

An EXTRA ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the Council Chambers, 43 Oliver Avenue, Goonellabah on Thursday, 10 November 2011 6.00pm

## Attachments Excluded From Agenda



Gary Murphy  
**General Manager**

3 November 2011



# Attachments

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## Reports

### **6.1 Lismore Draft Local Environmental Plan 2010 - Recommended Amendments (site specific rezoning requests and lot sizes)**

<b>Attachment 1:</b>	ATTACHMENT A - Draft LEP 2010 Submissions for zone changes to residential, large lot residential and village zone and requests to reduce the minimum lot size.....	3
<b>Attachment 2:</b>	ATTACHMENT B - Draft LEP 2010 Submissions for zone and use changes - commercial and industrial.....	47
<b>Attachment 3:</b>	ATTACHMENT C - Zone Maps.....	58

### **6.2 Lismore Draft Local Environmental Plan 2010 - Recommended Amendments and Re-Exhibition (the balance of the subjects)**

<b>Attachment 1:</b>	ATTACHMENT 1 -Rural Issues.....	64
<b>Attachment 2:</b>	ATTACHMENT 2 - Environmental Protection submissions.....	104
<b>Attachment 3:</b>	ATTACHMENT 3 - Flood Planning.....	169
<b>Attachment 4:</b>	ATTACHMENT 4 - Urban & Rural Residential Release Areas .....	192
<b>Attachment 5:</b>	ATTACHMENT 4a - Amended Draft Planning Agreement - 357 Dunoon Road, Tullera for Public Exhibition.....	218
<b>Attachment 6:</b>	ATTACHMENT 5 - Land Reclassification Issues .....	246
<b>Attachment 7:</b>	ATTACHMENT 5a - Public Hearing Report into Council Land Reclassification .....	260
<b>Attachment 8:</b>	ATTACHMENT 6 - Heritage Issues.....	283
<b>Attachment 9:</b>	ATTACHMENT 6a - Eltham Community Foundation - Eltham Railway Cottage .....	290
<b>Attachment 10:</b>	ATTACHMENT 7 - Government, Agency, adjoining Councils and PAG Issues .....	293
<b>Attachment 11:</b>	ATTACHMENT 8 - Miscellaneous Issues .....	348
<b>Attachment 12:</b>	ATTACHMENT 9 - Matters Raised by Staff and Councillors .....	364
<b>Attachment 13:</b>	ATTACHMENT 10 - Amended Draft LEP Instrument.....	379
<b>Attachment 14:</b>	ATTACHMENT 11 - Database of names and addresses of submitters.....	513
<b>Attachment 15:</b>	ATTACHMENT 12 - Zone Maps.....	552

**ATTACHMENT A: DRAFT LEP 2010 SUBMISSIONS FOR ZONE CHANGES TO RESIDENTIAL, LARGE LOT RESIDENTIAL AND VILLAGE ZONE AND REQUESTS TO REDUCE THE MINIMUM LOT SIZE**

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>EAST LISMORE AREA</b>				
A.1	<p><b>Request to include the part of the lots at 346, 348, 362, 363 Keen Street currently zoned 1(d) Investigation in the R1 General Residential zone rather than RU1 Primary Production.</b></p> <p><b>The submitters state that the zoning proposed under the draft LEP does not reflect the suitability of the land for residential subdivision</b></p>	<p>This area is currently zoned part 1(d) Investigation zone and part 1(r) Riverlands zone on the western side of Keen Street and part 1(d) Investigation and part 2(a) Residential on the eastern side of Keen Street.</p> <p>The area is located along Keen Street close to existing residential and rural residential development and to the south of the Albert Park Public School. The area is also close to the Lismore CBD and includes some land with physical attributes suitable for residential development.</p> <p>The current 1(d) Investigation Zone indicates that the area may be potentially suitable for residential development subject to further investigation. The concept of the 1(d) Investigation zone has generally been made redundant through the introduction of regional and local land release strategies. Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal.</p> <p>It is not the role of the new LEP to rezone potential new land release areas to a higher order residential zone. This will continue to be done through the landowner initiated rezoning process. With the exception of the Holland Street Infill urban release area and the Chilcotts Grass urban release area, all</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy</p>

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		<p>areas currently zoned 1(d) Investigation under LEP 2000 have been zoned an appropriate rural zone under the draft LEP whether or not they are identified as potential release areas in the relevant local or regional land release strategy.</p> <p>The submission request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
A.2	<p><b>Request land identified as 1(d) Investigation Zone at 53 Barham Street (Lot 64 DP 879248), East Lismore to be included in the future growth management strategy for residential use due to the location of the site, combined with aspect and infrastructure, which will provide efficient use of land and affordable housing.</b></p>	<p>The property is located to the east of the properties discussed in Issue A.1 above.</p> <p>The site is currently zoned part 2(a) Residential and part 1(d) Investigation. The proposed zones are part R1 General Residential and part RU1 Primary Production.</p> <p>The Lismore Urban Strategy states that the subject land includes very steep areas and primary koala habitat; however, some areas may be suitable for low-density residential development. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>Also refer to discussion for Issue A.1 with regard to the investigation zone and the role of the LEP.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.3	<p><b>Request the north-western part of land at 245 Wyrallah Road site to be zoned R1 General Residential rather than RU1 Primary Production. Although the Lismore Urban Strategy identified the area to the west of the site as constrained, it is believed the mapping of this is an anomaly given the individual constraints.</b></p>	<p>The site is 43.69 hectares and is 'wrapped around' the Council works depot and is close to the Rainforest botanic garden, East Lismore Wastewater Treatment Facility &amp; Waste Facility, Wilson Park Nature Reserve and the Wilson Park Public School.</p> <p>Issue B.10 in Attachment B outlines the submission to include the part of this site fronting Wyrallah Road in the IN1 General Industrial zone.</p> <p>The current 1(d) Investigation Zone indicates that the area may be potentially suitable for residential development</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>subject to further investigation. The Lismore Urban Strategy identifies the subject area as having hilly mountainous 20 percent or more. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>Also refer to discussion for Issue A.1 with regard to the investigation zone and the role of the LEP.</p>		
A.4	<p><b>Object to the rezoning of the property at 80 Trevan Road from 1(d) Investigation to rural as this devalues the property by half its original valuation.</b></p> <p><b>The site is approximately 42 hectares and is located between the eastern end of Trevan Road and the western side of the Felicity Drive residential area.</b></p>	<p>This property is part of the area referred to in the above Issues A.1-A.3. The area is identified in the Lismore Urban Strategy and currently included in the 1(d) Investigation zone. It is noted that the Lismore Urban Strategy states that the subject land includes primary koala habitat. Similar to the other properties, as rezoning submissions have not been received or assessed, the land has been included in the RU1 Primary Production zone.</p> <p>It is more appropriate to consider the potential of this area for future housing in the Housing Strategy and Growth Management Strategy.</p> <p>Also refer to discussion for Issue A.1 with regard to the investigation zone and the role of the LEP.</p>	<p>Maintain the zoning as proposed in the draft LEP.</p> <p><u>Comment</u> The current 1(d) Investigation Zone indicates that the area may be potentially suitable for residential development subject to further investigation. It is noted that the Lismore Urban Strategy states that the subject land includes primary koala habitat. Further detailed investigation is required prior to rezoning the land to a residential zone.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy</p>
<b>GOONELLABAH</b>				
A.5	<p><b>Request to include land at 76 James Road, Goonellabah within the future growth management strategy (GMS) for residential purposes as the land is considered to contain inherent qualities for residential development.</b></p>	<p>The site is approximately 53 hectares and is divided into 3 segments:</p> <ol style="list-style-type: none"> <li>1. north of James Road</li> <li>2. south of James Road and north of the residential area along Heather Ave</li> <li>3. south of the residential area along Heather Ave and</li> </ol>	<p>Maintain the RU2 – Rural Landscape zoning as proposed in the draft LEP.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list</p>

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		<p>northwest of Spring Valley Drive residential area. As requested, the submission can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		<p>for the Housing Strategy and Growth Management Strategy.</p>
A.6	<p><b>Request the entire site at 65-101 Rous Road, Goonellabah (Lot 1 DP 870760 &amp; Lot 102 DP 242433) to be zoned R1 General Residential rather than the current split zoning proposed. The proposed zoning for a portion of land on the southern boundary to RU2 Rural Landscape does not account for the major aged care development that has been approved and not developed on the site.</b></p>	<p>The section of the proposed RU2 area covers land that has been approved for residential use (age care facility extension). The R1 General Residential zone should be extended to include the residential area approved in DA06-38 with the balance to be zoned RU2 Rural Landscape, subject to determination of the rural zones.</p> <p>The inclusion of the entire site in the R1 General Residential zone requires more detailed investigation.</p>	<p>Extend the R1 zone to include the area identified in DA06-38 and the balance to be zoned RU2 Rural Landscape.</p>	<p>1. Amend draft LEP map LZN-012 to include the area approved in DA06/38 in the R1 zone. Retain the remainder of the land in the RU2 Rural Landscape zone.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.7	<p><b>Request to include land at 30 Blue Hills Avenue, Goonellabah within the future growth management strategy (GMS) as future residential R1 zoning. The R1 General Residential zone would reflect the zoning adjoining the western area of the subject site.</b></p>	<p>The land is currently included in the 1(b) Agriculture zone and is proposed to be zoned RU1 Primary production. The site has an area of 10 hectares. Adjoining land to the north west is zoned R5 Large Lot Residential and adjoining areas to the north, east and south of the subject site are zoned R1 General Residential.</p> <p>Approximately 1 hectare of the subject site is identified in the Lismore Urban Strategy as infill investigation site. The rest of the site contains state significant farmland, remanent vegetation and bushfire prone land.</p> <p>The area identified as infill investigation indicates that it may be potentially suitable for residential development subject to</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

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		<p>further investigation.</p> <p>Rezoning land for more intensive residential use requires a significant amount of technical investigation, assessment and public consultation.</p> <p>Detailed investigation is required prior to rezoning the land to a residential zone. The submission can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
A.8	<p><b>Request part of the site at 173 Howards Grass Road, Goonellabah (Lot 14 DP 551625) to be rezoned to R1 General Residential. Request extension of R1 zone for a portion of the property in line with the R1 zone on adjoining properties DP 1066847 and DP 812403.</b></p>	<p>The site is approximately 11.4 hectares and is not identified as potential residential land in the Lismore Urban Strategy.</p> <p>It is not clear as to the area requested for rezoning. The properties identified as DP 1066847 and DP 812403 are not identified in Council's property information system. Additionally most of the adjoining land is proposed to be included in a rural zone.</p> <p>Council's GIS identifies part of the subject site as having hilly mountainous 20 percent or more that largely constrains the site from potential residential development. Therefore, further detailed investigation is required prior to rezoning the land to a residential zone.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy</p>
A.9	<p><b>Request to include land in the R5 Large Lot Residential zone for the following:</b></p> <ul style="list-style-type: none"> <li>• 1 East Skyline Road, Goonellabah</li> <li>• 50 East Skyline Road, Goonellabah</li> <li>• 60 East Skyline Road, Goonellabah</li> <li>• 394 Skyline Road, Monaltrie</li> <li>• 459 Skyline Road, Goonellabah</li> <li>• 515 Skyline Road, Goonellabah</li> <li>• 632 Skyline Road, Goonellabah</li> </ul> <p><b>The reason for the submissions is the considerable number of existing rural</b></p>	<p>The Skyline Road and East Skyline Road area is not identified as potential rural residential or residential in the Lismore Rural Housing Strategy or Lismore Urban Strategy.</p> <p>The proposed RU1 Primary Production and RU2 Rural Landscape is analogous with the current zoning in the area.</p> <p>As noted in Issue A.1, strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. Rezoning land for more intensive residential use</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy</p>



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	<p><b>residential lots / dwellings along Skyline Road and at the junction of Skyline Road and East Skyline Road.</b></p> <p><b>Other land owners that indicated their support for this submission include:</b></p> <p><b>360 Connor Road, Tregagle</b>  <b>2 Tucki Road, Wyrallah</b>  <b>2/21 Trinity Drive, Goonellabah</b></p>	<p>requires a significant amount of technical investigation, assessment and public consultation.</p> <p>These processes can identify if residential development is appropriate and what form of residential development is suitable. In this part of Skyline Road, further work may identify the most appropriate zone to be R1 General Residential rather than R5 Large Lot Residential, especially in light of the proximity of existing suburban development, infrastructure and services.</p> <p>Council's GIS identifies areas within a number of the subject sites as hilly/mountainous 20 percent or more, containing state significant farmland, and areas with primary koala habitat. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
<p><b>A.10</b></p>	<p><b>Request to zone land at 668 Skyline Road, Goonellabah in the R1 or R2 residential zone.</b></p>	<p>The subject site is located on Skyline Road and is east of the Crematorium &amp; Lawn Cemetery. The site is adjacent to and south of the residential area of Goonellabah. The site is also located north east of and adjoins the future Invercauld Road Urban Release Area.</p> <p>The site is approximately 33ha in area. The entire site is currently zoned 1(a) General Rural and the majority of the site is proposed to be zoned RU2 Rural Landscape. An area located in the north west corner of the site is zoned R1 General Residential and is approximately 7000m<sup>2</sup>.</p> <p>The entire site is not identified as a Greenfield residential area in the Lismore Urban Strategy.</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Council's GIS identifies areas within the subject site that are hilly/mountainous (20 percent or more), contain state significant farmland, and areas with primary koala habitat. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>Please also refer to discussion for A.9</p>		
A.11	<p><b>Request to include land at 249 Invercauld Road, Goonellabah (Lot 9 DP 252856) in the R1 General Residential or R2 Low Density Residential zones rather than the RU1 and RU2 zones as:</b></p> <ul style="list-style-type: none"> <li>• <b>the site adjoins the Invercauld Road residential development area;</b></li> <li>• <b>it would address the shortfall in residential lands;</b></li> <li>• <b>there is inconsistent treatment of release areas by Council. Two of the four nominated sites in the draft LEP were not included in the original urban development strategy and the others had the lowest rating for future residential appeal.</b></li> </ul> <p><b>In addition, the LES proposes to remove the legal access to Lot 9 (currently from Invercauld Road). It recommends future access for development would be reliant on the development of the Pollard and Falconcrest Estates. Submission puts strong objection to the proposal to alter or remove the current access from Invercauld Road reserve.</b></p>	<p>The property is approximately 10.5 hectares. Part of the subject site has been identified in the Lismore Urban Strategy and FNCRS as future urban release area.</p> <p>As stated in Issue A.1, it is not the role of the new LEP to rezone potential new land release areas to a higher order residential zone. Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal.</p> <p>With regards to comments relating to the inclusion of Crawford land and Holland Street in the draft LEP, the Crawford land and Holland Street areas are located within the existing urban footprint of Lismore. The Crawford land is zoned 5(b) Technology Park in the LEP 2000 and proposed B4 Mixed Use Zone and IN1 General Industrial in the Draft LEP2010. The Holland Street area is identified in the Lismore Urban Strategy as an Infill Investigation Site. It is zoned 1(d) Investigation in the LEP 2000 and R1 General Residential in the Draft LEP 2010.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

