

Planning Proposal

Amendment to Lismore LEP 2012 to add an Additional Local Provision to allow a portion of Lot 22 DP 628242; 202 Caniaba Road CANIABA to be used as a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business, only.



September 2025

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EXECUTIVE SUMMARY

This Proponent-led planning proposal applies to a portion of Lot 22 DP 628242; 202 Caniaba Road CANIABA, as shown in **Figure 1**. The subject land includes a dwelling and areas used for agricultural pursuits.

Figure 1- Land Subject to this Planning Proposal.



The aim of the planning proposal is to allow for a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business only to be permitted on a portion of the land.

The planning proposal arises in direct response to the significant 2022 flood event, in which an existing business has put forward this initiative as a means of relocating operations away from flood-prone land. Much of Lismore's current supply of industrial land lies within the floodplain; by contrast, the subject site is located above the mapped Probable Maximum Flood (PMF) level. This location offers greater certainty for long-term investment, supports the likelihood of obtaining insurance for major capital and plant, and provides a foundation for resilient employment and light industrial capacity in the regional city of Lismore.

The proximity of the proposal site to adjoining dwellings means the ongoing amenity of nearby residents is a key consideration in the assessment. Additionally, the subject land is not directly connected to other areas where the use proposed is currently allowed, requiring careful consideration of potential land use interface and compatibility.

The Planning Proposal is consistent with the *North Coast Regional Plan 2041* and relevant State Environmental Planning Policies. It is also consistent, or justifiably consistent, with the relevant *Section 9.1 Ministerial Directions*.

The merits of the Planning Proposal have been assessed in accordance with the Department of Planning Housing and Infrastructure's *Local Environmental Plan Making Guideline* (August 2023). A Gateway Determination is sought under *Section 3.34* of the *Environmental Planning and Assessment Act 1979*.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

Objective

The objective of the planning proposal is to:

- Amendment to Lismore LEP 2012 to add an Additional Local Provision allow a portion of Lot 22 DP 628242; 202 Caniaba Road CANIABA to be used as a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business only.
- To add suitable mapping to identify the portion of the allotment where the use as a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business only are to be permitted.
- The mapping specified above is to be in accordance with the image below (pink area):



Intended outcomes

- To facilitate flood-resilient employment land in Caniaba.
- To support relocation of flood-affected businesses.
- To diversify Lismore's industrial land supply.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome of the planning proposal will be achieved by:

- Amendment to Lismore LEP 2012 to add an Additional Local Provision allow a portion of Lot 22 DP 628242; 202 Caniaba Road CANIABA to be used as a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business only.
- To add suitable mapping to identify the portion of the allotment where the use as a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business only are to be permitted.

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 has been pursued due to landowner requirements for flood-free industrial land to support business relocation and economic recovery. However, the planning proposal is consistent with Council's endorsed Growth and Realignment Strategy 2022.

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

A planning proposal is the best and only way for the additional uses to be pursued.

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* and supports planning priorities for economic resilience and employment land diversification. The relevant planning priorities are addressed in **Table 1**.

The planning proposal is consistent with Council's *LSPS – Inspire Lismore 2040*. The relevant planning priorities are addressed in Table below.

Table 1

#	Planning Priority	Consistency
1	Growth is consolidated around Lismore city, CBD and villages	The subject land is located within a 2km radius of Lismore city and surrounding villages. It is not

		considered the proposal is significantly far removed from the specified locations.
2	Create a city and villages that support active & healthy living.	Not essentially relevant to the Planning Proposal.
3	Rural and natural landscapes will be identified & protected.	No significant impacts to the rural landscape are anticipated given the location and small portion of the site proposed to be utilised.
4	Recognise, embrace and protect our cultural heritage.	No Aboriginal Sites are recorded in or near the subject land, and the subject site does not contain any items of Heritage significance and is not Located within a Heritage Conservation Area.
5	Identify & support the expansion of emerging industries	Council has received enquiries relating to opportunities to support business outside of flood-prone lands. The planning proposal will support the expansion of new industries outside of flood-prone lands.
6	Expand agriculture & agribusiness while protecting productive agricultural land.	The site slightly encroaches Regionally Significant Farmland, but the limited 1Ha footprint ensures no meaningful impact on agricultural productivity.
7	Revitalise the City Heart and create linkages to a reactivated River Precinct.	Not essentially relevant to the Planning Proposal.
8	Consolidate existing industries & support their continued growth.	The Planning Proposal supports relocation of flood-affected industries to higher ground, addressing clear demand for flood-free industrial.
9	Transport & communications keep our communities connected and facilitate the expansion of industries	Not essentially relevant to the subject proposal.
10	Areas of high biodiversity value and connectivity are protected and enhanced.	The proposal is not considered to present significant adverse implications to the environment given the limited size of the area proposed for the additional local provision to operate, in combination with the subject area is not mapped on the Biodiversity Values Map.
11	Waterways, riparian areas and water catchments are protected and enhanced.	Not essentially relevant to the Planning Proposal.

