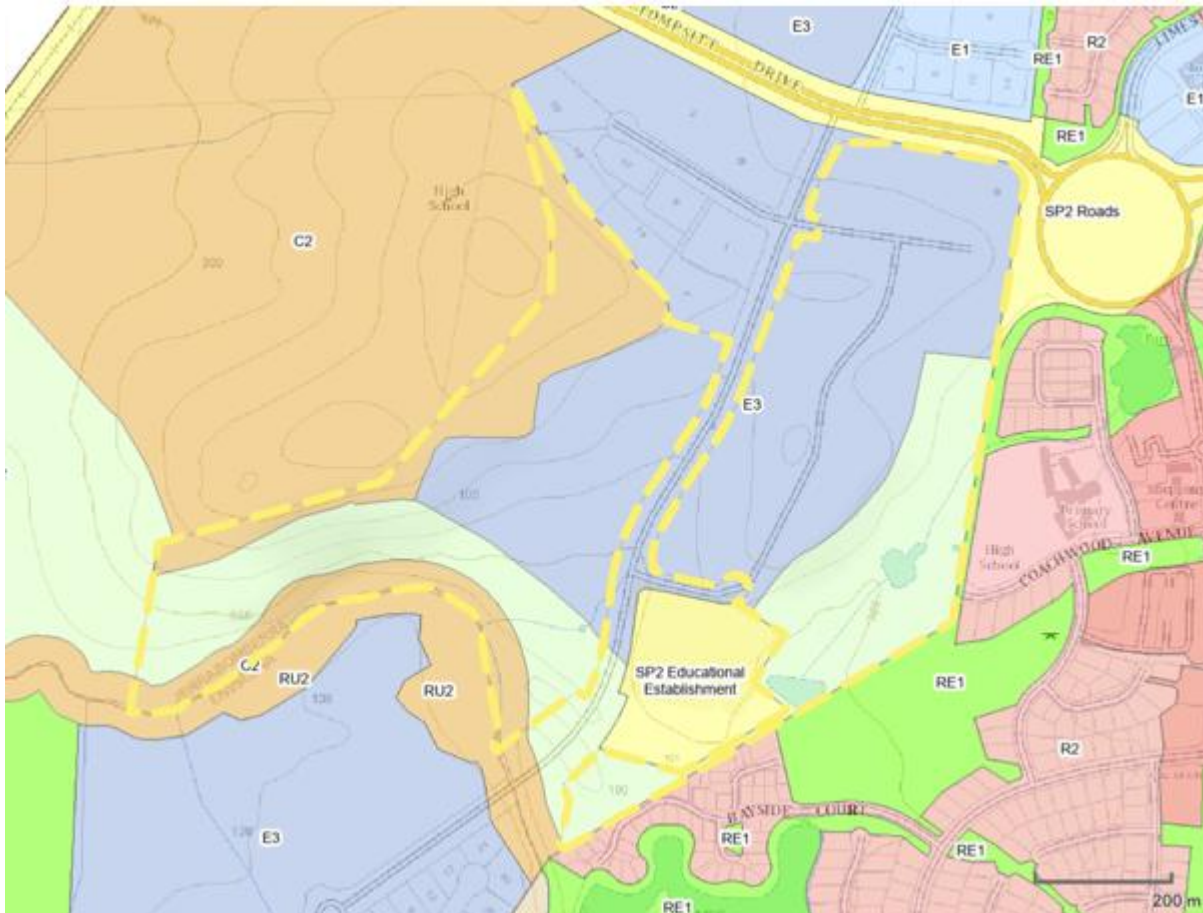


Figure 2: An example split zoned lot between E3 Productivity Support & C2 Environmental Conservation

The operation of Clause 4.1 of QPRLEP 2022 prevents the subdivision of split zoned land where any of the lot sizes will be less than the specified MLS. This is despite the lot being below the minimum lot size in its entirety.

A review of the Council area was undertaken, which determined that this issue is not unique to South Jerrabomberra. Under the current zoning in the QPRLEP 2022, several lots across the LGA have split zones, containing part residential, industrial or commercial zones and part environmental or rural zones.

It is not the intent of the QPRLEP 2022 to restrict the subdivision of the residential, commercial, or industrial parts of a split zoned property if the environmental or rural part of the lot is already less than the specified minimum lot size. This planning proposal will facilitate a mechanism to allow the subdivision of land whereby environmental or rural zoned land will maintain its current lot size without compromising its environmental values and/or generating additional building entitlements.