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	<p><b>Also suggest inclusion of a "Strategic Urban Growth Area" like Ballina Council's draft LEP, clause 7.7.</b></p>	<p>The LUS identifies land with potential for new residential development. The Department of Planning agreed to increase the lot allocation for the "greenfield" sites identified in the LUS so that Council could comply with the Director-General's requirements to zone sufficient residential land to meet Lismore's requirements for the next ten years. Council subsequently invited landowners whose properties were identified in the strategy as release areas to submit rezoning applications that could be considered as part of the draft LEP.</p> <p>Rezoning applications were received from owners of the three greenfield sites identified in the LUS (Trinity Drive, Invercauld Road and Chilcotts Grass) and one infill site (20 Holland Street). Council's Planning, Engineering, Environmental Health and Water and Sewer Services staff have assessed the proposals. The assessment concluded that the reports relating to two of the greenfield sites (Invercauld Road and Chilcotts Grass) as well as the Holland Street site are able to proceed to the public exhibition stage. The Trinity Drive site was found to support a significant number of specimens of a threatened species (Thorny pea) listed in the Threatened Species Conservation Act 1995 and consequently the proposal is unable to proceed at this stage.</p> <p>With reference to the new LEP not being able to meet the FNCRS target of 8000 new lots by 2031, the LEP addresses development over a 10 year period. Council is currently developing a housing strategy and will be preparing a growth management strategy to address growth targets until 2031.</p> <p>With reference to the suggested inclusion of a Strategic Urban Growth Area clause reference should be made to Issue A.60 below.</p>		

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		<p>With reference to the legal access to Lot 9, an indicative subdivision layout for the Invercauld Road urban release area, is provided in the rezoning submission. This is indicative only. The final layout will be determined during the development of the site specific development control plan.</p> <p>Council's GIS identifies areas within the subject site that are hilly/mountainous (20 percent or more), areas with agricultural class 3 land, and areas with primary koala habitat. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
A.12	<p><b>Request to include land at 117 James Road in the R5 Large Lot Residential zone rather than part RU1 Primary Production and part RU2 Rural Landscape.</b></p>	<p>The site is approximately 2 hectares and is located 1.2km north of the Ballina Road and James Road intersection. The proposed RU1 and RU2 zonings are analogous to the existing zoning. The area is not identified as a potential residential area in the Lismore Urban Strategy.</p> <p>While the site is of a size that is rural residential in nature, rezoning it to R5 Large Lot Residential development would result in an isolated cluster of R5 zoned land surrounded by agricultural lots. Intensification may increase the potential for land use conflicts.</p> <p>Council's GIS identifies areas within the subject site that are hilly/mountainous (20 percent or more) and areas with primary koala habitat.</p> <p>Further detailed investigation is required prior to rezoning the land to a residential zone.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		Please refer to discussion for Issue A.9		
<b>LINDENDALE AREA</b>				
<b>A.13</b>	<b>Request to include land at 63 Alphasdale Road, (Lot 1 DP 1015782) in the RU5 Village zone rather than RU1 Primary Production</b>	<p>The site is approximately 31 hectares and is located approximately 800m south of the Bruxner Highway and Alphasdale intersection and is surrounded by agricultural activities.</p> <p>The site is not identified for potential rural residential in the Lismore Rural Housing Strategy 2002 or village expansion in the Lismore Village Strategy.</p> <p>Rezoning this lot to RU5 Village development would result in an isolated cluster of RU5 zoned land surrounded by horticultural cropping land. Intensification may increase the potential for land use conflicts.</p> <p>Furthermore, the area is not defined as a village area in the Local Environmental Study.</p> <p>Council's GIS identifies areas within the site as having state significant farmland, bushfire prone land, and areas with primary koala habitat.</p> <p>Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>Please refer to discussion for Issue A.9</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<b>NORTH LISMORE/TULLERA AREA</b>				
<b>A.14</b>	<b>Objection to land being rezoned from 1(b) Agriculture to R5 Large Lot Residential at 18 Minshul Crescent, North Lismore as R5 zoning will inhibit use and development capability of the</b>	The site is approximately 2.1 hectares and located within the North Lismore/Tullera area. It is located at the head of the Minshul Crescent cul-de-sac and adjoins smaller rural residential and large rural holdings.	Not applicable.	No change to the draft LEP.

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	<p>land and will have negative impact on future salability of the property.</p>	<p>The site is currently zoned 1(b) Agriculture and is identified as having potential for rural residential subdivision in the Rural Housing Strategy. It is proposed to be included in the R5 Large Lot Residential zone with a minimum lot size of 2ha. Due to the existing size of the allotment there is no potential for further subdivision unless a planning proposal is submitted to reduce the minimum lot size.</p> <p>Land use of the smaller rural holdings in the immediate vicinity are rural residential in nature the proposed R5 Large Lot Resident zone is consistent with this.</p> <p>Existing use rights for any farming that is currently undertaken on the land will apply.</p>		
<p><b>A.15</b></p>	<p><b>Request to include land in the R5 Large Lot Residential zone at 273 Dunoon Road, North Lismore (Lot 20 DP 1148069) as:</b></p> <ul style="list-style-type: none"> <li>• <b>it adjoins the Pagottos Estate;</b></li> <li>• <b>currently restricted in the way nut production/farming is carried out and it is not currently viable;</b></li> <li>• <b>the proposed RU2 area has the same soil, slope, aspect etc as the R5 land and therefore no reason to have a different zoning.</b></li> </ul>	<p>The site has an area of approximately 3 hectares and the Pagottos Estate adjoins the site to the north.</p> <p>The majority of the site is zoned R5 Large Lot Residential and reflects the area identified as having potential for Rural Residential subdivision in the Lismore Rural Housing Strategy.</p> <p>The balance of the site is less than 1 hectare and is proposed to be zoned RU2 Rural Landscape under the draft LEP. This area is not identified as having potential for Rural Residential subdivision in the Lismore Rural Housing Strategy. The deposited plan identifies a restriction that prohibits a building from being erected or placed within this area.</p> <p>The minimum lot size for land in the proposed R5 zone within the Pagottos Estate is 2ha. Therefore, extending the zone to include the entire lot would not enable further subdivision unless a smaller minimum lot size is proposed.</p> <p>It is not the zone boundary per se that would make it difficult</p>	<p>Not applicable.</p>	<p>No change to the draft LEP.</p>

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		<p>to undertake farming.</p> <p>It is also noted that this site is identified in the North Lismore Plateau planning proposal, which will determine the future use for the subject site.</p>		
A.16	<p><b>Request to include land in Sexton Road and the North Lismore Plateau area in general in the R1 or R2 residential zones.</b></p> <p><b>Object to removal of 1(d) Investigation Zone in Sexton Road &amp; North Lismore Plateau area. The 1(d) Investigation zone identified land for future residential to ensure that it would not be utilised for another use that would inhibit or deny the future residential use. Request inclusion of land in the Growth Management Strategy.</b></p>	<p>This area is proposed to be zoned part RU1 Primary Production, part RU2 Rural Landscape and part R5 large lot residential. The subject allotments are included in the North Lismore Plateau planning proposal for future residential development. The future zoning of the land will be determined as a result of the Gateway process under the <i>EP&amp;A Act 1979</i>. Council resolved at its April 2011 meeting to forward a Gateway proposal to the Department of Planning and Infrastructure (DP&amp;I) for the North Lismore Plateau.</p> <p>In June 2011, DP&amp;I advised Council that the department has determined that the planning proposal should proceed subject to the conditions in the Gateway determination.</p> <p>Further to this process the request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.17	<p><b>Request to include land in the R5 Large Lot Residential zone at 26 Booerie Creek Road, Booerie Creek (Lot 6 DP 260336).</b></p>	<p>The subject site is approximately 2.7 hectares in area and is about 3.5km north west of the Lismore CBD. The proposed RU1 and RU2 zonings are analogous to the existing zoning. The allotment is not identified for potential rural residential in the Lismore Rural Housing Strategy 2002.</p> <p>Rezoning this lot to R5 Large Lot Residential development would result in an isolated cluster of R5 zoned land surrounded by agricultural lots. Intensification may increase the potential for land use conflicts.</p> <p>Map 3 of the Lismore Urban Strategy identifies the subject site as having slump mass movement. Council's GIS</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