12	Protect and improve productive agricultural land and other natural resources.	See comments provided for point 6.
13	Identify, manage and adapt to risks from natural hazards.	The proposal relates to adaption to natural hazards. The subject area is located above the Probable Maximum Flood event.
14	Build community resilience and adapt to climate changes.	Not essentially relevant to the Planning Proposal.

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

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

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

The planning proposal does not preclude the application of, and is consistent with, relevant *State Environmental Planning Policies*. Further detail is provided at **Appendix 2**.

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

The planning proposal is consistent, or justifiably inconsistent, with the applicable *section 9.1 Ministerial Directions*. Refer to **Appendix 3** 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 only applies to a portion of the subject site and than what can already be done with development consent in the RU1 Primary Production zone. It is therefore considered any adverse effects can be dealt with appropriately at the Development Assessment stage.

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

There are no other likely environmental effects which cannot be managed appropriately through existing provisions of the *LEP, DCP* and relevant *SEPPs* as part of any Development Application assessment.

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

The planning proposal will allow for a Light Industry for the purpose of a Plumbing & Gas fitting business and uses ancillary to the business only to a portion of the RU1 Primary Production land. This is likely to improve economic use of land and improve social outcomes through assisting in supporting economic recovery and enabling flood-resilient

industrial development. As the RU1 Primary Production zone currently allows a range of industrial and tourism-based uses in the zone, the additional new land uses are not expected to impact on the functioning of the zone.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject lot is well-serviced and the additional use can be managed appropriately through any Development Application. The proposed additional use will not require additional public infrastructure.

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

The Additional Permitted Use map is to be updated to include the portion/part of the subject allotment marked (pink) below.

Council's GIS team will create the map in the required format after Gateway is received.



Figure 2: Applicants requested area in which the Additional Local Provision is to apply

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
(100 days) September 2025	Report planning proposal to Council
(30 Days) October 2025	Gateway determination issued by DPE
(30 Days) November 2025	Amend planning proposal report in accordance with Gateway
(30 Days) December 2025	Commence agency consultation
(30 Days) December 2025	Commence public exhibition

(30 Days) January 2025	Consideration of submissions
(30 Days) January 2025	Post-exhibition review and additional studies
(60 Days) March 2025	Report to Council – consultation and submissions analysis
(30 Days) April 2025	Submission to Department for finalisation (where applicable)
(30 Days) May 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	Not relevant/No Impact
2. Provide for more affordable and low cost housing	Not relevant/No Impact
3. Protect regional biodiversity and areas of high environmental value	No significant impact identified.
4. Understand, celebrate and integrate Aboriginal culture	An AHIMS search has been supplied with the application where no aboriginal sites are identified as recorded in or near the location and no aboriginal places have been declared in or near the above location.
5. Manage and improve resilience to shocks and stresses, natural hazards and climate change	Much of Lismore's existing supply of industrial lands are flood prone lands. The subject land is located above the Probable Maximum Flood and represents a light industrial location where more significant investments in capital and plant are likely to be undertaken. Therefore, the proposal will offer a resilient employment and industrial capacity for the regional city of Lismore.
6. Create a circular economy	The proposal is not considered contrary to this objective.
7. Promote renewable energy opportunities	Not relevant/No Impact
8. Support the productivity of agricultural land	The subject allotment is mapped as possessing Regionally Significant Farmlands. It is noted the subject area relevant to the proposal is either outside this mapped area and/or on its periphery. By limiting the Additional Local Provision to the 1Ha area specified it is considered no significant implications to overall primary production potential are presented by the proposal given its limited area