Moreover, it is also noted that several other councils have already adopted a similar clause into their LEPs to address the same issue of split zone subdivisions.

Part 1 – Objectives and Intended Outcomes

The objective of this planning proposal is to amend Queanbeyan Palerang Local Environmental Plan 2022 (QPRLEP) lots as follows:

- to permit subdivision under development consent for certain split zone which currently cannot be subdivided under clause 4.1.

The intended outcomes are to:

- enable subdivision of split zones in a manner that promotes the objectives of the respective zones
- facilitate more efficient land use by improving development flexibility and providing clarity and consistency in the application of zoning controls.

Part 2 – Explanation of Provisions

The planning proposal seeks to introduce the following local clause into QPRLEP 2022 to allow subdivision of split-zoned lots. The proposed clause aims to allow subdivision of lots affected by multiple zones, where subdivision is currently restricted under Clause 4.1 and cannot be exempted via Subclause 4.6.

Draft Clause 4.1F Minimum subdivision lot sizes for certain split zones

1. *The objectives of this clause are as follows –*
 - a) *To provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
 - b) *To ensure that the subdivision promotes suitable land use and development,*
 - c) *To ensure that the subdivision protects the environmental and heritage attributes of the land.*
2. *This clause applies to each lot (**an original lot**) that contains -*
 - a) *Land in a residential, employment, mixed-use or RU5 village zone, and*
 - b) *Land in a C2 Environmental Conservation, C3 Environmental Management, C4 Environmental Living, RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry zone.*
3. *Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (**the resulting lots**) if –*
 - a) *One of the resulting lots will contain –*
 - i. *Land in residential, employment, mixed-use or RU5 Village zones that have an area that is not less than the minimum size shown on the lot size map in relation to that land, and*
 - ii. *All of the land in Zone C2 Environmental Conservation, C3 Environmental Management, C4 Environmental Living, RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry that was in the original lot, and*
 - b) *All other resulting lots will contain land that has an area that is not less than the minimum size shown on the lot size map in relation to that land.*
4. *A dwelling cannot be erected on a resulting lot referred to in the above 4.1F(3)(ii).*

Explanation of the proposed Clause 4.1F

Suppose a proponent owns 104,000m² split zoned lot with 4,000m² (0.4ha) zoned R2 Low Density Residential and the remainder 100,000m² (10ha) zoned C3 Environmental Management.

The proposal is to subdivide the land into four lots with three of the lots located within the R2 zoned portion and the fourth lot is proposed to contain at least 1000m² of R2 land and the remainder being the whole C3 zoned land (10ha).

The LEP specifies the minimum lot sizes of 1000m² for R2 and 40ha for C3.

Under the existing instrument the proposed subdivision cannot go ahead as the lot contains C3 zoned land which does not meet the required minimum lot size of 40ha, even though the C3 zoned land is not proposed to be subdivided.

The proposed Clause would facilitate the pathway to subdivide the residential zoned part of the above lot without subdividing the C3 zoned portion as illustrated by figure 3 below.

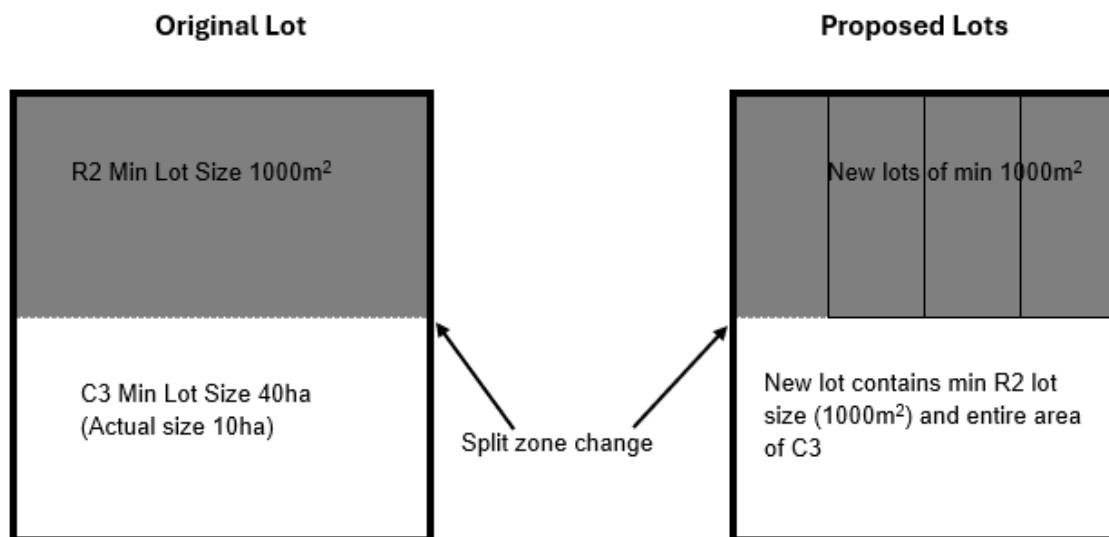


Figure 3: An example split zoned lot subdivision between R2 Low Density Residential & C3 Environmental Management