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		<p>identifies the subject site as being bushfire prone land. Therefore, further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
<b>HOWARDS GRASS AREA</b>				
<b>A.18</b>	<p><b>Request to include land at 255 Bangalow Road, Howards Grass (Lots 1 &amp; 2 DP 808743) within the future growth management strategy (GMS) for residential purposes to ensure preservation of the current status of the site and future possible urban investigation.</b></p>	<p>The land is currently in the 1(d) Investigation zone. Refer to Issue A.1 with respect to this zone. The request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy</p>
<b>NIMBIN AREA</b>				
<b>A.19</b>	<p><b>Request to include the following properties in the R5 Large Lot Residential zone. Request inclusion of sites in the Growth Management Strategy.</b></p> <ul style="list-style-type: none"> <li>• <b>99 Anderson Road, Nimbin (Lot 1 DP 1115022)</b></li> <li>• <b>50 Gungas Road, Nimbin (Lot 4 DP 731295)</b></li> </ul>	<p>These sites are currently zoned 1(a) General Rural and 1(r) Riverlands. The proposed zoned is RU2 Rural Landscape.</p> <p>99 Anderson Road is approximately 72 hectares in area and is located at the eastern end of Andersen Road. The site adjoins an established rural residential area to the west, which is located along Gungas Road.</p> <p>50 Gungas Road is 40.85 ha in area and is north east of Nimbin on Gungas Road to the south of existing rural residential areas. The site contains a sawmill, which the submitter states would be decommissioned and relocated off site and the site decontaminated where required.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The sites are not identified for potential rural residential in the Lismore Rural Housing Strategy 2002.</p> <p>Currently a cluster of R5 zoned land is located along Gungas Road with a total area of 130 hectares and 85 allotments. Capacity still exists for further subdivision within the existing R5 area.</p> <p>The area along Gungas Road requested to be rezoned to R5 is approximately 112 hectares. This represents a significant increase in R5 zoned land along Gungas Road.</p> <p>Rezoning land for more intensive residential use requires a significant amount of technical investigation, assessment and public consultation. Such processes can identify if residential development is appropriate and what form of residential development is suitable (eg. R1, R2 or R5).</p> <p>There is still available undeveloped R5 land within the Gungus Road R5 area and any additional need for R5 land in close proximity to this area can be considered in the development of the Housing Strategy and Growth Management Strategy.</p>		
A.20	<p><b>Object to RU2 rezone and request that 4 Blue Knob Road, Nimbin (Lot 1 DP 1145230) is included in the RU5 Village Zone. The submission provides a description outline of the site, surrounding land uses and concludes suitability for residential development. Submission outlines concern that the RU2 zone would not allow for the site to be developed for a tourist use or facility either as cabins or overnight accommodation.</b></p>	<p>The subject site is approximately 40 hectares and adjoins the Nimbin village. The subject site is not identified as a potential village expansion area in the Village Development Strategy.</p> <p>While there is merit in some of the reasons advanced for considering the inclusion of the land in the Village zone, further work would be required to determine the extent of the area that could be included in the Village zone and consultation with the local community.</p> <p>In addition, capacity still exists for further subdivision within the existing RU5 area and an analysis of need for additional</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>RU5 area would also be required.</p> <p>There is still available undeveloped RU5 land within the Nimbin Village area and any additional need for RU5 land in the Nimbin Village can be considered in the development of the Housing Strategy and Growth Management Strategy.</p> <p>Eco-tourist facility is a newly defined use in the Standard Instrument and is proposed to be permissible in the RU1 and RU2 zone.</p>		
<p><b>A.21</b></p>	<p><b>Development consent was recently granted at 15 Alternative Way Nimbin (Lot 11 DP 1156689) for a 21 lot subdivision. Request to reduce the minimum lot size from 1000m<sup>2</sup> to 600m<sup>2</sup> to reflect the development consent.</b></p>	<p>15 Alternative Way Nimbin (Lot 11 DP 1156689) is zoned 2(v) Village and 1(a) General Rural under Lismore LEP 2000. The lot has an area of 16ha. Approximately 80% of the lot is proposed to be zoned RU5 under the Draft LEP and the remaining 20% is within RU2 Rural Landscape. This is consistent with the boundaries of the zones in the current LEP.</p> <p>Development consent (DA10/280) was issued over a portion of the allotment for the creation of 21 lots. A master plan was also approved as part of the consent for additional future stages of the subdivision. Stage 2 and Stage 3 have been approved with an average lot size of 1000m<sup>2</sup> with lots ranging in size from 600m<sup>2</sup> to 1665m<sup>2</sup>.</p> <p>Chapter 6 of Part B of the Lismore DCP, Nimbin Village, identifies 'New Residential Village Precincts'. The subject site is located within a 'New Residential Village Precinct'. A range of lot sizes are encouraged within the 'New Residential Village Precincts', including lots &lt;300m<sup>2</sup> in area, subject to meeting a range of criteria.</p> <p>The standard LEP instrument requires the designation of a minimum lot size for each parcel of land. The Draft LEP identifies a minimum lot size of 1000m<sup>2</sup> for the entire Nimbin</p>	<p>Due to the apparent limit on capacity of the Nimbin Sewage Treatment Plant it is considered prudent to retain the exhibited minimum lot size of 1000m<sup>2</sup>.</p>	<p>No change to the Draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>RU5 zoned area. This means that a development application for a subdivision for lots less than 1000m<sup>2</sup> would require a variation of the development standard. While this is not an onerous process, if the DCP allows a variation to be considered, and Council has already approved lots below 1000m<sup>2</sup>, it is appropriate to consider changing the minimum lot size map for the 'New Residential Village Precinct' area. However, recent work undertaken by Council's Strategic Engineer – Sewer &amp; Water on the capacity of Nimbin's Sewage Treatment Plant indicates that the plant is currently running close to design capacity and would only have a limited reserve capacity for additional development. While the capacity could be increased by implementing Stage 2 of the design, this is not currently budgeted for within Council's 30 year Strategic Business Plan.</p> <p>It is therefore more prudent to retain the exhibited minimum lot size of 1,000m<sup>2</sup> at this stage and consider reducing the minimum lot size for Nimbin following a more detailed assessment of the capacity of the Nimbin STP and the need for Stage 2 of the plant to be brought forward in the Strategic Business Plan.</p>		
A.22	<p><b>Request that the RU2 zone at 2392 Nimbin Road, Nimbin (Lot 2 DP 1094105) is replaced with the R5 Large Lot Residential zone on the portion of land that was previously approved as a rural residential subdivision. The submitter provides the following comments:</b></p> <ul style="list-style-type: none"> <li><b>The landowners consolidation of their titles [Lot 52 DP838124 &amp; Lot 2 DP 1028886] into one title has resulted in a loss of entitlement whereby Lot 2 in DP 1028886 was an</b></li> </ul>	<p>The subject site is located approximately 3.5 km south of Nimbin along Nimbin Road. The site is 18.5 hectares.</p> <p>The parent lot of the subject site was approved as part of a rural residential subdivision of 6 lots ranging from 3-5 hectares, as per DA95/453 (Lots 1, 2, 3, 4, 5, 6 on DP 1028886). These approved rural residential lots have been identified as RU2 in the Draft LEP. The LES outlines the reasons for inclusion of land in the R5 zone, including land approved for rural residential subdivision under Clause 15 of the LEP 1992. Therefore, Lots 1, 2, 3, 4, 5, 6 on DP 1028886 should be identified as R5 rather than RU2, with a minimum lot size of 4 hectares to restrict future subdivision</p>	<p>Amend the draft LEP so that the area identified as approved Lots 1,3,4,5,6 on DP 1028886 (DA 95/453) is identified as R5 Large Lot Residential zoning, with a minimum lot size of 4 hectares to restrict future subdivision potential for this area.</p> <p><u>Comment</u> Amendments will reflect the</p>	<p>1. Amend the draft LEP LZN-004 Map to include Lots 1, 3, 4, 5, 6 on DP 1028886 in the R5 Large Lot Residential zone.</p> <p>2. Amend draft LEP LSZ-004 Map to include Lots 1, 3, 4, 5, 6 on DP 1028886 in a new category of 4</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>approved and subsequently registered rural residential lot.</p> <ul style="list-style-type: none"> <li>The LES outlines the reasons for inclusion of land in the R5 zone, including land approved for rural residential subdivision under Clause 15 of the LEP 1992.</li> <li>Development Consent 95/453 to create Lot 2 DP 1028886 illustrates the suitability of the land for infill subdivision, which would occur in a manner consistent with the settlement pattern of the Shipway Road rural residential precinct (ie 3-4 hectare lot) to create a single lot that reflects the lot configuration and land area of the approved rural residential lot under consent 95/453.</li> <li>Noted that all lots created under development consent 95/453 have been allocated a RU2 zone, which should be reviewed.</li> </ul>	<p>potential for this area.</p> <p>Lot 2 on DP 1028886 (4ha) and Lot 52 DP838124 (17ha) formed part of a subsequent development application (DA05/642) to allow a boundary adjustment between these lots. This resulted in an approval for two new lots known as Lot 1 on DP 1094105 (2.4ha) and Lot 2 on DP 1094105 (18.5ha - the subject site). The main purpose of the proposal was to move the nominated house site (as identified on Lot 2 DP 1028886) to an area within Lot 52 DP838124 due to site constraints. The application stated that the area within Lot 2 on DP 1028886 (lot approved for rural residential use) experienced boggy soils during wet periods and was better suited to cattle grazing and was not suitable for a house site or vehicle access. The boundary adjustment resulted in Lot 2 on DP 1094105 (subject site) being created with a house site and vehicle access located to the north of the site in an area that was not within the previously approved Lot 2 on DP 1028886 that had an approved rural residential use.</p> <p>Therefore, it is considered that the entire subject site should remain as RU2 as it has been identified by the landowner as unsuitable for the location of a house site and access. Further detailed analysis would be required prior to a part of the subject site being identified as R5 zoning. More detailed analysis can be considered during the development of the Housing Strategy and Growth Management Strategy.</p>	<p>land approved as rural residential use as per process outlined in the Local Environmental Study 2010.</p>	<p>hectares.</p> <p>3. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy</p>
<b>GOOLMANGAR</b>				
A.23	<p><b>Request to include land in the R5 Large Lot Residential zone at 1205 Nimbin Road, Goolmangar (Lot 101 DP 867159) rather than part RU1 Primary Production and part RU2 Rural Landscape. Consideration should be given to the area of land adjacent to South Gordon</b></p>	<p>The site is located approximately 100 hectares and is located 3.5km north of the Goolmangar Store.</p> <p>The site is not identified in the Lismore Rural Housing Strategy as having potential for rural residential subdivision.</p> <p>The proposed RU1 and RU2 zonings are analogous to the</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	Road being zoned R5.	<p>existing zoning and reflect the land use in the area.</p> <p>Rezoning this lot to R5 Large Lot Residential development would result in an isolated rural residential subdivision surrounded by agricultural land. Intensification may increase the potential for land use conflicts.</p> <p>Council's GIS identifies areas within the subject site with steep slopes, areas of high conservation value and bushfire prone areas. Therefore, further detailed investigation is required prior to rezoning the land to a residential zone.</p>		for the Housing Strategy and Growth Management Strategy.
<b>MCLEANS RIDGES AND RICHMOND HILL AREA – REZONING REQUESTS</b>				
A.24	<b>Support proposed changes in relation to large lot residential zone in McLeans Ridges area.</b>	Support noted. It is also noted that the minimum lot size in the R5 zone varies in different areas but should be such that there is no further subdivision potential.	Not Applicable	No change to the draft LEP.
A.25	<b>Request to include land at 15 Roseview Road, McLeans Ridges in the R5 Large Lot Residential zone rather than part RU1 and part RU2 zoning as land is not considered to be viable for agricultural pursuits.</b>	<p>The subject site has an area of 51.4 hectares and adjoins the Roseview Road R5 zoned area. The site also adjoins RU1 areas to the north and RU2 areas to the east and west. Approximately 1/3 of the site is identified as potential rural residential in the Lismore Rural Housing Strategy 2002.</p> <p>This site was the subject of draft LEP Amendment No. 39. At its September 2009 meeting Council resolved to not proceed with draft LEP Amendment No. 39.</p> <p>The Housing Strategy will consider the need for rural residential housing across the local government area, including in McLeans Ridges.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.26	<b>Request to include land at 54 Satinwood Drive, Mcleans Ridges (Lot 2 DP 876846) in the R5 Large Lot Residential for the following reasons:</b>	<p>The minimum lot size in the Satinwood Estate is 3ha, excluding the land to which this submission applies, which is 40 ha as it is included in the RU1 and RU2 zones.</p> <p>In 1995 Council approved the rural residential subdivision of</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters'</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• This lot was originally approved as rural residential in 1995 and was included in Stage 2, which had potential for about 10 dwellings.</li> <li>• Lot 2 is only 10.78ha and the minimum lot size is proposed to be 40ha. No prime soil is found on the site and it has less slope than other lots in the subdivision.</li> <li>• Lot 2 forms the land area which was approved for the Stage 2 release of rural residential lots, hence the property enjoys the benefit of an internal road layout and infrastructure services which have been appropriately sized so as to cater for the originally approved 19 lots - therefore no major infrastructure works are required in order to create any additional lots on Lot 2.</li> <li>• The original approval also shows the suitability of their land for infill subdivision. The owners seek to undertake the subdivision consistent with the existing settlement pattern of Satinwood estate or 1 ha allotments, which would create 3 allotments and would be consistent with the prescribed minimum for the estate.</li> </ul> <p>The submission includes a preliminary subdivision layout for the site and letters from adjoining land owners</p>	<p>the area along Satinwood Drive (DA95/120). This consent indicates approval for a rural residential subdivision comprising 10 rural residential lots, 1 residue parcel and 1 common tenancy bush regeneration lot.</p> <p>Proposed lots 1, 2, 8, 9, 10, 11, 12 13, 14 and 15 are identified in stage 1 and have been developed for rural residential purposes. This reflects the area zoned as R5 Large Lot Residential in the Draft LEP 2010.</p> <p>The balance area included proposed lots 3, 4, 5, 6 and 16 and is identified as part Stage 2 and is approved as the residue parcel.</p> <p>In 1998 a s102 (EP&amp;A Act) amendment to DA95/120 was submitted to permit a boundary adjustment of Lot 13 and Lot 1A. This request stated that the landowner did not wish to proceed with Stage 2 of the rural residential estate as per DA95/120 and was relinquishing the right to construct the 2<sup>nd</sup> stage of the estate to allow the boundary adjustment.</p> <p>The application was approved in January 1998 and consent was issued with modification to reflect the deletion of Stage 2 and the creation of 3 new allotments now known as 1, 2 &amp; 3 DP87684A. Lot 2 DP 876846 (the subject site) is located within the area previously identified as Stage 2 and has not been approved for rural residential development. Therefore it was proposed to be included in a rural zone.</p> <p>Council's GIS identifies areas within the subject site that have hilly slopes 20 -33%, bushfire prone land. Additionally, as rural residential subdivision has been a controversial issue in McLeans Ridges, enabling further subdivision should be accompanied by greater community consultation.</p>		<p>details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	showing their approval for the subdivision	<p>Further detailed investigation is required prior to rezoning the land to a rural residential zone.</p> <p>The request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
A.27	Request to include part of the land in the R5 Large Lot Residential zone at 55 Palmers Road, McLeans Ridges (Lot 28 DP 1130169).	<p>The site is located at the northern end of Palmers Road and is approximately 35 hectares. It is currently in the 1(a) General Rural zone and is proposed to be zoned part RU1 Primary Production and part RU2 Rural Landscape. The site adjoins RU1 areas to the north, RU2 areas to the east and west, and adjoins R5 areas to the south and southwest.</p> <p>The southwest part of the site is identified as potential rural residential in the Lismore Rural Housing Strategy 2002.</p> <p>Rezoning land for more intensive residential use requires a significant amount of technical investigation, assessment and public consultation. As noted in previous Issues in this table and the LES, It is not the role of the new LEP to rezone potential new land release areas to a higher order residential zone. This will continue to be done through the landowner initiated rezoning process.</p> <p>Council's GIS identifies areas within the subject site that have hilly slopes (20 -33%). Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.28	Concerns raised about ramifications of rezoning the site from 1(c) Rural Residential Zone in LEP 2000 to R5 Large Lot Residential at 5 Ridgeland	The proposed R5 zone is an equivalent zone to the current 1(c) Rural Residential zone. The main change is the proposed minimum lot size for areas currently zoned 1(c), which is increased from 2,000m <sup>2</sup> to 2,500m <sup>2</sup> . The property	Not applicable.	1. No change to the draft LEP.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Close, Richmond Hill as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Could my property be locked up in an environmental zone?</b></li> <li>• <b>Property devaluation by any rezoning.</b></li> <li>• <b>The salability of the property might be affected by the new LEP.</b></li> <li>• <b>In the future the property could be included in a tree preservation zone.</b></li> <li>• <b>Further restrictions may be imposed in the future to preserve and minimise impacts on environmentally sensitive locations and scenic qualities.</b></li> </ul>	<p>has an area of approximately 3,516m<sup>2</sup>. Therefore the increase in the minimum lot size has no effect on the landowner as they do not currently have any ability to subdivide.</p> <p>No environmental zones are identified within the subject site.</p> <p>The approved land use does not change. The name of the zoning change reflects the new standard instrument. Therefore, the value of the property should not change based on its zoning.</p> <p>There is no tree preservation zone. However, it is proposed that the tree protection order in the Lismore DCP apply to the R5 zone, subject to an amendment to the DCP. This will only have an impact if the land holder makes an application to remove an applicable tree.</p> <p>It is not possible to predict what changes future Councils may make to the LEP.</p>		<p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<p><b>A.29</b></p>	<p><b>Request to include land in the R5 Large Lot Residential at 195 Cameron Road McLeans Ridges (Lot 7 DP 620539) as the site has an approximate area of 10 hectares and areas to the north, south and east are zone R5 and areas to the west are zoned RU2.</b></p>	<p>The subject site is currently zoned 1(a) General Rural and proposed to be Zoned RU2 Rural Landscape. It is not identified for potential rural residential in the Lismore Rural Housing Strategy 2002 and it is not identified in the Far North Coast Regional Strategy as future rural residential area.</p> <p>Council's GIS identifies areas on the site with steep slopes and there appears to be areas with potential vegetation significance.</p> <p>Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The request can be considered in more detailed analysis during the development of the Housing Strategy and Growth</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
A.30	<p><b>Request the property at 1146 Bruxner Highway be divided into saleable blocks with building entitlements and suitable access. The site is approximately 20 hectares and includes a proposed road that splits the property into 3 sections:</b></p> <ol style="list-style-type: none"> <li><b>1. Southern block with a dwelling (2.563 ha).</b></li> <li><b>2. Northern block (15.44 ha)</b></li> <li><b>3. Proposed Road (Bruxner Highway) 2.35 ha located between the northern and southern block.</b></li> </ol> <p><b>The submitter states that the block is “unuseable” due to setback requirements from the Bruxner Highway and the adjoining Macadamia Factory. Further, that the proposed road will restrict access to the rear block. Submitter requests Council to open the paper road which will give access to Cowlong Road.</b></p>	<p>Management Strategy.</p> <p>The site is currently in the 1(b) Agricultural zone and, for the proposed road corridor, the 5 Special Use Zone - Road Reserve.</p> <p>The standard template does not include a Special Use Zone. Instead land is included in the RU1 Primary Production zone and the proposed road is identified in the Draft LEP 2010 on the ‘Additional Permitted Use’ overlay map and is activated through Clause 5.1 Relevant acquisition authority, which is a compulsory clause.</p> <p>Therefore, there is little change to the intent and effect of the draft LEP.</p> <p>It is noted that the table in Clause 5.1(2) needs to be amended to include Zone RU1 Primary Production and marked “Classified road” - Roads and Traffic Authority.</p> <p>The land is identified as State Significant Farmland and the RU1 zone reflects this. It is not identified in the Rural Housing Strategy as having potential for rural residential subdivision.</p> <p>The proposed road reserve is identified to allow future straightening of the Bruxner Highway. This is a RTA controlled and managed road.</p> <p>The utilisation of the entire site for agricultural activities as one management system is possible and will continue to be possible until formal land acquisition of the proposed road section is undertaken by the RTA. It is at this point that the landowner and RTA can negotiate appropriate access and compensation.</p> <p>It is considered that agricultural activities on the northern and</p>	<p>Maintain the rural zoning as proposed in the draft LEP.</p> <p>Amend Draft LEP 2010 to include <i>RU1 Primary Production and marked “Classified road” - Roads and Traffic Authority</i> in the table for Clause 5.1(2).</p>	<p>Amend the table to Clause 5.1(2) in the draft LEP to include RU1 Primary Production and marked “Classified road” - Roads and Traffic Authority.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		southern blocks can continue after construction of the proposed road.		