9. Sustainably manage and conserve water resources	Not essentially relevant. Although the business is a plumbing business, and their services assist in the management of water resources.
10. Sustainably manage the productivity of our natural resources	See discussion for point 8.
Goal 2: Productive and connected	
11. Support cities and centres and coordinate the supply of well-located employment land	Much of Lismore's existing supply of industrial lands are flood prone lands. The subject land is located above the Probable Maximum Flood and represents a location where more significant investments in capital and plant are likely to be undertaken. Therefore, the proposal will offer a resilient employment and industrial capacity for the regional city of Lismore. The proposal is located within reasonable proximity to the CBD and other industrial zoned lands.
12. Create a diverse visitor economy	Not relevant/No Impact
13. Champion Aboriginal self-determination	Not relevant/No Impact refer to Goal 1 Point 4 also.
14. Deliver new industries of the future	Refer to comments provided for Goal 2 point 11.
15. Improve state and regional connectivity	Not relevant/No Impact
16. Increase active and public transport usage	Not relevant/No Impact
17. Utilise new transport technology	Not relevant/No Impact
Goal 3: Growth Change and Opportunity	
18. Plan for sustainable communities	Relocation of an existing business off the flood plain is considered to facilitate a more sustainable and resilient community.
19. Public spaces and green infrastructure support connected and healthy communities	Not essentially relevant.

20. Celebrate local character	The local characteristic of perseverance in the face of adversity is apparent.
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APPENDIX 2

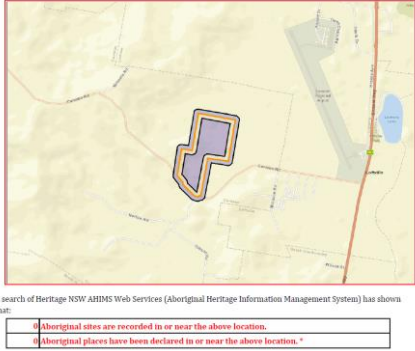
STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP (Biodiversity and Conservation) 2021	Applicable, Chapter 3 applies.	The property does not contain mapped Koala Habitat.
SEPP (Building Sustainability Index: BASIX) 2004	No specific requirement regarding Additional Permitted Use.	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	No specific requirement regarding Additional Permitted Use.	Not applicable
SEPP (Housing) 2021	No new residential component proposed.	Not applicable
SEPP (Industry and Employment) 2021	No signage proposed	Not relevant
SEPP (Primary Production) 2021	The subject lands are not mapped as State Significant Farmlands.	Not relevant
SEPP (Resilience and Hazards) 2021	Clauses 2.10 and 2.11 identify specific requirements for Coastal Use and Coastal Environment Areas. Clause 4.6 requires prior to the carrying out of development, consent authorities are to consider whether land contaminated and if the land is contaminated whether it is suitable in its contaminated state or is satisfied the land will be remediated before it is used for that purpose.	The proposal is not located within a Coastal Use or Coastal Environment Area. The site is not mapped as being potentially contaminated lands on Council's mapping system. Any future development application will address this requirement.
SEPP (Resources and Energy) 2021	No specific requirement regarding Additional Permitted Use.	Not applicable

SEPP (Sustainable Buildings) 2022	No specific requirement regarding Additional Permitted Use.	Not applicable
SEPP (Transport and Infrastructure) 2021	No specific requirement regarding Additional Permitted Use.	Not applicable

APPENDIX 3

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.	The subject lands are not identified to be subject to an Aboriginal Land claim on Council's mapping system. The applicant has supplied an AHIMS search for the land where No (0) Aboriginal sites are recorded in or near the location. No (0) Aboriginal Places have been declared in or near the location.  Figure 3: Extract of Applicants AHIMS search results
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	The Gateway Determination will determine the duration and extent of public and State Agency consultation requirements.

	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.	
1.4 Site Specific Provisions	(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development 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 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	The zoning of the land is not proposed to be altered. The planning proposal seeks to amend the Lismore LEP 2012 to add a Additional Local Provision to a portion/part of the land.

	environmental planning instrument being amended. (2) A planning proposal must not contain or refer to drawings that show details of the proposed development.	
1.4A Exclusion of Development Standard from Variation	(1) In preparing a planning proposal the planning proposal authority must have regard to the Guide to exclusions from clause 4.6 of the Standard Instrument. (2) A planning proposal to which this direction applies must: (a) minimise the exclusion of development standards from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument; and (b) not propose to exclude a development standard from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument unless the exclusion is consistent with the criteria in Part 2 of the Guide to exclusions from clause 4.6 of the Standard Instrument.	No exclusions are sought in relation to Clause 4.6 of the LEP.
3. Biodiversity and Conservation		
3.1 Conservation Zones	(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection	The proposal is not located on land identified for conservation/protection purposes within the Lismore LEP 2012.