Part 3 – Justification

Section A: Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not a result of any strategic study or report. It is the result of a submission made to Council detailing an unintended restriction imposed by QPRLEP Clause 4.1.

As outlined above, the planning proposal responds to the restrictions under Clause 4.1 of the QPRLEP 2022 which prohibits the subdivision between split zoned land such as E3 and C2 zoned land.

Therefore, this planning proposal is prepared to facilitate the pathway to permit subdivision of E3 land in accordance with the approved South Jerrabomberra Regional Job Precinct Master Plan.

Furthermore, rather than requiring a site-specific planning proposal for each instance involving split zones, it would be more efficient to introduce a clause within the QPRLEP 2022 that addresses the subdivision of split zones.

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

Yes, a planning proposal to include an additional clause in QPRLEP 2022 for the subdivision of split zoned land is the best means of achieving the above objective. Currently QPRLEP 2022 has no provisions for subdivision of split zones. It is considered by Council that there are sufficient split zoned properties within the LGA to warrant the amendment of QPRLEP 2022 to insert the proposed split zone subdivision clause.

One alternate approach would be to remove the minimum lot size for environmental and rural zones. However, this is not considered an appropriate way as it would leave environmental and rural lands open to subdivision compromising their environmental values and zone objectives.

Another approach would be to review every split zoned lot in the LGA and individually address each instance of this issue. This is not a preferred option given the large resource commitment that would be required and the LEP complexities of implementing this solution.

Removal of the restriction of Clause 4.6 Exception to Development Standards was explored as it generally applies to environmentally zoned land. However, this approach is also not deemed strategically valid, as it could introduce all environmental zoned land to subdivision through variations.

In summary, the proposed new clause in the QPRLEP 2022 does not promote subdivision of environmental and rural land, instead it allows its excision to facilitate development on appropriately zoned land.

Section B: Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the planning proposal is consistent with the following regional strategies:

Southeast and Tablelands Regional Plan 2036

This planning proposal is consistent with the following directions of the Plan:

Direction 1: Leverage access to the global gateway of Canberra Airport

Direction 4: Leverage growth opportunities from Western Sydney

Direction 6: Position the region as a hub of renewable energy excellence

Direction 8: Protect important agricultural land

Direction 12: Promote business activities in urban centres

Direction 14: Protect important environmental assets

Direction 15: Enhance biodiversity connections

Direction 21: Increase access to health and education services

Detailed assessment against each direction is included in Appendix A.

Draft Southeast and Tablelands Regional Plan 2041

The planning proposal is consistent with the following objectives of the plan:

Objective 6: Enhance biodiversity, habitats and the connections between them

Objective 15: Promote business and employment opportunities in strategic locations

Detailed assessment against each objective is included in Appendix B

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Yes, the planning proposal is consistent with the QPRC Local Strategic Planning Statement.

QPRC LSPS Towards 2040

Following vision is identified under *Vision for Queanbeyan and Surrounds in 2040* QPRC LSPS page 35:

The South Jerrabomberra Innovation Precinct will emerge as a 'silicon valley' of business technology precincts, linked to the ACT eastern broadacre, focused on defence, space, energy and waste renewables technology and associated government enterprise.

Therefore, the proposed clause enabling the implementation of South Poplars Innovation Sub-precinct and South Jerrabomberra Regional Jobs Precinct, directly aligns with the above vision of LSPS.

5. Is the planning proposal consistent with any other applicable State and Regional Studies or Strategies?

Yes, the planning proposal is consistent with the NSW Government initiated South Jerrabomberra Regional Jobs Precinct (SJRJP) Master Plan 2025.