A.31	<p><b>Request the proposed R5 area at 12 Kaanapahali Avenue be increased to better reflect the subdivision capacity of the land.</b></p> <p><b>The submission includes an attached plan that identifies the area the applicant identifies as suitable for R5 Large Lot Residential development.</b></p>	<p>The lot is approximately 26 hectares. It is located on the eastern side of Kaanapahali Avenue. Approximately 9 hectares is proposed to be zoned R5. The proposed R5 Large Lot Residential zone reflects the area identified as 1(c) Rural Residential in the LEP 2000. The 1(c) and R5 area are consistent with the Lismore Urban Strategy.</p> <p>The proposed R5 area reflects the portion of the site that is suitable for rural residential development. The remainder of the site is not considered suitable for residential development due to site limitations including hilly slopes, a gully and an area of remnant vegetation.</p> <p>The submitter's concept plan identifies an area of the site that expands beyond the proposed R5 area. Building envelopes and a road layout are proposed to demonstrate it meets relevant design criteria. This would require expansion of the R5 area to include steep areas and areas of remnant vegetation to achieve the required minimum lot size to increase the development potential as suggested. It is considered that this will result in allotments with the majority of the area as unusable for residential purposes.</p> <p>Council's GIS identifies areas within the subject site with hilly slopes 20-30% and areas with remnant vegetation. Further detailed investigation is required prior to expanding the R5 area of this allotment.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<b>McLEAN RIDGES AND RICHMOND HILL AREA – MINIMUM LOT SIZE REQUEST</b>				
A.32	<b>Object to the minimum lot size of 2,500m<sup>2</sup> at 230 Richmond Hill Road, Richmond Hill as it will adversely affect plans for subdivision, which were made</b>	The R5 Large Lot Residential zone is consistent with the existing 2(c) zone. The minimum lot size in the existing 2(c) zone is 2,000m <sup>2</sup> , subject to assessment of constraints and impact and, under clause 40 (2)(e), achieving an average	Not applicable.	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>on the basis of advice from Council when the minimum lot size was 2,000m<sup>2</sup>.</b></p>	<p>area of all lots of not less than 5,000m<sup>2</sup>. The subject site has an area of just under 8,500m<sup>2</sup>. Due to the averaging clause, there is no current potential to subdivide for rural residential purposes.</p> <p>The draft LEP proposes a minimum lot size of 2,500m<sup>2</sup> with no averaging requirement. Therefore, the land owner's potential for rural residential subdivision has increased. The minimum lot size does not guarantee that this will be achieved as each site will have constraints that may result in larger sizes than the minimum.</p>		
<p><b>A.33</b></p>	<p><b>Object to the minimum lot size of 2,500m<sup>2</sup> at 28 Roder Place, Richmond Hill. Request that a maximum lot size of up to 2 acres should be considered for large lot residential and anything larger should remain rural residential. The property is run as a hobby farm.</b></p>	<p>The site is approximately 4.7ha. The site is currently in the 1(c) Rural Residential zone and has been translated into the R5 Large Lot Residential zone. As noted above, the current minimum lot size is 2,000m<sup>2</sup> with an averaging clause and the proposed minimum lot size is 2,500m<sup>2</sup> with no averaging clause. The standard LEP template does not include a maximum, only a minimum.</p>		
<p><b>A.34</b></p>	<p><b>Object to the 2 hectare minimum lot size and request a 1 hectare minimum lot size at 16 Livotto Drive, Richmond Hill (Lot 11 DP 1129596) as the northern portion of the site contains attributes conducive for rural residential subdivision, which are superior to the southern portion of Lot 11. In addition, a 1 hectare minimum lot size would provide an appropriate planning outcome for an infill subdivision without placing extra pressures on adjoining rural lands.</b></p>	<p>The proposed zone is R5 Large Lot Residential Zone. The proposed minimum lot size is 2 hectares. This reflects Council consent as included in Schedule 4 of the Lismore LEP2000.</p> <p>The minimum lot size is proposed to ensure that further subdivision is not possible, in accordance with the Council consent and previous assessments of site constraints. The land is constrained due to slope and ability to dispose of wastewater, access to services, employment etc and community expectations about additional residential development in rural areas.</p> <p>The potential for reducing the minimum lot size in this area may be considered with more detailed analysis during the</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		development of the Housing Strategy and Growth Management Strategy.		
A.35	<b>Object to the R5 zone at 176 Cowlong Road McLeans Ridges (Lot 52 DP 714801) as it will not allow any further potential to sub-divide (minimum lot size restricts subdivision potential).</b>	<p>The subject site is 2 hectares and is located on the northwest corner of Cowlong Road and Palmers Road.</p> <p>The land is proposed to be zoned R5 Large Lot Residential with a minimum lot size of 2 hectares. The site has an area of 2ha. Therefore, there is no potential for further subdivision of the subject site, unless the minimum lot size map is amended through a planning proposal to provide a lower minimum.</p> <p>The land is currently zoned 1(a) General Rural (minimum lot size 40ha) and is in the Rural Housing Strategy as having potential for rural residential subdivision. Therefore, unless a rezoning application is approved in accordance with the Rural Housing Strategy, there is no subdivision potential under the current LEP.</p> <p>The landowner submitted a rezoning application in 2005 to permit rural residential subdivision. This rezoning application was rejected as the proposal was unable to satisfy Council and State Government guidelines for on-site waste disposal.</p> <p>Correspondence from Council to the land owner in 2007 (following a detailed site inspection by Council officers) stated that a new rezoning application would be required and that issues related to effluent disposal and bushfire management would need to be addressed adequately against relevant regulations and guidelines. To-date the land owner has not submitted a revised application.</p> <p>Further detailed investigation is required prior to reducing the minimum lot size of 2 hectares to enable further subdivision. The landowner may prepare a planning proposal with</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>detailed studies to justify an amendment to the minimum lot size map of the LEP.</p> <p>Since June 2008, there has been a 'moratorium' on rezoning applications in McLeans Ridges until the Housing Strategy is prepared.</p>		
A.36	<p><b>Request for the minimum lot size in Lincoln Avenue, McLeans Ridges to be included in W1 on the Minimum Lot Size map, ie, 3,000m<sup>2</sup> for the following reasons:</b></p> <ul style="list-style-type: none"> <li>• <b>Compatible with existing subdivision pattern;</b></li> <li>• <b>Effective and economic use of existing residential land;</b></li> <li>• <b>Services (power &amp; telephone) already available;</b></li> <li>• <b>Land currently subdivided for rural residential purposes so has no value as productive rural land;</b></li> <li>• <b>Building envelopes will dictate the desired outcome and ensure orderly development;</b></li> <li>• <b>Topography and existing houses on some of the lots preclude any large scale subdivision of the existing lots;</b></li> <li>• <b>Property can support Onsite Sewage Management Systems;</b></li> <li>• <b>Land cannot be subdivided into more than about 8 extra lots &amp; this would not adversely impact on rural visual amenity;</b></li> <li>• <b>Demand for rural residential will be</b></li> </ul>	<p>Lincoln Avenue is proposed to be included in the R5 Large Lot Residential zone with a minimum lot size of 2ha. This is consistent with the approved rural residential subdivision and is intended to ensure no further subdivision for rural residential purposes. This is consistent with Council and community expectations in the McLeans Ridges area.</p> <p>A development application subdivision to achieve 8 additional lots (DA10/345) in Lincoln Avenue was refused earlier this year.</p> <p>There is a community expectation that the merits of allowing additional rural residential subdivision in McLeans Ridges is considered as part of the development of the Housing Strategy and Growth Management Strategy. It is therefore considered appropriate to retain the exhibited minimum lot size.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	reduced elsewhere; <ul style="list-style-type: none"> <li>• Will not set a precedent;</li> <li>• Satisfies criteria in the rural housing Strategy.</li> </ul>			
<b>CLUNES AREA – REZONING REQUEST</b>				
A.37	<b>Request to include land in the R5 Large Lot Residential zone at 1545-1585 Bangalow Road, Clunes (Lots 12 &amp; 13 DP 1012940 &amp; Lot 1 DP 123446) as:</b> <ul style="list-style-type: none"> <li>• Physically suitable;</li> <li>• Located close to the Clunes Village</li> <li>• Land is able to be serviced &amp; can achieve safe vehicle access;</li> <li>• Logical extension of existing rural residential areas;</li> <li>• Accessible to services in Clunes and Lismore;</li> <li>• Fill an apparent need for residential land in the area;</li> <li>• Satisfy the criteria in the LES for zoning land rural residential;</li> <li>• Does not contain good quality agricultural land.</li> </ul>	<p>The subject land has a total area of approximately 160 hectares and is located just to the east of the Clunes village and east and to the south of rural residential subdivisions in Tildon and Flatley Drive.</p> <p>The proposed RU1 Primary Production zone is analagous with the current 1(a) zone. The subject land is not identified for potential rural residential in the Lismore Rural Housing Strategy 2002.</p> <p>Council's GIS identifies areas within the subject sites as have Regionally Significant Farmland, areas of high conservation value, bush fire prone areas and areas with hilly slopes (20-33%). Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The Submission request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Maintain the rural zoning as proposed in the draft LEP.  <u>Comment</u> Council's GIS identifies areas within the subject sites as have Regionally Significant Farmland, areas of high conservation value, bush fire prone areas and areas with hilly slopes (20-33%). Further detailed investigation is required prior to rezoning the land to a residential zone.	1. No change to the draft LEP.  2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.
A.38	<b>Object to zoning from rural to R5 at 6 and 17 Tildon Drive, Clunes and in the absence of the RU4 Rural Small Holdings zone request the LEP zone the site RU1. Submitter states that zoning of land as R5 introduces contradictions and inconsistencies with adjacent land along Johnson Road and possibly others in Council area. Further, residential zoning would remove right of owners to grow small vineyard, develop</b>	<p>The subject sites were approved for rural residential purpose in 1995. The R5 Large Lot Residential Zone has been applied to land that has been subdivided or zoned for rural residential purposes under previous planning schemes and includes land that:</p> <ul style="list-style-type: none"> <li>• Is zoned 1(c) Rural Residential Zone under the Lismore LEP 2000</li> <li>• Has been subdivided for rural residential purposes under the former clause 15 of the Lismore LEP 1992</li> <li>• Is included in Schedule 4 (Additional Permitted Uses) of</li> </ul>	Not applicable.	No change to the draft LEP.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>aquaculture, install water storage facilities (for horticulture activities) or build a small stockyard.</b></p>	<p>the Lismore LEP 2000 to enable rural residential subdivision.</p> <p>The R5 Large Lot Residential Zone is a residential zone that provides for residential development on land in rural areas where the primary focus is the provision of housing in a rural environment, rather than agriculture. The mandatory objectives of the R5 zone are:</p> <ul style="list-style-type: none"> <li>• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>• To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within the zone and land uses within adjoining zones.</li> <li>• To provide rural residential development of a quality and scale that is compatible with the character of the rural area.</li> </ul> <p>Rural activities that are permitted without consent include extensive agriculture and horticulture for commercial purposes. A vineyard developed for commercial purposes would be regarded as intensive plant agriculture, which is prohibited. If the small vineyard was only for domestic purposes it would be ancillary to the use of the land for a dwelling house. It is also noted that land uses identified as permissible with consent are not a right of use for all holdings. Approval for such land uses are subject to a range of planning criteria inclusive of site suitability, potential for land use conflict with adjoining areas, size of lot, access, amenity, environmental considerations.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>CLUNES AREA - MINIMUM LOT SIZE REQUEST</b>				
A.39	<b>Objection to the proposed R5 Large Lot Residential rezoning of 5 Ewandale Close in Clunes, specifically the minimum lot size. Request minimum lot size as per the adjoining village area.</b>	<p>The subject site is 5163m<sup>2</sup>. Ewandale Close is a small cluster of proposed R5 Large Lot Residential zoning on the south western edge of the village zoned land. Its zoning is consistent with the existing 1(c) zone. The minimum lot size in the existing 1(c) zone is 2,000m<sup>2</sup>, which is increased to 2,500m<sup>2</sup> in all areas due to assessment of capability of land for wastewater disposal.</p> <p>To the west is rural land zoned RU1 Primary Production.</p> <p>It is acknowledged that this area is adjacent to the Clunes Village zone. However, its inclusion in the village zone should be subject to wider community comment and an assessment of the most appropriate area for the future expansion of the Clunes village.</p> <p>This can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<b>BEXHILL AREA</b>				
A.40	<p><b>Request to include land in the R2 residential zone on behalf of landowners in the proposed future urban release area (east of Bexhill Village), including:</b></p> <p><b>Lot 5 DP 733335</b>  <b>Lot 1-10 Sec 17 758102</b>  <b>Lot 17-20 Sec 17 758102</b>  <b>Lot 1 DP 997500</b>  <b>Lot 1 DP 1038803</b>  <b>Lot 175 DP 755686</b>  <b>Lot 189 DP 755686</b></p> <p><b>The submission provides an outline of</b></p>	<p>The site is currently part 1(a) General Rural and part 1(r) Riverlands and is proposed to be zoned RU1 Primary Production. The rezoning request area covers an approximately 32ha and is located on the eastern side of the Bexhill Village.</p> <p>Part of the land has been identified in the Lismore Village Development Strategy and FNCRS for future urban development.</p> <p>A rezoning application for the subject sites has previously been submitted to Council. In a letter dated 5 Feb 2008 the applicant was advised that a number of issues related to the</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>the area, surrounding land uses, past studies and concludes suitability for residential development. It notes that the rezoning was deferred pending sewer connection, which was to be incorporated with Clunes but now has agreement for a package system. The proximity of Bexhill to Lismore and desirable characteristics of site and the village make it an ideal location for residential use.</p> <p>The landowners object to the inconsistent treatment of release areas by Council. Two of the four nominated sites in the draft LEP were not included in the original urban development strategy and the others had the lowest rating for future residential appeal.</p> <p><b>Suggest inclusion of a "Strategic Urban Growth Area" like Ballina Council's draft LEP, clause 7.7.</b></p>	<p>following topics were not addressed to the satisfaction of Council:</p> <ul style="list-style-type: none"> <li>• Sewer servicing</li> <li>• Geotechnical hazard areas</li> <li>• Proposed areas extending beyond the potential village development area</li> <li>• Compatibility with village</li> <li>• Flooding</li> <li>• Stormwater management</li> <li>• Water supply</li> <li>• Traffic</li> <li>• Potential land use conflict</li> <li>• Social impact assessment</li> </ul> <p>The letter from Council further stated that, on the basis of the issues raised, it is unlikely the proposal would be able to be included as part of the comprehensive LEP process. However, if the issues are able to be addressed to Council's satisfaction at some stage in the future a rezoning submission could still be considered following completion of Council's comprehensive LEP.</p> <p>To date, no further information has been provided to Council regarding this rezoning submission.</p> <p>It is acknowledged that this area is adjacent to the Bexhill Village area and is identified as potential future urban release area. However, its inclusion in this zone should be subject to wider community comment and detailed consideration of the amount of development, type of development and sequence of development in this area. This is particularly important given that the proposed area reflects a significantly larger area than the existing Bexhill village area. Development will need to be in character with the existing village and at a rate of change that does not compromise existing community</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>cohesion and values.</p> <p>The housing strategy and growth management strategy can explore wider community views and expectations and consider an appropriate quantity of development, types of development suitable and sequence of development that will not compromise the Bexhill Village character.</p> <p>For further comments on other points raised please refer to discussion for A.11 and A.60.</p>		
<b>A.41</b>	<b>Request to include land in the RU5 Village zone or as future village at 867 Bangalow Road, Bexhill.</b>	<p>The subject site has an area of approximately 7 hectares and adjoins Bangalow Road with the eastern boundary adjoining Unara Road. The subject site adjoins the eastern fringe of the existing 2(v) and proposed R5 Village zone for Bexhill.</p> <p>The land is not identified as Potential Village Expansion in the Village Development Strategy or for future urban development in the FNCRS.</p> <p>A significant amount of land is identified as potential village expansion as discussed in Issue A.36.</p> <p>It is noted that the site is located on Regionally Significant Farmland.</p> <p>The housing strategy and growth management strategy can explore wider community views and expectations and consider an appropriate quantity of development, types of development suitable and sequence of development that will not compromise the Bexhill Village character.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<b>CANIABA AREA</b>				
<b>A.42</b>	<b>Request to include part of the land at 528 Caniaba Road, Caniaba (Lot 2 DP 1073973) in the RU5 Village zone. The</b>	The area of request is identified as proposed Village in the Village Development Strategy and FNCRS for future urban development.	Not applicable.	1. No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>area proposed for rezoning is about 5ha of the total 16ha of the site. It is currently zoned 1(b) Agriculture and is located east of the Perradena Estate adjacent to small lots development for rural residential dwellings.</p> <p>The balance of the site is identified as 1(a) General Rural in the LEP 2000 and the submitter requests this area be identified in the Draft LEP 2010 as RU2 Rural Landscape.</p>	<p>Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal. It is not the role of the new LEP to rezone potential new land release areas to a higher order residential zone. This will continue to be done through the landowner initiated rezoning process.</p> <p>It is acknowledged that this area is adjacent to the Caniaba Village area and is identified as potential future village release area. However, its inclusion in this zone should be subject to wider community comment and detailed consideration of the amount of development, type of development and sequence of development in this area. This is particularly important given that the proposed area reflects a significantly larger area than the existing Caniaba village area. Development will need to be in character with the existing village and at a rate of change that does not compromise existing community cohesion and values.</p> <p>The housing strategy and growth management strategy can explore wider community views and expectations and consider an appropriate quantity of development, types of development suitable and sequence of development that will not compromise the Caniaba Village character.</p>		<p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.43	<p><b>Request to include land at 506 &amp; 518 Caniaba Road, Caniaba (Lot 15 DP 246746 &amp; Lot 21 DP 732020) in the R5 Large Lot Residential zone with a minimum allotment size of 5,000m<sup>2</sup>.</b></p>	<p>The sites are located between Perradena Estate and the Caniaba School and have a total area of approximately 3.2 hectares.</p> <p>The sites are located within a cluster of small rural allotments. The sites are identified as an extension to the</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Caniaba Village area in the Village Development Strategy. The proposed zone is RU2 Rural Landscape, which is analogous to the current 1(b) Agriculture zone.</p> <p>A significant amount of land is identified as potential village expansion as discussed in Issue A.40.</p> <p>Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal. It is not the role of the new LEP to rezone potential new land release areas to a higher order residential zone. This will continue to be done through the landowner initiated rezoning process.</p> <p>The housing strategy and growth management strategy can explore wider community views and expectations and consider an appropriate quantity of development, types of development suitable and sequence of development that will not compromise the Caniaba Village character.</p> <p>Any review process will need to consider if R5 Large Lot Residential or RU5 Village area is most appropriate or if the subject sites are to remain as RU2 Rural Landscape.</p>		<p>interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.44	<p><b>Submission states that the future potential to create further lifestyle acreage is imperative to the further development and unity of Paradenya Estate.</b></p>	<p>The draft LEP incorporates a minimum lot size of 1000m<sup>2</sup> in Paradenya Estate. Lot 96 DP 1087475 is approximately 50ha and is within RU5 village zone with a 1000m<sup>2</sup> minimum lot size.</p> <p>Future potential development areas within Caniaba are identified in the Lismore Village Development Strategy 2002 and the Lismore Rural Housing Strategy 2002.</p>	Not Applicable	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>WYRALLAH AREA</b>				
A.45	<p><b>Request to include land in the R5 Large Lot Residential zone at 263 Skyline Road South, Wyrallah (Lot 2 DP 617697). The area of the subject site proposed for rezoning to R5 is about 13 hectares and is separated by road from the rest of the property. The submitter proposes a minimum allotment size of 1ha for this area.</b></p>	<p>The total area of the subject site is approximately 56 hectares. It is located about 2km north of the Wyrallah village. The proposed RU1 and RU2 zones are analogous to the existing zoning. The subject site is not identified as a potential rural residential area in the Lismore Rural Housing Strategy.</p> <p>Rezoning this lot to R5 Large Lot Residential development would result in an isolated cluster of R5 zoned land surrounded by agricultural lots. Intensification may increase the potential for land use conflicts.</p> <p>Council's GIS identifies areas within the subject site that have hilly slopes of 20 percent or more. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.46	<p><b>Request to include land 95 Breckenridge Road, Wyrallah (Lot 1 DP 747721) in the R5 Large Lot Residential zone. The subject site is about 2ha and is located on the eastern side of Wyrallah village. It currently adjoins a rural residential subdivision. The submitter proposes a minimum allotment size of 5,000m<sup>2</sup>.</b></p>	<p>The subject site is identified as a potential rural residential area in the Rural Housing Strategy. It is about 750m east of the centre of Wyrallah village and adjoins a rural residential subdivision (96 Breckenridge Road). This subdivision occurred pursuant to a rezoning application approved by Council in 2009 in accordance with the RHS.</p> <p>Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal. It is not the role of the new</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>LEP to rezone potential new land release areas to a higher order residential zone. This will continue to be done through the landowner initiated rezoning process.</p> <p>Council's GIS identifies areas within the subject site that have hilly/mountainous slopes (20 percent or more), areas with agricultural class 3 land, and areas with primary koala habitat. In addition, the ability of land in Wyrallah to accommodate on-site waste water management systems needs more detailed investigation.</p> <p>The submission request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
<b>BOAT HARBOUR AREA</b>				
A.47	<p><b>Request portion of land at 41A McKinnon Road, Boatharbour to be zoned R5 Large Lot Residential zone. The site has an area of approximately 47 hectares and the Richmond Hill R5 Large Lot Residential area is located to west. The submitter states that the part of the site was deemed as suitable prior to 2000 for rural residential and that they have purchased a block on Whispering Valley Drive and now have access to the ridge land, which is suitable for future subdivision.</b></p>	<p>The proposed RU1 Primary Production and RU2 Rural Landscape is analogous to the current LEP zoning.</p> <p>The site is not identified as potential rural residential land in the Lismore Rural Housing Strategy.</p> <p>Rezoning this lot to R5 Large Lot Residential development would result in expansion of the Richmond Hill R5 Large Lot Residential area within the area to the north east of the Whispering Valley Drive.</p> <p>Council's GIS identifies areas within the subject site that have hilly slopes of 20 percent or more. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The submission request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
A.48	<p><b>Request to include land at 30 Ridgeland Close, Boatharbour (Lot 2 DP 1131930) in the R5 Large Lot Residential zone. The submission relates to the area approved as Lot 29 as per DA 94/519. Lot 29 is 5.5 hectares and the Richmond Hill R5 Large Lot Residential zoning is located to the south. Reference is made to the approved subdivision plan DA 94/519 attached to the submission. The R5 Large lot residential zone excludes proposed Lot 29 of this subdivision. It has a substantial amount of flood free, gently sloping land. The request is for R5 to be extended to the northern boundary of existing Lot 2 to incorporate the whole of proposed Lot 29 as well as the remainder of Lot 2.</b></p>	<p>The subject site is approximately 25 hectares and is located between the area north of Ridgeland Close and south of Boatharbour Road.</p> <p>The proposed R5 Large Lot Residential zoning on the subject site relates to the area approved as allotments for rural residential use, as per DA 94/519 and DA 95/459. It is noted that the area relating to approved Lot 29 is zoned RU1. It is recommended that this part of the site be zoned R5 with a minimum lot size of 5 hectares to reflect this approval.</p> <p>The balance of the subject site, identified by Lot 30 (DA 94/519), has not been approved for rural residential purposes and is identified as part RU1 and RU2. The zoning for this area should be maintained. Part of the southern fringe of this area is identified as potential rural residential in the Rural Housing Strategy and the remaining area is not identified as such and largely reflects land identified as Regionally Significant Farmland.</p> <p>The submission request to include the area identified as Lot 30 as R5 requires more detailed analysis and can be considered during the development of the Housing Strategy and Growth Management Strategy.</p>	<p>Amend the draft LEP so that the area identified as approved Lot 29 (DA 94/519) is identified as R5 Large Lot Residential zoning.</p> <p><u>Comment</u> Amendments will reflect the land approved as rural residential use as per process outlined in the Local Environmental Study 2010.</p>	<ol style="list-style-type: none"> <li>1. Amend the draft LEP Map LZN-005 to include the area of approved Lot 29 (DA 94/519) in the R5 Large Lot Residential zone.</li> <li>2. Amend the draft LEP Map LSZ-005 to include the area of approved Lot 29 (DA 94/519) in a new category of 5 hectares on Lot 2 DP 1131930.</li> <li>3. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</li> </ol>
<b>ELTHAM AREA – REZONING REQUEST</b>				
A.49	<p><b>Object to RU1 Primary Production zoning at 1040 Eltham Road, Pearce Creek (DP 12422) as the land has lost the potential for a rural tourist facilities as it is not permissible in this zone.</b></p>	<p>Since the exhibition period eco-tourist facility has been introduced as a new defined use in the Standard Instrument and is proposed to be permissible in the rural zones.</p>	<p>Amend Draft LEP 2010 to include “eco-tourist facility” as permissible with consent in the RU1 Primary Production zone</p>	<p>Amend the Land Use Table for the RU1 Primary Production zone to include ‘eco-tourist facility’ as a use permissible with consent.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
A.50	<p><b>Request to include land in the R5 Large Lot Residential zone at 21 McKenzie Road, Eltham (Lot 2 DP 592677). The subject site is approximately 6.6 hectares and is located to the west of six R5 zoned allotments of approximately 9000m<sup>2</sup>. Areas to the north, south and west of the subject site include rural zoned land.</b></p>	<p>The proposed RU1 Primary Production is analogous to the current zone. The site is not identified as potential rural residential land in the Lismore Rural Housing Strategy.</p> <p>Adjoining allotments are zoned R5 to reflect the rural residential approval. The adjoining allotments have a minimum lot size of 9000m<sup>2</sup> to accommodate an existing subdivision pattern. The minimum lot size is very close to the area of each allotment and there is minimum opportunity for future subdivision of the adjoining R5 zoned land.</p> <p>Further detailed investigation is required prior to rezoning the land to a residential zone. The submission request can be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
A.51	<p><b>Object to R5 Large Lot Residential zoning at 1 Laureldale Road, Eltham (Lot 4 &amp; 6 DP875210) due to concerns about:</b></p> <ul style="list-style-type: none"> <li>• <b>Unclear objectives and guidelines</b></li> <li>• <b>R5 zoning is too restrictive on current "hobby farm" and poultry and livestock pursuits.</b></li> <li>• <b>No commercial agriculture allowed.</b></li> <li>• <b>Loss of rural amenity.</b></li> <li>• <b>LEP is not consistent with "Sustainable economic growth and development".</b></li> <li>• <b>Increase in neighbour and rural conflicts.</b></li> <li>• <b>No future subdivision potential.</b></li> <li>• <b>No environmental buffer zones.</b></li> <li>• <b>Loss of income from horse spelling and training.</b></li> </ul>	<p>The subject sites are currently zoned 1 (b) Agricultural and proposed to be zoned RU1 Primary Production. The lots were approved for rural residential purpose in 1995.</p> <p>The R5 Large Lot Residential Zone is a residential zone that provides for residential development on land in rural areas where the primary focus is the provision of housing in a rural environment, rather than agriculture. The mandatory objectives of the R5 zone are to:</p> <ul style="list-style-type: none"> <li>• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>• To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within the zone</li> </ul>	Not applicable.	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>Loss of value.</li> </ul>	<p>and land uses within adjoining zones.</p> <ul style="list-style-type: none"> <li>To provide rural residential development of a quality and scale that is compatible with the character of the rural area.</li> </ul> <p>The R5 Large Lot Residential Zone applies to land that has been subdivided or zoned for rural residential purposes under previous planning schemes and includes land that:</p> <ul style="list-style-type: none"> <li>Is zoned 1(c) Rural Residential Zone under the Lismore LEP 2000</li> <li>Has been subdivided for rural residential purposes under the former clause 15 of the Lismore LEP 1992</li> <li>Is included in Schedule 4 (Additional Permitted Uses) of the Lismore LEP 2000 to enable rural residential subdivision.</li> </ul> <p>Rural activities that are permitted without consent include extensive agriculture and horticulture for commercial purposes. If the hobby farming is undertaken for commercial purposes and meets these definitions it can be undertaken without consent.</p> <p>If the poultry and livestock are for domestic purposes they would be ancillary to the use of the land for the dwelling house.</p>		
<b>ELTHAM AREA – MINIMUM LOT SIZE REQUEST</b>				
A.52	<p><b>Object to the proposed zoning at 20 Federation Drive, Eltham and specifically lot size as it allows for the largest rural residential lots in the LGA. The minimum lot size should be smaller to better support affordable housing and sustainable living.</b></p>	<p>The subject site has an area of approximately 1 hectare and is located approximately 150m west of the intersection of Federation Drive and Johnston Road. The proposed zone is R5 Large Lot Residential Zone. The minimum lot size is 2 hectares. This reflects Council consent as included in Schedule 4 of the Lismore LEP2000.</p> <p>The minimum lot size is proposed to ensure that further subdivision is not possible. This is largely due to previous</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>assessments of land constraints, including slope and ability to dispose of wastewater, access to services, employment etc and community expectations about additional residential development in rural areas.</p> <p>The creation of additional lots in this location would not necessarily ensure greater affordability.</p> <p>The potential for reducing the minimum lot size in this area may be considered with more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		<p>Strategy and Growth Management Strategy.</p>
<b>CORNDALE AREA</b>				
A.53	<p><b>Request to include land in the R5 Large Lot Residential zone with a minimum lot size of 3000m<sup>2</sup> at 791 &amp; 805 Corndale Road &amp; 1 &amp; 3 Arthur Road (Lots 1-7 DP 24734), Corndale.</b></p>	<p>The subject area includes a cluster of seven allotments, ranging from approximately 630m<sup>2</sup> to 4600m<sup>2</sup>. It is located approximately 5km north west of Clunes. The sites are not identified as potential rural residential land in the Lismore Rural Housing Strategy.</p> <p>The size of a lot does not determine its suitability for zoning Large Lot Residential. Rezoning these lots to R5 Large Lot Residential development would result in an isolated cluster of R5 zoned land surrounded by agricultural lots. Rezoning this area may increase the potential for land use conflicts.</p> <p>Further detailed investigation is required prior to rezoning the land to a residential zone. The request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<b>MODANVILLE AREA</b>				
A.54	<p><b>Request to include land in the R5 Large Lot Residential zone at 26 &amp; 40 Beddoes &amp; 1173 Dunoon Road, Modanville (Lots 23 &amp; 24 DP 732269 &amp; Lot 11 DP 1081440)</b></p>	<p>The subject sites are approximately 93 hectares. The site is located to the north of the Modanville rural residential estate. The proposed RU1 Primary Production and RU2 Rural Landscape are consistent with the current zoning of the land</p>	<p>Not applicable.</p>	<p>1. No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	with a minimum allotment size of 2,500m <sup>2</sup> .	<p>as part 1(a) General Rural and part 1(b) Agriculture.</p> <p>The sites are not identified as potential rural residential land in the Lismore Rural Housing Strategy.</p> <p>Rezoning this area to R5 Large Lot Residential development would result in expansion of the Modanville R5 area to the north of Beddoes Road. The requested R5 area represents a significant area that is equivalent to the existing Modanville R5 zoned land.</p> <p>Council's GIS identifies areas within the subject sites that have hilly areas with slopes of 20 percent or more. Further detailed investigation is required prior to rezoning the land to a residential zone.</p> <p>The Submission request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.
A.55	<p><b>Request that the current 1(c) Rural Residential part of the site at 340 Cross Road, Numulgi (Lot 1 DP 851320) be zoned R5 Large Lot residential and remainder of the property be zoned RU1 primary production rather than RU2. The subject site has an area of 57.32ha and is located about 5km from the Hamlet of Numulgi. This site is currently used for beef production and orcharding and represents substantial investment and livelihood for owners. Ongoing protection of this use with RU1 zone is important for owners.</b></p>	<p>The area identified as 1(c) rural residential in the LEP 2000 has not been identified as R5 Large Lot Residential zoning in the draft LEP 2010. This is an omission and should be amended.</p> <p>With regards to the RU1 vs. RU2 request please refer to Attachment 3 in the principal report on the LEP.</p>	Amend the draft LEP so that the area identified as 1(c) rural residential in the LEP 2000 is identified as R5 Large Lot Residential zoning.	<p>1. Amend the draft LEP Map LZN-005 to include the area of Lot 1 DP 851320 identified as 1(c) Rural Residential in LEP 2000 in R5 Large Lot Residential zoning.</p> <p>2. Amend the draft LEP Map LSZ-005 to include the area of Lot 1 DP 851320 identified as 1(c)</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
				Rural Residential in LEP 2000 in V2 2,500m <sup>2</sup> .
<b>DUNOON AREA</b>				
A.56	<p><b>Request to include entire site at 6 Munro Road Dunoon (Lot 221 DP 1139927) in the RU5 Village zone.</b></p>	<p>The subject site is approximately 4500m<sup>2</sup>. It is located 50 metres from the intersection of Munro Road and Dunoon Road. It is located along a row of village lots that front Munro Road. The proposed RU5 Village and RU1 Primary Production split is consistent with the current zoning in the Lismore LEP 2000.</p> <p>The area to which the request applies is not identified as a potential village expansion area in the Lismore Village Development Strategy.</p> <p>The front portion of the subject site is identified as RU5 and is approximately 2800m<sup>2</sup>. The rear portion is identified as RU1 and is approximately 1700m<sup>2</sup>.</p> <p>Council's GIS identifies areas within the subject site that have hilly slopes of 20 percent or more and regionally significant farmland. Further detailed investigation and community consultation is required prior to rezoning the land to a residential zone.</p> <p>The Submission request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>
<b>LARNOOK AREA</b>				
A.57	<p><b>Request entire site 170 Martin Road, Larnook (Lot 2 DP 792015) to be identified as 'Potential Rural Landsharing Community' on the Potential Rural Landsharing</b></p>	<p>Part of the land is identified as Potential Rural Landsharing Community and the entire land is zoned RU2 Rural Landscape. The land owner is entitled to submit a development application for a rural landsharing community and demonstrate why the entire site is suitable for such a use. The</p>	Not applicable.	No change to the draft LEP.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<b>Community Development Map.</b> The submitter states that all the subject site is suitable for development (excluding land over 18 deg slope).	development assessment process can then determine the suitability of the entire site for a rural landsharing community.		
<b>A.58</b>	<b>The zoning at Billen Cliffs Community, Martin Road Larnook should be R5 Large Lot Residential instead of RU2. Submissions raise concerns about the community being a residential development that is more consistent with the objectives of the R5 zone than the RU2 zone.</b>	<p>Billen Cliffs is a rural landsharing community approved as a strata title subdivision. The proposed zone is analogous to the current LEP zone. The draft LEP proposes that rural landsharing communities are permissible in the RU2 zone in the Draft LEP.</p> <p>R5 is a residential zone in the Draft LEP and is not considered appropriate for the purposes of rural land sharing communities. This is consistent with the zoning of land in which other approved rural landsharing communities are located.</p>	Not applicable.	No change to the draft LEP.
<b>TUCKI TUCKI AREA</b>				
<b>A.59</b>	<b>Request to include land at 1322 Wyrallah Road, Tucki Tucki 2480 and 1 Tucki Road, Wyrallah in the RU4 Small Holdings Zone in the draft LEP. If the RU4 zone is not adopted, R5 Large Lot Residential is requested with a lot size of 1ha or 2ha.</b>	<p>Council has not included the RU4 zone in the draft LEP. The LEPs that have used the RU4 zone have done so in areas used for more intensive primary production, such as, market gardens, stone fruit orchards, blueberries, bushfood etc and could be done on 10 hectares or less. The use of this zone would require research to determine the areas suitable along with the most appropriate minimum lot size etc so that they do not become de facto rural residential zones.</p> <p>The potential for more intensive rural settlement has been mapped in the Lismore Rural Housing Strategy, the Lismore Village Development Strategy and the Far North Coast Regional Strategy. Considerable research, data collection and public agency and community consultation have been undertaken to delineate areas to be considered for more intensive rural settlement.</p> <p>The use of R5 Large Lot Residential zone is intended to satisfy the demand for rural residential development.</p>	Not applicable.	<p>1. No change to the draft LEP.</p> <p>2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Rezoning this lot to R5 Large Lot Residential development would result in an isolated cluster of R5 zoned land surrounded by agricultural lots. Intensification may increase the potential for land use conflicts.</p> <p>Further detailed investigation is required prior to rezoning the land to a residential zone. The request can be considered in more detailed analysis during the development of the Housing Strategy and Growth Management Strategy.</p>		
<b>VARIOUS LOCALITIES (ie raised in a number of submissions)</b>				
A.60	<p>Request a clause in <i>Part 7 Additional local provisions</i> that ensures identified growth areas opportunities are maintained (similar to Clause 7.7 in the Ballina LEP).</p>	<p>Ballina Shire Council proposed the following clause in their draft LEP:</p> <p><b>7.7 Strategic urban growth areas [local]</b></p> <p>(1) <i>The objective of this clause is to ensure that strategic urban development opportunities are maintained.</i></p> <p>(2) <i>This clause applies to land identified on the Strategic Urban Growth Area Map.</i></p> <p>(3) <i>In determining whether to grant consent, the consent authority must take into account whether the proposed development may preclude urban or employment land uses on the land having regard for:</i></p> <p>(a) <i>orderly and coordinated provision of infrastructure, and</i></p> <p>(b) <i>maintenance of amenity and scenic values, and</i></p> <p>(c) <i>land use conflict impacts associated with emissions including noise, dust and odour, and</i></p> <p>(d) <i>site access, generation of traffic and efficient function of transport infrastructure.</i></p> <p>Identified growth areas in the Lismore Urban Strategy are already included in a residential zone in the draft LEP pursuant to landowner rezoning submissions. North Lismore Plateau is proceeding through the planning proposal gateway process, which effectively identifies the area as being 'under</p>	Not Applicable	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>investigation'. It is assume the relevant landowners will ensure the use of the land is consistent with the rezoning intentions.</p> <p>With respect to other land currently zoned 1(d) Investigation, these areas will be considered in more detail during the preparation of the Housing Strategy and Growth Management Strategy as to their future suitability for residential development.</p> <p>It is therefore more appropriate to consider including a similar clause to the Ballina clause upon completion of the Growth Management Strategy. This will assist in ensuring the identified growth areas opportunities are maintained. This can be achieved through a LEP amendment process.</p>		