	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”.	
3.2 Heritage Conservation	(1) A planning proposal must contain provisions that facilitate the conservation of: (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 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.	The subject land is not identified as containing an item of heritage significance. The allotment is not located within a heritage conservation area pursuant to the Lismore LEP 2012. The applicant has supplied an AHIMS search for the land where No (0) Aboriginal sites are recorded in or near the location. No (0) Aboriginal Places have been declared in or near the location. Further consultation may be required with Heritage NSW, and/or Ngulingah Local Aboriginal Land Council as a per any relevant Gateway condition.

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.	The proposal does not involve land zoned C2 or C3 and these zonings are not proposed to be created by the proposal.
3.5 Recreation Vehicle Areas	(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): (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: 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	(1) A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the State	N/A

Strategic Conservation Planning	Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with: (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, (d) the protection or enhancement of koala habitat and corridors, and (e) the protection of matters of national environmental significance. (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: (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	
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	movement, and links to ecological restoration areas, and (d) the maintenance or enhancement of ecological function. (3) A planning proposal must not rezone land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to: (a) a rural, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone. (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: (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	(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following: (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	The subject land is not located within a designated drinking water catchment on review of Council's mapping system.

	person(s), indicating whether the planning proposal: 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 (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, (e) identifies how the planning proposal will: 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,	
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	(f) considers any feasible alternatives to the planning proposal. (2) When preparing a planning proposal, the planning proposal authority must: (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.	
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4. Resilience and Hazards

4.1	Flooding	(1) A planning proposal must include provisions that give effect to and are consistent with: (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. (2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a	The subject land is not located within a mapped flood planning area as provided within the image below.  Figure 4: Flood Planning Area Map There are areas of the property identified as affected by the Probable Maximum Flood Event. However, the subject area relevant to the Additional Local Provision is beyond its mapped extent as supplied below.
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Residential, Business, Industrial or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

(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,

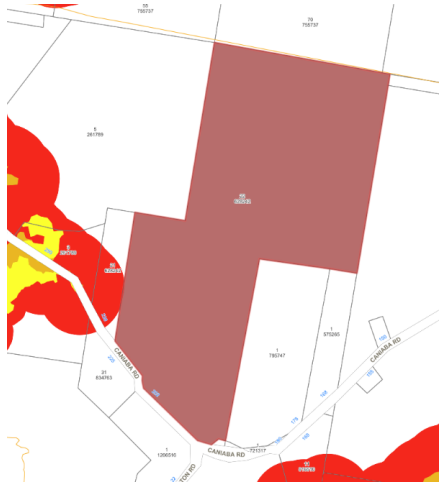


Figure 5: Probable Maximum Flood Event Map

	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. (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: (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.	
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	(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.	
4.2 Coastal Management	(1) A planning proposal must include provisions that give effect to and are consistent with: (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. (2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land: (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	N/A

	development control plan, or a study or assessment undertaken: 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. (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. (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: (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map. 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	
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	clause 4 of Schedule 3 to the Coastal Management Act 2016.	
4.3 Planning for Bushfire Protection	(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. (2) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ). (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: 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	The area/part of the allotment proposed relevant to the Additional Local Provision is not mapped as Bushfire Prone Land. A suitable image is provided below.  Figure 6: Bushfire Prone Lands Map

	and located on the bushland side of the perimeter road, (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, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area	
4.4 Remediation of Contaminated Land	(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: (a) the planning proposal authority has considered whether the land is contaminated, and	The subject allotment is not mapped as a Potential Contaminated Site on Council's mapping system. The Additional Local Provision sought is not a residential, educational, recreational or childcare use, or for the purposes of a hospital.

	(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its 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 (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. (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.	
4.5 Acid Sulfate Soils	(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. (2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate	N/A. The land is not mapped as containing Acid Sulfate Soils on Council's mapping system.

	soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines. (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. (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	(1) When preparing a planning proposal that would permit	N/A

Mine Subsidence and Unstable Land	development on land that is within a declared mine subsidence district, a relevant planning authority must: (a) consult Subsidence Advisory NSW to ascertain: 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 (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 (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. (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.	
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	(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:	N/A

	(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	
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 and the Planning Secretary (or an officer of the Department nominated by the Secretary). (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: (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. (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:	N/A

	(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. (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.	
5.3 Development Near Regulated Airports and Defence Airfields	(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must: (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. (d) not allow development types that are incompatible with the current and future operation of that airport.	The applicant has provided suitable commentary surrounding this Direction, their commentary is agreed with and quoted below. No consultation has been undertaken to date with the airport operator. This can be undertaken as a condition of Gateway if required/requested. It is not considered the planning proposal will adversely affect the airport or airspace operations. <i>The property is approximately 2km to the west of the Lismore Airport and is within the 54.5m contour on the Obstacle limitation surface map for the airport.</i> <i>The planning proposal does not seek to alter the maximum allowable building height or any other controls for development on the property.</i> <i>The proposed additional permitted uses (light industry, depot, warehouse or distribution centre) are not noise sensitive and will not be impacted by aircraft noise from Lismore Airport.</i>

(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:

- (a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;
- (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.
- (c) not allow development types that are incompatible with the current and future operation of that airport.
- (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.

(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:

- (a) consult with the Department of Defence if:
 - i. the planning proposal seeks to exceed the height provisions

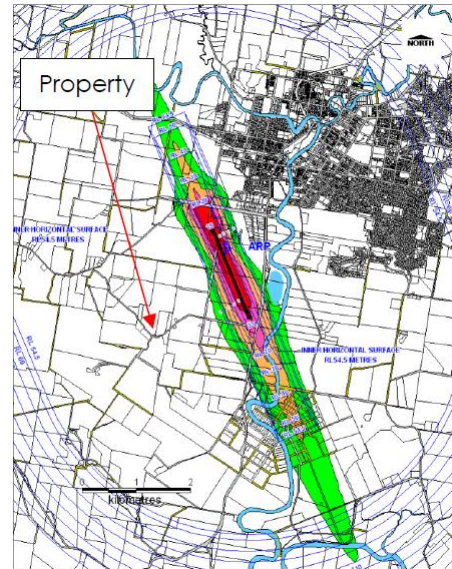


Figure 7: Lismore Airport ANEF Contour map (Source: Lismore Development Control Plan - Chapter 11)

The property is not located near to a defence airfield.

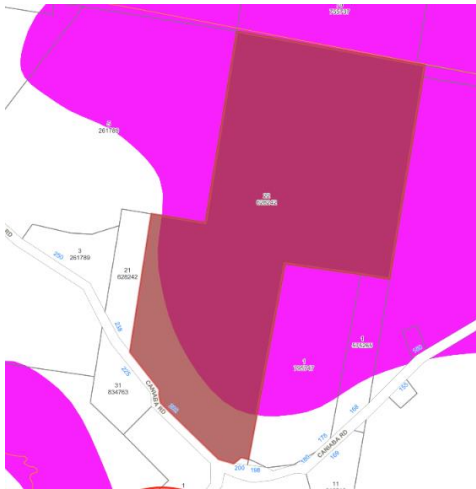
	contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield. (b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (c) not allow development types that are incompatible with the current and future operation of that airfield. (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 respect to interior noise levels, if the proposal seeks to rezone land: (a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or (c) for commercial or industrial purposes where the ANEF is above 30. (5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure	
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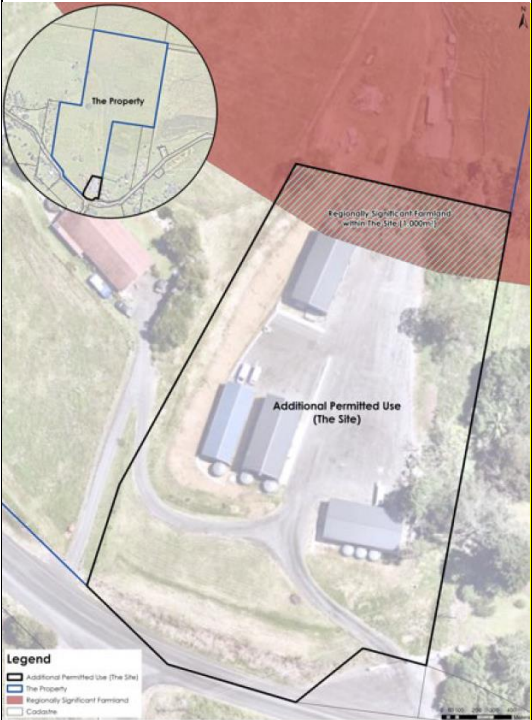
	Concept (ANEC)/ANEF contour for Western Sydney Airport.	
5.4 Shooting Ranges	(1) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of: (a) permitting more intensive land uses than those which are permitted under the existing zone; or (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range	N/A, there is no shooting range adjacent to and/or adjoining the subject allotment.
5.5 High pressure dangerous goods pipelines	(1) A planning proposal authority must consider risks to the integrity of relevant pipelines, human health and the environment when preparing a planning proposal that would permit development for one or more of the specified uses in the application area of relevant pipelines. (2) When considering the risks in (1), the planning proposal authority must consider the pipeline guidelines.	N/A
6. Housing		
6.1 Residential Zones	(1) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated	N/A

	urban development on the urban fringe, and (d) be of good design. (2) A planning proposal must, in relation to land to which this direction applies: (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 (b) not contain provisions which will reduce the permissible residential density of land.	
6.2 Caravan Parks and Manufactured Home Estates	(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (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. (2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) take into account the categories of land set out in Schedule 6 of State	N/A.

	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	(1) A planning proposal must: (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. The proposal does not involve land within an existing or proposed Employment Zone.
8: Resources and Energy		
8.1 Mining, Petroleum Production and	(1) In the preparation of a planning proposal affected by this	N/A. The proposal does not prohibit mining, and the Additional Local Provision is not considered to present a use that

Extractive Industries	direction, the relevant planning authority must: (a) consult the Secretary of the Department of Primary Industries (DPI) to identify any: i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and (b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and: i. development of resources identified under (1)(a)(i), or ii. existing development identified under (1)(a)(ii). (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: (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	would substantially limit future resource extraction.
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	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 (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.	
9: Primary Production		
9.1 Rural Zones	(1) A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Direction 1(a) only is applicable given Lismore is not listed as an LGA where 1(b) applies. The proposal does not relate to rezoning of the land and adheres to the requirements of the direction.
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 vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water	Justifiably Inconsistent. Given it is considered of minor significance. The allotment is mapped as being Regionally Significant Farmlands as depicted below. It is noted the subject area relevant to the Additional Local Provision is located on its periphery where a minor encroachment (Approximately 1000m²) into this mapped area is relevant. 
Figure 8 – Extent of Mapped Regionally Significant Farmlands		

	availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it: (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and	The applicant has supplied a suitable image of the encroachment of the proposed use into the area mapped as being regionally significant farmlands as provided below.  Figure 9 – Extent of encroachment into Regionally Significant Farmlands As stated within the Part 3 for question 1, the Lismore Growth and Realignment Strategy 2022 does discuss the lack/shortage of flood free industrial lands and acknowledges the desire of relocating businesses to higher ground for Lismore’s ongoing prosperity. Therefore, suitable justification in relation to 1(a) is apparent. The Additional Local Provisions mapping component will limit the area to a approximately 1Ha portion of the allotment and is not viewed as being a significant reduction of the primary production potential of the parcel when considered holistically. There is no indication the land possesses any significant biodiversity, heritage or water resources in relation to 1(c).
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	facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land. 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.	Council's Engineer has reviewed the proposal and has not identified any Geotechnical issues with the proposal in relation to 1(d). In relation to 1(e) the business attempting to use the land is a plumbing business. Agriculture generally utilises pipework extensively to increase production levels. It is considered to permit the Additional Local Provision would be consistent with 1(e). The proposal is not considered to not support farmers exercising their right to farm (1(f)). In relation to 1(g) the proposal will not fragment land as it will, only alter it usage. In addition, the use proposed as Additional Local Provision are not of a typology that would limit or create land use conflict that would reduce the primary production potential of adjoining lands. In relation to 1(h) the land is not mapped as being State Significant Farmland. No significant adverse economic or social or environmental impacts are anticipated to result from the proposal. (1(i)) The proposal does not seek to alter the minimum lot size applicable to the land and therefore the requirements within point (2) are not applicable. The proponent has provided a Agriculture Land Assessment Report for the proposal and the planning proposal report provides the following summary of its findings. <i>An Agricultural Land Assessment prepared to assess the potential impacts of the planning proposal on primary production values concluded that the proposal would have a negligible impact on the primary production values of the subject property and adjoining agricultural land (refer to Appendix D).</i>
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9.4 Farmland of State and Regional Significance on the NSW Far North Coast	(1) A planning proposal must not: (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.	The planning proposal is not for rezoning. Complies.
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