South Jerrabomberra Regional Jobs Precinct (SJRJP) Master Plan

The split zone subdivision issue pointed out in the submission is within the SJRJP Master Plan. The lot is identified under Poplars Innovation Sub-precinct to drive in investment and support growth in the region. However, the QPRLEP 2022 is now preventing the further development of the area and the implementation of the State approved Master Plan. The proposed clause through this planning proposal would provide a pathway to continue implementing the objectives of the Master Plan.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

State Environmental Planning Policies (SEPPs)

Yes, the proposal is consistent with the relevant State Environmental Planning Policies. A detailed assessment against the relevant SEPPs is noted in Appendix C.

7. Is the planning proposal consistent with the applicable Section 9.1 Ministerial Directions or key government priority?

Section 9.1 Ministerial Directions

The planning proposal is not inconsistent with any of the applicable Section 9.1 Directions. A detailed assessment against each applicable direction is given in Appendix D.

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?

Since the proposed split zone clause itself does not facilitate any development, it will not have any impacts on critical habitat, threatened species or ecological communities. Any future subdivision applications arising from the clause will be subject to the standard environmental assessment process.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No, there are not any environmental effects resulting from the planning proposal. It does not seek to vary the existing development standards under QPRLEP 2022. Any future applications for split zone subdivision will be subjects to the standard environmental assessment process.

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

The proposed split zone subdivision clause will have positive social and economic effects because it will enable the delivery of the South Jerrabomberra Regional Jobs Precinct and the Poplars Innovation Sub-precinct. These two job precincts will support the creation of thousands of jobs and also attract investment and workers from across the region and beyond.

Section D – Infrastructure (Local, State and Commonwealth)

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

Yes, the planning proposal does not itself generate demand for new infrastructure. Any future subdivision proposals arising from the proposed clause will be subject to the standard infrastructure assessment like any other subdivision applications.

The South Jerrabomberra Regional Jobs Precinct is a NSW Government led master plan and has adequate capacity for all the necessary infrastructure such as reticulated water, sewerage, stormwater, electricity and roads.

Section E – State and Commonwealth Interests

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

No State and Federal public authorities have been consulted at this stage. Consultation will be carried out if deemed necessary by the Gateway determination.

Part 4 – Mapping

This planning proposal does not seek to amend any maps

Part 5 – Community Consultation

Community will be consulted in accordance with the Gateway determination made by the Minister.

Consultation with the relevant public authorities will also be undertaken if conditioned in the Gateway determination.

Part 6: Project Timeline

Task Breakdown	Tentative Timeline
Preparing planning proposal	October 2025
Report to Council	November 2025
Gateway determination	Dec – Jan 2026
Agency consultation	Feb – Mar 2026
Public exhibition	Mar 2026
Report to Council with the submissions	April 2026
Finalisation to PCO and the Department	May 2026

Appendices

Appendix A – Southeast and Tablelands Regional Plan 2036

Applicable Directions	Consistency Assessment
Direction 1: Leverage access to the global gateway of Canberra Airport	Consistent. The proposed clause will facilitate the implementation Poplars Innovation Precinct and the South Jerrabomberra Regional Job Precinct Master Plan. The resultant economic activities in South Jerrabomberra will add value to Canberra Airport through import and export of the materials.
Direction 4: Leverage growth opportunities from Western Sydney	Consistent. Poplars Innovation Precinct and the South Jerrabomberra Jobs Precinct will bring in businesses to the region and create employment opportunities.
Direction 6: Position the region as a hub of renewable energy excellence.	Consistent. The proposed clause will support the Poplars Innovation sub-precinct, enabling development of a data centre, sustainable aerospace, wind energy, and recycling industries thus positioning the region as a renewable energy hub
Direction 8: Protect important agricultural land	Consistent. The proposed new clause in the Local environmental plan does not promote subdivision of agricultural land, instead it ensures such land remain intact and attached to an appropriately sized area of developable land.
Direction 12: Promote business activities in urban centres	Consistent. The planning proposal will give pathway to the implementation of South Jerrabomberra Regional Job Precinct Master Plan, which has plans to bring in business activities in South Jerrabomberra, which is next to Jerrabomberra local centre, a few kilometres distance from Queanbeyan city centre and around 10 minutes' drive from Canberra town centres.
Direction 14: Protect important environmental assets	Consistent. The proposed clause in the planning proposal enables implementation of planning agreement and BCAR commitments, supporting environmental protection in South Jerrabomberra and Poplars Innovation precincts.
Direction 15: Enhance biodiversity connections	Consistent. The proposed clause in the planning proposal enables implementation of planning agreement and BCAR commitments, supporting environmental protection in South Jerrabomberra and Poplars Innovation precincts. Moreover, the proposed new clause in the LEP does not promote subdivision of environmental land, instead it ensures such land remain intact and attached to an appropriately sized area of developable land.
Direction 21: Increase access to health and education services	Consistent. The proposed clause enables the continuation Poplars Innovation sub precinct which contains educational facilities in collaboration with University of Canberra and the University of New South Wales. This increases the access to education services.