## ATTACHMENT B: DRAFT LEP 2010 SUBMISSIONS FOR ZONE AND USE CHANGES ~ COMMERCIAL &amp; INDUSTRIAL

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>SOUTH LISMORE</b>				
B.1	<p><b>Object to the proposed rezoning of 51 Three Chain Road (Lot 3 DP602872) to RU1 Primary Production and request change to IN1 General Industrial as:</b></p> <ul style="list-style-type: none"> <li>• it would enable the continued current use of land as light industrial;</li> <li>• the proposed zoning change will impact on use and value of land;</li> <li>• adjoining land is zoned industrial and use of the property would be in keeping with surrounding land;</li> <li>• adjoining land appears to be developed at a lower ground level. Some sections of the site are located out of the floodway hazard and could be used for buildings while the rest could have parking and storage;</li> <li>• It was purchased as storage area for bricklaying business when need arises.</li> </ul>	<p>The site is approximately six (6) hectares and is located opposite the Aircraft Fuel Site (Old Airport). The land is vacant and Council's records do not identify any approved industry uses.</p> <p>The land is currently zoned 1(r) Riverlands under the LEP2000. The 1(r) Riverlands zone is a rural zone that applies to rural land that is flood affected.</p> <p>The standard instrument has no standard flood zone; instead flood prone land is identified on the flood prone lands map. The RU1 Primary Production zoning identifies industries (other than home and rural industries) as prohibited. The RU1 zone is intended to apply to all land that is used for, or has potential for primary production.</p> <p>Under the current LEP2000 there is no guarantee that the site can be approved for industrial uses. The 1(r) River Lands zoning identifies industries as permissible with development consent. Additionally, the land is outside the South Lismore levee and the majority of it is mapped as Floodway on the Flood Hazard Categories map in the Lismore Floodplain Management Plan 2002. The north-eastern corner is mapped as High Flood Risk. There is very little opportunity for buildings to be erected in the Floodway under the current LEP2000.</p> <p>Furthermore, the site is not identified in the FNCRS as employment lands.</p>	<p>There is no merit in changing the zone as exhibited, that is, RU1 Primary Production.</p>	<p>No change to the draft LEP.</p>
B.2	<p><b>Object to proposed zoning of 45 Three Chain Road (Lot 1 DP 547727) and 30 Snow Street (Lot 2 DP 592195) as RU1 Primary Production as the site contains an</b></p>	<p>The proposed zone is analogous to the existing 1(r) zone. The subject lots are bound by Three Chain Road, East Street and Snow Street. The subject lots adjoin each other and have a combined DA approval for Commercial Premises (1984). Lismore House Spraying, Sandblasting and Powder Coating</p>	<p>There are two (2) options available: maintain the RU1 Primary Production zoning as proposed in the draft LEP or amend the Draft</p>	<p>1. Amend Draft LEP 2010 Zoning Map LZN-007 to identify Lot 1 DP 547727 and</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>approved industrial use.</p>	<p>fronts 45 Three Chain Road. The land is inside the South Lismore levee and is identified as Flood Fringe on the Flood Hazard Categories map.</p> <p>The Industrial Study 1995 appears to nominate the land as suitable for future industrial use. The most appropriate industrial zone would be IN1 General Industrial.</p>	<p>LEP 2010 to rezone 45 Three Chain Drive (Lot 1 DP 547727) and 30 Snow Street (Lot 2 DP 592195) from RU1 Primary Production to IN1 General Industrial.</p> <p>Rezoning to IN1 will reflect the approved and existing use and is consistent with adjoining land zoned industrial to the north and east of the sites.</p> <p>It is proposed that the land be rezoned to IN1 General Industrial. This will also require a change to the Minimum Lot Size map. It is recommended that the minimum lot size be the same as the adjacent industrial land, which is 1500m<sup>2</sup>.</p>	<p>Lot 2 DP 592195 as IN1 General Industrial.</p> <p>2. Amend Draft LEP 2010 Zoning Map LSZ-007 to identify Lot 1 DP 547727 and Lot 2 DP 592195 as U3 (1500m<sup>2</sup>).</p>
<b>CBD AREA</b>				
<p><b>B.3</b></p>	<p><b>Request for change in proposed zone to B4 Mixed Use at 99, 107 &amp; 109 Ballina Road (Lot 20 DP 1047628, Lot 1 DP 783050 and Lot 1 DP 152227) for the following reasons:</b></p> <ul style="list-style-type: none"> <li><b>the zoning should reflect the existing approvals and commercial land use context</b></li> </ul>	<p>The current zone for the site in the Lismore LEP2000 is 2(a) Residential. The proposed zone is R1 General Residential, which is the most analogous to the 2(a) zone.</p> <p>The approved Lismore Heritage Motel, which is currently being constructed, is consistent with the objectives of the R1 General Residential zone and 'Tourist and visitor accommodation' is permissible with consent in this zone. Therefore, the proposed R1 zoning is consistent with the approved motel use.</p>	<p>For the reasons outlined in the adjoining column to the left, amending the zone to B4 is considered appropriate.</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>on the southern side of Ballina Road;</p> <ul style="list-style-type: none"> <li>the site would be ideally suited to commercial development, given the high visibility on Ballina Road, approved Lismore Heritage Motel and close proximity to CBD.</li> </ul> <p>The submission suggests that the Ballina Street corridor between the bridge and Brewster Street (excluding public reserves etc) be zoned for non-retail commercial development.</p>	<p>The Lismore Urban Strategy states:  <i>“The section of Ballina Street between the river and Brewster Street contains a mix of commercial and residential land uses as shown on Map No.16. Given the main road position and high traffic volumes, existing residences would experience a fairly poor level of residential amenity. However the level of exposure that the location affords, together with its proximity to the CBD, suggests that the area should have good commercial potential, although retail uses are not considered appropriate given the high volume of traffic that uses Ballina Street. The southern side of Ballina Street, between Keen St and Wyrallah Road, falls within the Girards Hill Conservation Area identified in the Lismore LEP 2000. Thus future development in this area would need to be consistent with the objectives of the heritage provisions in the LEP”.</i></p> <p>Retail premises are permitted without consent in the B4 Mixed Use zone. This is not considered appropriate given the high volume of traffic on Ballina Road. This zoning would also encourage the further spread of commercial uses from the CBD.</p> <p>Clause 5.3 -Development near zone boundaries can be utilised. The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>With reference to the land on the southern side of Ballina Road between Molesworth Street and Brewster Street, clause 5.3 can potentially allow for commercial uses that are consistent with the objectives of both the R1 and B3 zones for any land that is within 50 metres of the boundary between these two zones.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		It is considered that the proposed R1 zoning and, where warranted, the use of Clause 5.3 will achieve the most suitable development for this area.		
<b>GIRARDS HILL AREA</b>				
B.4	<p><b>The submission requests that all properties referred to in the submission be zoned the same, that is, B3 Commercial Core, to allow more development potential and flexibility.</b></p> <p><b>The six properties and the proposed zones are:</b>  <b>16 Eden Place - R1 General Residential</b>  <b>91 Wyrallah Road - B1 Neighbourhood Centre</b>  <b>93 Wyrallah Road – R1 General Residential</b>  <b>25, 27 &amp; 29 Garrard Street – R1 General Residential.</b></p> <p><b>The submission states that these properties are currently held in one ownership and include a timber yard, joinery and truss factory as well as 5 houses.</b></p> <p><b>The following reasons are provided in support of the submission:</b></p> <ul style="list-style-type: none"> <li>• <b>93 Wyrallah Road already includes a lawful commercial use.</b></li> <li>• <b>The back zoning of 93 Wyrallah Road as well as 16 Eden Place and 29 Garrard Street from</b></li> </ul>	<p>In the current LEP, 91-93 Wyrallah Road, 16 Eden Place and 29 Garrard Street are included in the 3(f) Service Business (Flood Liable) zone. The other properties are all in the 2(a) Residential zone.</p> <p>Areas currently zoned 3(f) that are more or less contiguous with the CBD are proposed to be zoned B3 Commercial Core. The current 3(f) zones in areas such as Wyrallah Road and North Lismore are proposed to be zoned B1 Neighbourhood Centre.</p> <p>The land uses within this Wyrallah Road Precinct consist mainly of retail uses and residential development. There is also commercial development and light industrial activity and to a lesser extent a small amount of community land uses within this precinct. There are some retail premises in the area zoned 3(f), despite the zone prohibiting retail shops. Commercial and retail development is concentrated along Wyrallah Road, where a range of outlets and services form a local neighbourhood shopping centre.</p> <p>The area surrounding this precinct is predominantly residential. The majority of the area is currently 2(a) General Residential and consists of single detached dwellings.</p> <p>The proposed zone for a large portion of this precinct is B1 Neighbourhood Centre. The B1 zone is the smallest 'centre zone' category in the LEP standard instrument. The proposed zone recognises the presence of retail shops and will allow for future commercial expansion.</p> <p>The remaining land is proposed to be zoned R1 General</p>	<p>There are two (2) options available: maintain the zoning as proposed in the draft LEP or rezone 93 Wyrallah Road (Lot 12 Sec 43 DP758615) from proposed R1 General Residential to B2 Local Centre.</p> <p><i>Comments</i>                      Rezoning 93 Wyrallah Road to B2 Local Centre is consistent with the process outlined in the Lismore Local Environmental Study 2010 and reflects the existing combined use of 91 and 93 Wyrallah Road).</p> <p>It is proposed to rezone 93 Wyrallah Road to B2 Local Centre.</p>	<p>Amend the draft LEP Map LZN-007 to include 93 Wyrallah Road (Lot 12 Sec 43 DP758615) in B2 Local Centre</p> <p>Also see recommendation for Issue B.5.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>commercial to residential will devalue property on which commercial rates have been paid for many years</p> <ul style="list-style-type: none"> <li>The change in zoning will prevent commercial redevelopment and the use of the combined holding.</li> <li>The inclusion of all six lots represent a logical and appropriate planning outcome and will provide a single land area for future commercial development.</li> </ul> <p>Further to this, the submission proposes that the B1 zone identified for the Wyrallah Road area is overly restrictive. The commercial and retail mix services a larger area that is not restricted to the East Lismore neighbourhood. The limitations this zone will place on the development is inappropriate and unwarranted. Wyrallah Road commercial area complements the CBD area and is essentially an extension to the CBD rather than a separate neighbourhood centre.</p>	<p>Residential. This zone is proposed for land that does not front Wyrallah Road, contains an existing dwelling and adjoins existing residential development. The proposed zone recognises the residential nature of the area and ensures that commercial and retail development is predominantly contained to land fronting Wyrallah Road. This precinct has been developed for urban purposes and contains a mix of land uses; therefore, the proposed zone of B1 is not likely to lead to a significant increase in development of the area.</p> <p>The subject lots are clustered together in the southwest corner of the precinct. Based on the process described above it is acknowledged that 93 Wyrallah Road meets the criteria to be zoned B1 Neighbourhood Centre rather than the proposed R1 General Residential (with particular reference made to this site fronting Wyrallah Road and the existing combined use of 91 and 93 Wyrallah Road).</p> <p>25 and 29 Garrard Street and 16 Eden Place are all residential and their inclusion in a commercial zone should be considered in the broader context of the future role and function of the Wyrallah Commercial Precinct.</p> <p>In relation to the request for B3 Commercial zone please refer to the discussion for Issue B.8.</p>		
B.5	<p>Submission to change proposed B1 Neighbourhood Centre zone for the properties below to be changed to B3 Commercial Core zone:</p> <ul style="list-style-type: none"> <li>26 Wyrallah Road</li> </ul>	<p>All subject properties are currently included in the 3(b) Neighbourhood Business zone under the LEP 2000. The B1 Neighbourhood Centre zone was proposed as it reflects the characteristics of the 3(b) Neighbourhood Business zone. It is proposed for small-scale shopping precincts such as South Lismore, North Lismore, Wyrallah Road, and Rous Road.</p>	<p><b>Option A</b></p> <p>Maintain the B1 zone as proposed in the draft LEP.</p> <p><b>Option A Comments</b></p>	<p>Amend the Draft LEP Map LZN-007 to identify the Wyrallah Precinct as B2 Local Centre zone.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• 41-49 Wyrallah Road</li> <li>• 59-64 Wyrallah Road</li> <li>• 4 Avondale Avenue</li> <li>• 2 Dalley Street</li> <li>• 91 &amp; 93 Esmonde Street</li> </ul> <p>Reasons proposed in support of changing the zone are:</p> <ul style="list-style-type: none"> <li>• This commercial area is a long established commercial area providing a wide range of retail outlets that service the needs not only of Lismore but the broader region.</li> <li>• The B1 zone will limit future land uses. Many existing businesses would not be approved under the proposed B1 zone.</li> <li>• The B3 Commercial Core zone reflects current uses and allows for approved and potential growth.</li> </ul>	<p>The southern fringe of the B3 Commercial Core area is bounded by Ballina Road. Any extension of this zone into the Wyrallah Road Precinct will compromise the role and function of a contained CBD. The B3 Commercial Core zoning would potentially detract from the role of the CBD as the primary retail, commercial and entertainment centre of Lismore.</p> <p>A review of the Wyrallah Road Precinct indicates that its role and the existing uses are different to the small commercial areas in South Lismore, North Lismore and Rous Road.</p> <p>Consideration could be given to the B2 Local Centre zone, which is currently only proposed for the Goonellabah Village shopping centre precinct. The zone is intended to cover centres that provide a range of retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre.</p> <p>The objectives of the B2 zone are:</p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.</li> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To ensure development is of an appropriate scale to service the needs of the local community and does not detract from the role of the commercial core zone as the primary retail, commercial and entertainment centre of Lismore.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address submitters concerns;</li> <li>• The role of the area is broader than reflected in the zone objectives and permissible uses.</li> </ul> <p><b>Option B</b> Include the Wyrallah Precinct in the B2 Local Centre zone.</p> <p><b>Option B Comments</b> The B2 Local Centre zone objectives and permissible uses better reflect existing uses and the role of this precinct.</p> <p><b>Option C</b> Include the Wyrallah Precinct in the B3 Commercial Core zone.</p> <p><b>Option C Comments</b> Including the Wyrallah Precinct in the B3 Commercial Core zone will result in the spread of commercial uses that are more appropriate in the CBD. The spread of such uses will compromise the function of the CBD.</p>	
B.6	Request that zoning of 40 Trevan Road, East Lismore (Lot 5 DP	The subject site is 6000m <sup>2</sup> and is located on Trevan Road (off Keen St to the south of Albert Park Public School). Council's	Not applicable.	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>776090) be Light Industrial rather than RU1 for the following reasons:</p> <ul style="list-style-type: none"> <li>• Lot 5 had a 1(d) zoning when purchased and advised by Council it could become residential in line with adjoining land.</li> <li>• Under the existing rural zoning light industry is permissible. The new RU1 zone does not permit industrial development.</li> <li>• New zoning is detrimental to the business as it will stop expansion plans, lower the value of land due to limited permissible uses, threat of losing operation due to existing use requirement of 12 months continual use, and stop ability to change use to keep up with current storage trends.</li> </ul>	<p>records identify a number of past approvals for storage shed and workshop uses.</p> <p>There is currently 38.7 hectares of undeveloped industrial land in Lismore and the Draft LEP 2010 allows for a further 50.3 hectares of industrial land. This equates to a total of 89 hectares of industrial land with potential to be developed between 2011 and 2021. It is considered that sufficient land has been identified to meet industrial land demand for the next 10 years.</p> <p>The land along Trevan Road is currently zoned 1(d) Investigation and is not identified in the FNCRS as employment lands. See commentary in Issue B.10 below with respect to the 1(d) zone.</p> <p>Other submissions (residential) were received with respect to land currently zoned 1(d) in this area along Keen Street to the south of Albert Park Public School. These are discussed in Table 6. In summary, further investigation is required about the best future use for this whole area, including Trevan Road.</p> <p>It is noted that existing lawful uses can utilise existing use rights. The <i>EP&amp;A Regulation 2000</i> allows for some expansion and change opportunities of industrial or commercial uses.</p>		
B.7	<p>Request land at 245 Wyrallah Road, East Lismore for a frontage of 200m to be zoned IN1 General Industrial.</p> <p>The Lismore Urban Strategy identifies a portion of the site as an infill investigation site for future industrial development. This reflects the area requested for rezoning to IN2 General</p>	<p>The subject property 'wraps around' Council's depot to the south of the small NPSW reserve. The land is currently in the 1(d) Investigation zone and is proposed to be included in the RU1 Primary Production zone. The investigation zone is not included in the standard instrument.</p> <p>The LES states that, <i>'the concept of investigation zones has generally been made redundant through the introduction of regional and local land release strategies. Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been identified in a strategy, the onus is on the owner of the land to prepare and</i></p>	Not applicable.	No change to the draft LEP.

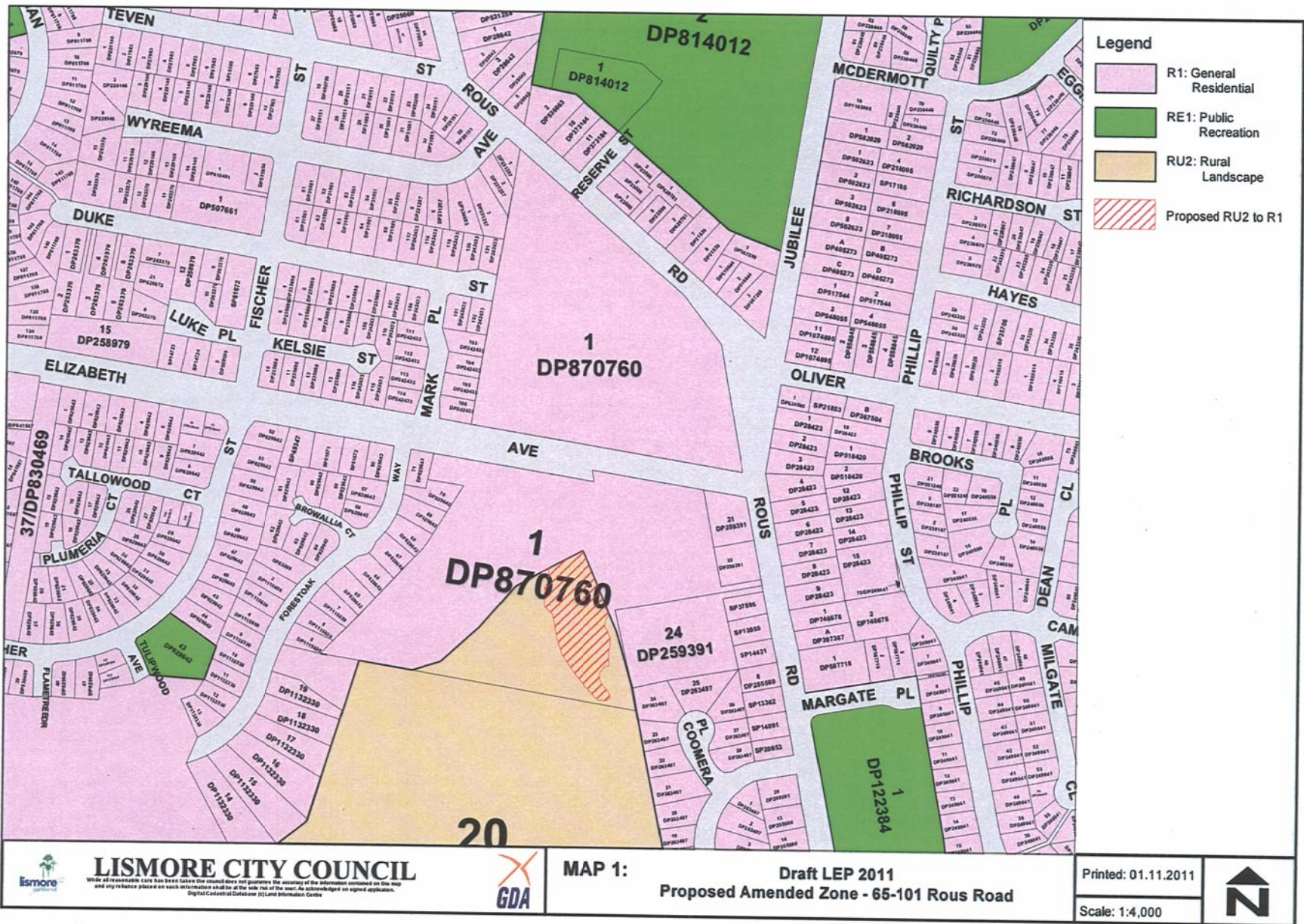
No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<b>Industrial.</b>	<p><i>lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal. It will not be the role of the new LEP to rezone potential new land release areas to a higher order residential or industrial zone. This will continue to be done through the landowner initiated rezoning process.'</i></p> <p><i>With the exception of the Holland Street Infill urban release area and the Chilcotts Grass urban release area, all areas currently zoned 1(d) Investigation under LEP 2000 will be zoned an appropriate rural zone under the draft LEP whether or not they are identified as potential release areas in the relevant local or regional land release strategy.'</i></p> <p>As noted in Issue B.8 above, sufficient land has been identified to meet industrial land demand for the next 10 years. Furthermore, the sites nominated are not identified in the FNCRS as employment lands.</p> <p>The land requires further investigation for suitability for development.</p>		
<b>B.8</b>	<b>Request land at 312-318 Wyrallah Road, East Lismore (Lots 1-3 DP 567209) to be zoned IN1 General Industrial.</b>	<p>The subject properties are currently zoned 1(a) General Rural and are proposed to be translated into the RU1 Primary Production zone. These properties adjoin land at 246 Wyrallah Road that is currently included in the Industrial zone and is proposed to be zoned IN1 General Industrial.</p> <p>The properties are not identified in the Lismore Urban Strategy for future industrial development. The suitability of the land for development requires further investigation, particularly with respect to land stability in the area.</p>	Not applicable.	No change to the draft LEP.
<b>GOONELLABAH</b>				
<b>B.9</b>	<b>Submission to include part of the land at 37A Centenary Drive, Goonellabah (Lot 2 DP 620590) in</b>	The subject site is located to the east of the existing industrial area along Holland Street in Goonellabah. It is zoned 1(d) Investigation in the LEP 2000 and is proposed to be zoned	Not applicable.	1. No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	an industrial zone.	<p>RU1 Primary Production.</p> <p>The Lismore Urban Strategy 2005 identifies the site as an infill investigation site and states:</p> <p><i>“Lot 2 is 13.46 ha in area and currently zoned 1(d) Investigation zone... A small area of Lot 1 to the south of Lot 2 (about 2.7 ha) is zoned 1(a) and is relatively unconstrained. The eastern half of Lot 2 is undulating with good aspect and supports an existing dwelling. The western half of Lot 2 is steeper and west facing and adjoins the existing industrial estate. While the eastern part of Lot 2 exhibits some characteristics that would make it suitable for residential development, its location adjoining the existing industrial estate would need to be addressed. It may also provide an opportunity for a more innovative form of industrial estate that incorporated retail components...”</i></p> <p>The FNCRS strategy identifies the site as Proposed Future Urban Release Area.</p> <p>This site requires further detailed investigation to determine its suitability for industrial purposes, residential purposes or combination of both. This investigation will need to consider site considerations and overarching strategic objectives, particularly in relation to residential and industrial land needs for the Lismore LGA.</p> <p>The most appropriate future use of the land should be considered during the development of the Growth Management Strategy.</p>		2. Include submitters' details in the interested persons list for the Housing Strategy and Growth Management Strategy.
<b>NORTH LISMORE</b>				
B.10	<b>Opposed to all current 4(a) General Industrial zones being translated into the new IN1 General Industrial zone as hazardous, heavy and offensive industries are permitted. In</b>	The proposed change from the 4(a) Industrial zone to the IN1 General Industrial zone rather than the IN2 Light Industrial zone in Macaulay Street reflects the existing mix of industrial uses. The Macaulay Street area is predominantly industrial area with a mix of larger industrial uses and 6 houses (located on the west side of Macaulay Street) that are currently	Not applicable.	No change to the draft LEP.

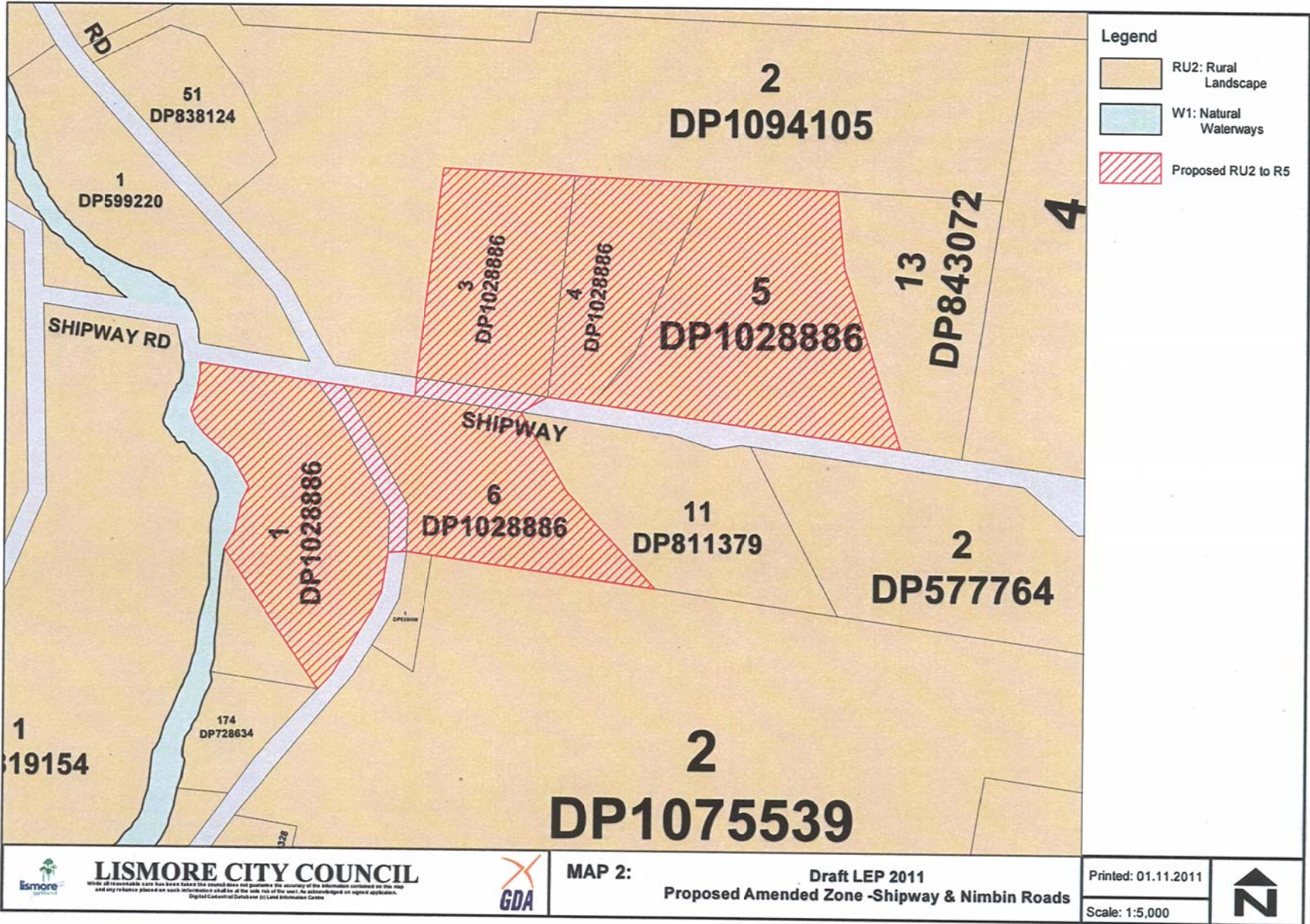
No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Macaulay Street, North Lismore IN2 Light Industrial zoning is more appropriate.</b></p>	<p>occupied.</p> <p>The IN1 General Industrial zone is similar to the current 4(a) Industrial Zone as it permits a wide range of industrial uses. Both zones allow hazardous, heavy and offensive industries with consent. The approval of such uses would be subject to a development application that would consider surround uses and impacts. One of the objectives for the IN1 zone is 'to minimise any adverse effect of industry on other land uses'.</p> <p>The IN2 Light Industrial zone has been used for areas adjoining existing residential areas so they do not interfere with the amenity of the neighbourhood. Although there are houses in the Macaulay Street area it is not identified as an existing residential area, especially as the houses are currently in the 4(a) Industrial zone. Given the nature of existing industrial uses (Boral Concrete, AJ Magnay), changing the zone to a Light Industrial zone would result in no change in existing impacts.</p>		
<b>TUNCESTER AREA</b>				
B.11	<p><b>The proposed part IN1 zoning of 27 Rifle Range Road, Tuncester (Lot 3 DP828423) is supported and it is requested that the entire site be zoned IN1 zone.</b></p>	<p>A total of 3.5 hectares of this site is proposed to be zoned IN1 and the remaining 20.5 hectares is proposed to be zoned RU1 Primary Production. The LES states that there is currently 16.6ha of zoned industrial land at Tuncester, all of which is developed. The additional 3.5ha of industrial land (which relates to this site) will provide an opportunity for increased industrial activity within the area. This area of the site is identified as employment lands in the FNCRS. The balance of the site is identified as RU1 and is not identified in the FNCRS as employment lands.</p> <p>The FNCRS also identifies additional land to the east of this site as employment lands. This represents a potential increase in industrial land of approximately 15ha at Tuncester. This land is not proposed for rezoning under the draft Lismore LEP 2011. The land represents the final land identified within the FNCRS for industrial zoning for the next 25 years.</p>	Not applicable.	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Therefore, the inclusion of the entire allotment as Industrial is not consistent with the FNCRS and any future demand in the Tuncester area up until 2031 can be met through the rezoning of areas to the east of the site that are identified as employment lands in the FNCRS.</p>		









**LISMORE CITY COUNCIL**

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MAP 2:

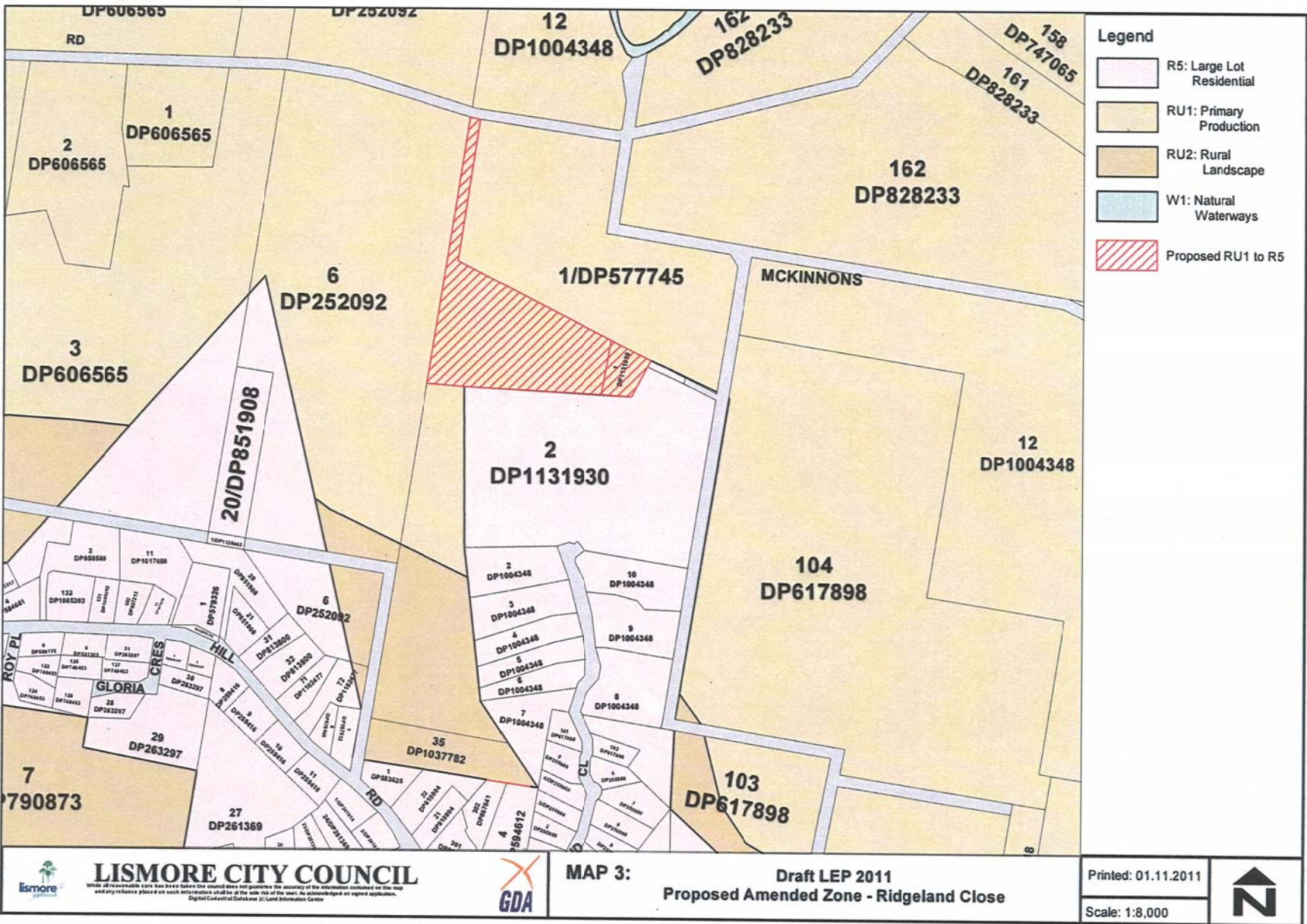
Draft LEP 2011  
Proposed Amended Zone -Shipway & Nimbin Roads

Printed: 01.11.2011

Scale: 1:5,000

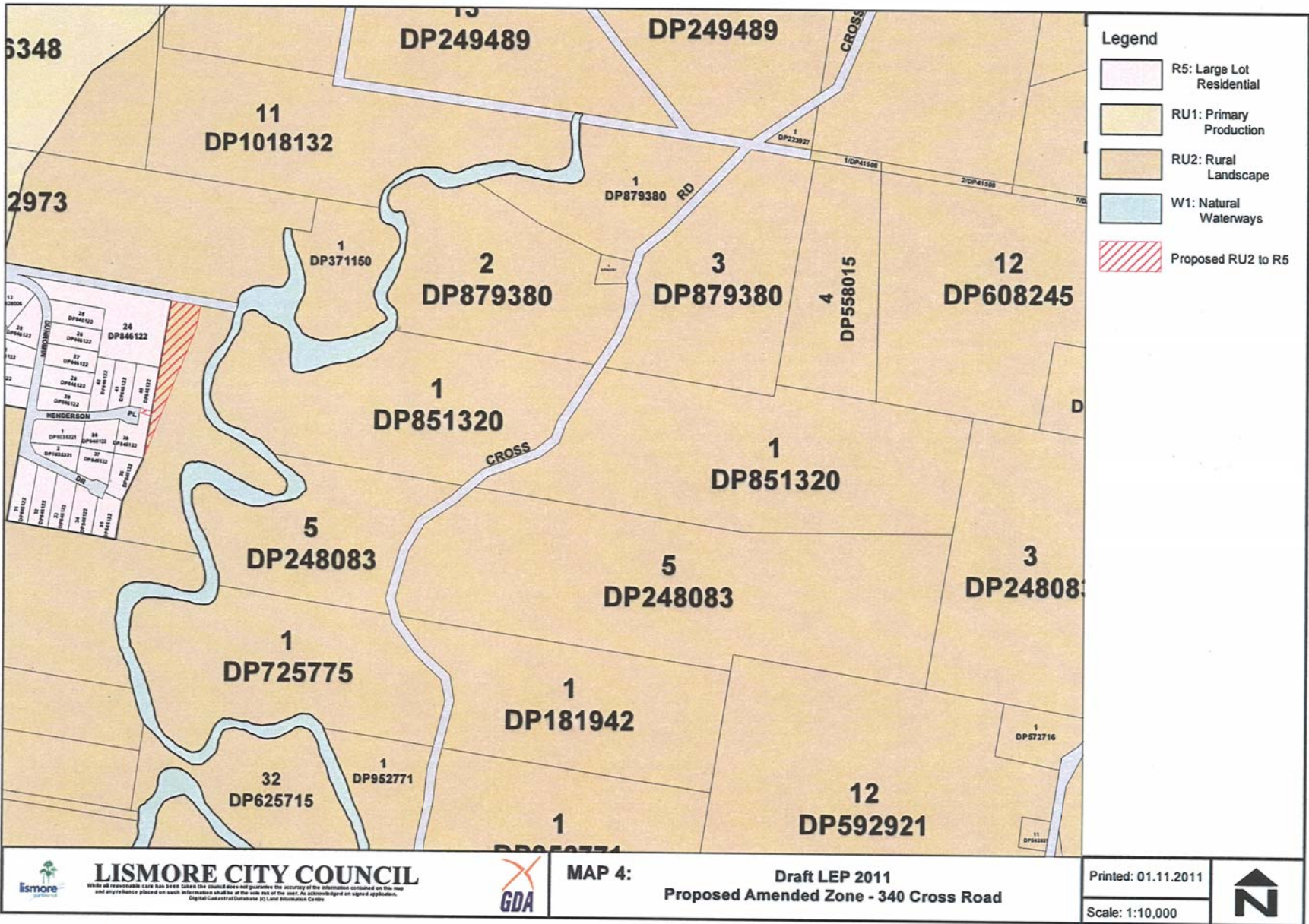






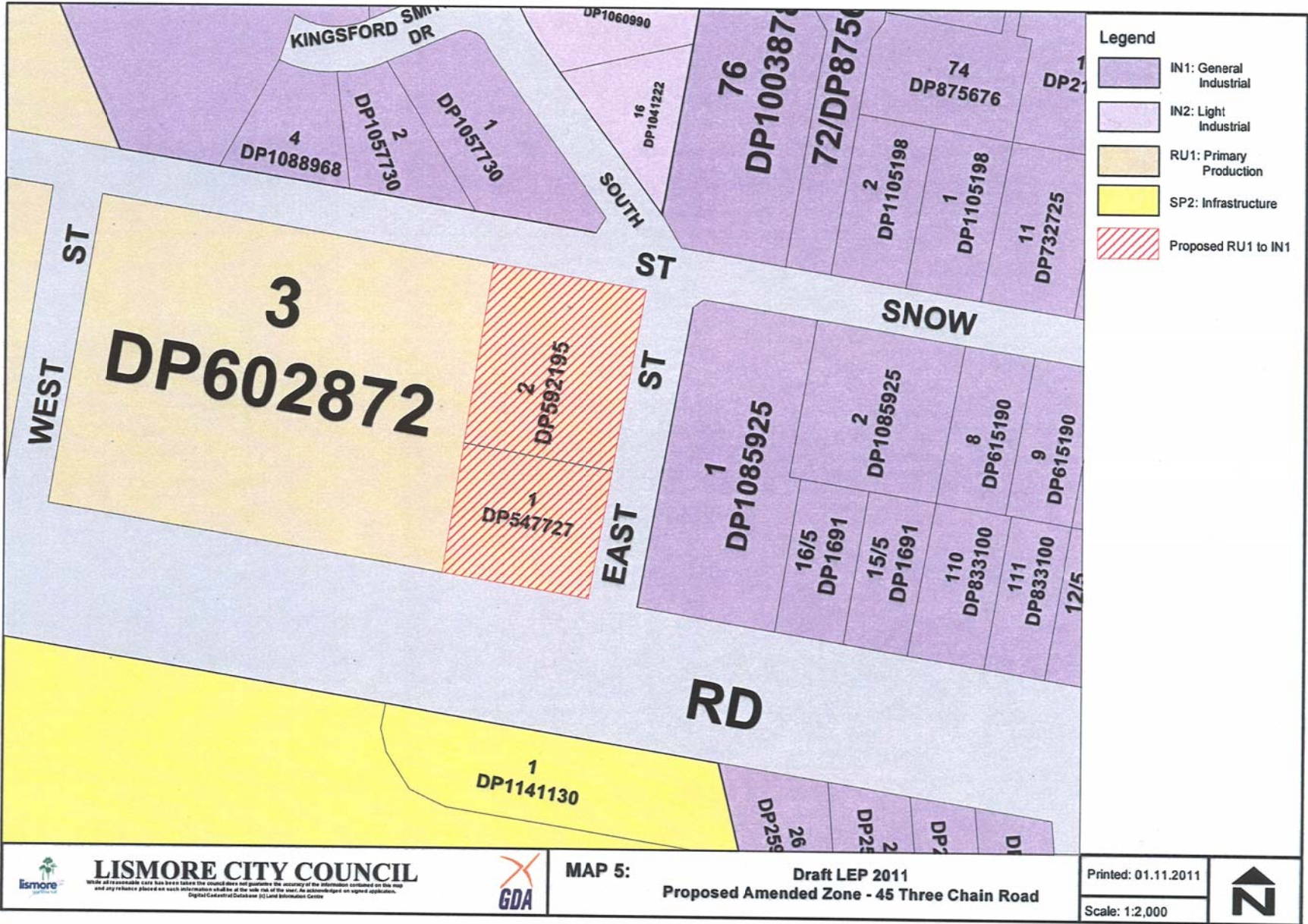
Lismore City Council  
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