Appendix B – Draft Southeast and Tablelands Regional Plan 2041

Applicable Directions	Consistency Assessment
Objective 6: Enhance biodiversity, habitats and the connections between them	Consistent. The proposed clause will facilitate the implementation of already agreed planning agreement and Biodiversity Conservation and Assessment Report.
Objective 15: Promote business and employment opportunities in strategic locations	Consistent. The proposed clause will facilitate the implementation of the State led South Jerrabomberra Regional Job Precinct Master Plan.

Appendix C – State Environmental Planning Policies

State Environmental Planning Policies (SEPPs)	Applicable / Consistency Assessment
SEPP (Biodiversity and Conservation) 2021	Consistent. The proposed clause protects the environmental or rural zoned land while facilitating the subdivision of the residential or employment part of the land.
SEPP (Industry and Employment) 2021	Consistent. The proposed clause enabling the implementation of Poplars Innovation Sub-precinct and South Jerrabomberra Regional Jobs Precinct directly correlates with the following objectives of this SEPP: - Facilitating economic growth - Supporting strategic planning for employment - Protecting and enhancing employment lands - Enabling innovation and promoting sustainability.
SEPP (Planning Systems) 2021	Consistent
SEPP (Resilience and Hazards) 2021	Consistent. The planning proposal will facilitate the ongoing implementation of the South Poplars Innovation Sub-precinct which is not proposing any hazardous industries, and all necessary technical studies have been carried out to consider the exposure to possible hazards.
SEPP (Transport and Infrastructure) 2021	Consistent. The planning proposal enabling the implementation of the Innovation Sub-precinct means the development of already planned and approved land uses and infrastructure upgrades.
SEPP (Resources and Energy) 2021	Consistent. The planning proposal is consistent as it facilitates the innovation precinct which will have renewable energy infrastructure such as solar energy and water reuse.
SEPP (Primary Production) 2021	Consistent. The planning proposal will not facilitate the subdivision of any rural or agricultural land. Instead, it makes sure the agricultural or rural part of split zone, is sustainably managed in line with the zone's objectives.
SEPP (Housing) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts – Regional) 2021	Not applicable

Appendix D – Section 9.1 Ministerial Directions

Section 9.1 Ministerial Directions	Applicable / Consistency Assessment
Focus area 1 – Planning Systems	
1.1 Implementation of Regional Plans	Consistent. The planning proposal is consistent with the objectives of Southeast and Tablelands Regional Plan 2036, Draft Southeast and Tablelands Regional Plan 2041 and the South Jerrabomberra Regional Jobs Precinct Master Plan 2025. A full assessment is provided in appendices A, B and under question 5 above.
1.2 Development of Aboriginal Land Council Land	Consistent. This planning proposal is not directly related to development of Aboriginal Land. However, if any Aboriginal Land gets affected by the proposed Clause, appropriate development delivery plans will be considered by the Council as per Chapter 3 Aboriginal Land of SEPP (Planning Systems) 2021.
1.3 Approval and Referral Requirements	Consistent. The proposed clause in the planning proposal will enable Council-level subdivision of split-zoned land without introducing new ministerial or public authority referral requirements.
1.4 Site-specific Provisions	Consistent. The proposed Clause in the planning proposal will remove the existing restrictions and simplify the application process for split zone subdivision.
1.4A Exclusion of Development Standards from Variation	Consistent. The planning proposal does not seek to introduce additional restrictions on the application of clause 4.6 of QPRLEP 2022.
1.5 – 1.22 Planning Systems – Place-based	Not applicable for Queanbeyan Palerang Regional LGA.
Focus area 2 – Design and Place	
Focus area 3 – Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. The planning proposal does not seek to rezone any conservation zones. Instead, the split zone clause will enhance the protection of the conservation zones by clearly separating development from environmentally sensitive areas of the lot while facilitating the subdivision of residential or employment part of the same lot. The clause will enable the implementation of the existing biodiversity conservation agreement under South Jerrabomberra Regional Jobs Precinct Master Plan
3.2 Heritage Conservation	Consistent. The planning proposal does not affect existing heritage values in the LGA. Any future subdivision involving split-zoned land with heritage significance will require a Heritage Impact Assessment and be assessed to ensure environmental and cultural heritage values are preserved, as stated in the proposed clause.
3.3 Sydney Drinking Water Catchments	Consistent. Queanbeyan Palerang Regional LGA does have land within Sydney Drinking Water Catchments. If any split zone subdivision occurs in future, the subdivision development applications within the catchment will be subject to a NorBE (Neutral or Beneficial Effect) assessment, as required under the SEPP and WaterNSW's guidelines.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable

3.6 Strategic Conservation Planning	Consistent. The clause ensures that strategically identified conservation areas are not rezoned or subdivided. The clause ensures that subdivision respects the idea of zoning boundaries and does not compromise the environmental values, aligning with the objectives of SEPP (Biodiversity and Conservation) 2021.
3.7 Public Bushland	Not applicable
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10 Water Catchment Protection	Consistent. Any future split zone subdivision will be subject to water sensitive urban design, erosion control measures and wastewater management in line with the objectives of Water NSW and SEPP (Biodiversity and Conservation).
Focus area 4 – Resilience and Hazards	
4.1 Flooding	Consistent. The clause does not vary the existing development standards of QPRLEP 2022. It just enables the subdivision of split zones without fragmenting the conservation or rural zones and following all the flooding requirements as with any other subdivision.
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Consistent. The Clause does not vary the existing development standards of QPRLEP 2022. Any future split zone subdivision involving bushfire prone land will be guided by the principles of <i>Planning for Bushfire Protection 2019</i> and relevant bushfire control measures as applicable to any other subdivision application.
4.4 Remediation of Contaminated Land	Consistent. The Clause does not vary the existing development standards of QPRLEP 2022. Any future split zone subdivision will be subject to standard contamination assessment like any other subdivision applications.
4.5 Acid Sulfate Soils	Consistent. The Clause does not vary the existing development standards of QPRLEP 2022. Any future split zone subdivision will be subject to standard soil assessment like any other subdivision applications.
4.6 Mine subsidence and Unstable Land	Consistent. The Clause does not vary the existing development standards of QPRLEP 2022. Any future split zone subdivision will be subject to assessment for mine subsidence and unstable land like any other subdivision applications.
Focus area 5 – Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. The Clause will facilitate the ongoing development of South Jerrabomberra Regional Jobs Precinct, creating more employment adjacent to already designated area for other major commercial uses and the existing public transport services along Environa Drive.
5.2 Reserving Land for Public Purposes	Consistent. The Clause does not vary the existing development standards, so it does not seek to create, amend or reduce land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Consistent. The Clause does not seek to vary any existing development standards of QPRLEP 2022. Any future split zone subdivision will be assessed against ' <i>development near regulated airports and defence airfields.</i> '
5.4 Shooting Ranges	Consistent. The Clause does not seek to vary any existing development standards of QPRLEP 2022. Any future split zone subdivision will be assessed against the requirements for ' <i>development near existing shooting range</i> ' as like any other development application.
5.5 High pressure dangerous goods pipeline	Consistent. The Clause does not seek to vary any existing development standards of QPRLEP 2022. Any future split zone subdivision will be assessed against the requirements for ' <i>high pressure dangerous goods pipeline</i> ' as like any other development application.
Focus area 6 - Housing	

6.1 Residential Zones	Consistent. The proposed Clause would facilitate the subdivision of already identified residential portion of split zone. Under Current QPRLEP split zone subdivision is not permitted if it does not meet the minimum lot size of the conservation or rural part of the split zone.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7 – Industry and Employment	
7.1 Business and Industrial Zones	Consistent. The proposed Clause will enable the development of employment zones in split zoned land, thus giving pathway to more business activities and employment. The clause will facilitate the ongoing implementation South Jerrabomberra Regional Jobs Precinct Master Plan and Poplars Innovation Sub-precinct, creating thousands of employment opportunities in the region.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8 – Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Consistent. The Clause does not seek to vary any existing development standards of QPRLEP 2022. Any future split zone subdivision will be assessed against the requirements of the <i>Direction 8.1 'Mining, Petroleum Production and Extractive Industries'</i> , like any other subdivision applications.
Focus area 9 – Primary Production	
9.1 Rural Zones	Consistent. The planning proposal does not involve rezoning at all. Instead, it supports the rural zones from adjoining employment or residential zones by introducing clear zoning boundaries.
9.2 Rural Lands	Consistent. The proposed Clause allows for subdivision along zone boundaries to allow the development of appropriately zoned land. It does not allow for the reduction of rural zoned land lot sizes or its fragmentation.
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable