

ATTACHMENT 1: DRAFT LEP 2010 SUBMISSIONS ON RURAL ZONES AND RELATED MATTERS ~ ISSUES & RESPONSES

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
1.1	<p><b>Objection to the use of RU2 Rural Landscape Zone and preference for RU1 Primary Production Zone. Clarification required regarding the difference between the two zones.</b></p> <p><b>Concern that the RU2 Rural Landscape zoning will not allow a change from one form of primary production to another.</b></p>	<p><b>1. Lismore methodology for applying RU1 and RU2 zones</b></p> <p>The Lismore Local Environmental Study 2010 describes the methodology used to determine the rural zone boundaries. In summary:</p> <p>The boundaries of the RU1 zone were determined by compiling a composite map of the following:</p> <ul style="list-style-type: none"> <li>• State and Regionally Significant Farmland;</li> <li>• Land with low constraints to cropping and grazing identified on the Soil and Landscape Constraint Map (Dept of Planning);</li> <li>• Class 2 &amp; 3 agricultural land (DPI);</li> <li>• Horticulture and private forestry;</li> <li>• Council approved quarries.</li> </ul> <p>Zone boundary ‘smoothing’ occurred to eliminate small “islands” and reduce the complexity of the mapping.</p> <p>The RU2 zone is generally the remaining rural land not identified as forestry, large lot residential or village zones. The LES states: <i>These lands are generally steeper and/or support larger areas of woody vegetation.</i></p> <p>In both zones a broad range of agricultural uses are permitted without Council consent, including grazing and horticulture. Therefore, if a land owner decides to change from grazing to planting an orchard of macadamias, citrus trees etc, they can do so without requiring Council approval. The key difference between the two zones is in the range of non-agricultural uses possible in the RU2 zone.</p>	<p><b>Option A</b> Retain RU1 and RU2 as proposed in the Draft LEP.</p> <p><b>Option A comments</b></p> <ul style="list-style-type: none"> <li>• Does not satisfy the request for RU1 zone raised in public submissions.</li> <li>• Inconsistent with the advice provided by the Department of Trade and Investment, Regional Infrastructure and Services (formerly DII, and DPI).</li> <li>• The peer review concludes that the use of RU2 compared with RU1 does not diminish property values or place further restrictions on land. The same agricultural landuses are permissible in both zones. The potential to erect a dwelling remains unchanged.</li> <li>• Inconsistent with the recommendation provided in the Peer Review of Rural Zones.</li> <li>• RU1 incorporates 42.95% of the total land area of the LGA and RU2 42.12% of the LGA. The RU2 zone in this form has merit as it provides a significant rural area for non – agricultural land uses such as <i>information and educational facilities, rural landsharing communities, caravan parks and restaurants.</i> The rationale in this approach was to decrease potential landuse conflicts within the class 2 and 3 agricultural lands (RU1 zone).</li> </ul>	<p><b>Option C</b></p> <p>Eliminate the use of RU2 with the exception of publicly exhibited RU2 land located in urban high risk flood prone areas. These areas are limited to East Lismore, South Lismore and North Lismore.</p> <p>Make the additional permissible uses exclusive to RU2 (<i>information and education facilities, caravan parks, restaurants and rural land sharing communities</i>) permitted with consent in the RU1 zone.</p> <p>Make the new Standard Instrument definition <i>eco-tourist facilities</i> permitted with consent within the RU1 zone.</p> <p>Amend Clause 7.5 to allow for rural land sharing communities to occur in</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><b>2. Methodology for applying the RU1 and RU2 zones in adjoining Local Government Areas</b></p> <p><u>Ballina</u></p> <p>RU1:</p> <ul style="list-style-type: none"> <li>• Class 1- 4 agricultural land;</li> <li>• State and Regionally Significant Farmland;</li> </ul> <p>RU2 for the remaining rural land not identified for another zone</p> <p><u>Byron</u></p> <p>RU1:</p> <ul style="list-style-type: none"> <li>• Existing 1(b) agricultural protection zones;</li> <li>• State and Regionally Significant Farmland;</li> <li>• Class 1- 3 agricultural land;</li> <li>• Existing 1(e) Extractive resources zone;</li> <li>• Land mapped with mineral resource potential;</li> <li>• Private forests managed by NSW Forestry.</li> </ul> <p>RU2 is determined by translating existing 1(a) General Rural Land that is not consistent with the criteria for RU1.</p> <p><u>Richmond Valley</u></p> <p>Rural land is translated to RU1 without the use of RU2.</p> <p><u>Kyogle</u></p> <ul style="list-style-type: none"> <li>• Class 1- 3 agricultural land RU1;</li> <li>• Class 4 - 6 agricultural land RU2.</li> </ul>	<p><b>Option B</b></p> <p>Extend the RU1 generally in accordance with the recommendations contained in the Peer Review of Rural Zones and the advice of the NSW Department of Industry and Investment. RU1 to include class 4 agricultural lands and all State and regionally significant farmland with a slope less than 20%. RU2 retained, albeit decreased in area and generally limited to class 5 and above agricultural lands or rural lands that otherwise do not meet the criteria for RU1.</p> <p>Isolated areas of class 4 (not contiguous with either class 2, 3 or 4) land should remain as RU2.</p> <p><i>Rural land sharing communities</i> are to be permitted with consent within RU1 that is not identified as either class 2 or 3 agricultural land, nor State or regionally significant farmland. Potential rural landsharing community development maps and the relevant LEP provision are to be amended accordingly.</p> <p>The new Standard Instrument Definition <i>eco-tourist facilities</i> are to be permissible within both RU1 and RU2 zones.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Generally satisfies the request raised in public submissions for RU1 zone.</li> <li>• Generally addresses the advice provided by the Department of Trade and</li> </ul>	<p>the RU1 zone. Replace the potential rural landsharing community development map with the map currently in use as illustrated in the Lismore Rural Housing Strategy 2002. The map is to exclude proposed E zones and R5 Large Lot Residential.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><u>Tweed</u></p> <ul style="list-style-type: none"> <li>• RU1 limited to high value cropping lands;</li> </ul> <p><b>3. Use of RU1 &amp; RU2 in Standard Instrument LEPs that have been made (rural LGAs only)</b></p> <p>Sixteen (16) Standard Instrument LEPs have been made in rural areas throughout NSW at the time of writing.</p> <p>Seven (7) of these use both RU1 and RU2 including Albury, Bellingen, Goulbourn Mulwaree, Nambucca, Port Macquarie Hastings, Upper Lachlan and Wagga Wagga. The other nine (9) SI LEPs only use RU1 including: Balranald, Glouster, Greater Taree, Harden, Muswellbrook, Tamworth, Temora, Tumbarumba and Young.</p> <p><b>4. Peer Review of Rural Zones – Chris Pratt, Planning Resolutions</b></p> <p>Chris Pratt, Planning Resolutions was engaged to undertake an independent peer review of the proposed use of RU1 and RU2 zones and other related rural issues. A brief discussion of the sections of the review relating to the use of RU1 and RU2 follows:</p> <p>The review highlighted the main issues regarding the use of rural zones raised in public submissions. There was general concern regarding decreased property values and increased land use restrictions with the application of RU2 zone. The dominant request in many rural submissions was the use of the RU1 zone.</p> <p>The review describes the major determinates of</p>	<p>Investment, Regional Infrastructure and Services (formerly DII, and DPI), However, the Department, in their commentary of the Peer Review of Rural Zones states: <i>“is it worth the heartache in having RU2 at all?”</i></p> <ul style="list-style-type: none"> <li>• RU1 would incorporate approximately 61% of the total land area of the LGA and RU2 24% of the LGA. The decreased area of RU2 is generally restricted to vegetated ridgetops in the north of the LGA and flood prone land in the south of the LGA. Therefore the area available for <i>information and education facilities, caravan parks and restaurants</i> is decreased. Moreover, the more constrained land within the amended RU2 may not be suitable for the original proposed broader range of landuses. The RU2 in this configuration no longer has the utility afforded under the original rural zone combination as proposed in the exhibited Draft LEP.</li> <li>• Allows for the new Standard Instrument Definition <i>eco-tourist facilities</i> within RU1 and RU2.</li> <li>• The RU2 zone objectives are applicable to development that requires consent in the more constrained, vegetated ridgelines (the reduced RU2 zone).</li> <li>• Consistent with the peer review recommendation.</li> </ul> <p><b>Option C</b> Eliminate the use of RU2 with the exception of publicly exhibited RU2 land located in</p>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>rural land values as <i>“the ability to subdivide and erect a dwelling house.”</i> The use of the new rural zones does not diminish the potential to erect a dwelling, nor does it reduce the potential for subdivision. However, the minimum lot size for existing 1(b) land has been increased to 40ha.</p> <p>The review points out that both RU1 and RU2 allow the same range of agricultural uses. Both zones permit <i>extensive agriculture</i> and <i>intensive plant agriculture</i> (with the exception of <i>turf farming</i>) without consent. <i>Aquaculture, turf farming</i> and <i>intensive livestock agriculture</i> are permitted with consent in both zones.</p> <p>The RU2 zone permits some additional non-agricultural uses including <i>information and education facilities, caravan parks, restaurants</i> and <i>rural land sharing communities</i>. Land uses exclusive to RU1 include <i>rural workers dwellings</i> and <i>rural supplies</i>.</p> <p>The RU2 Rural Landscape Zone is perceived by some landholders as a step towards an environmental protection zone. The review states <i>“the description of “Rural Landscape” does not adequately reflect the intended purpose.”</i> The DP&amp;I advice regarding the use of RU1 and RU2 zones is discussed. The most recent advice released from the Department (PN11 – 002 10 March 2011) states: <i>“This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes.”</i></p> <p>A comparison of the application of the rural zones in adjoining LGAs is provided, some of which is summarised above. The methodology used for the</p>	<p>urban high risk flood prone areas. These areas are limited to East Lismore, South Lismore and North Lismore (refer to Attachment 7 for detail on the limited use of RU2).</p> <p>The additional permissible uses exclusive to RU2 (<i>information and education facilities, caravan parks, restaurants</i> and <i>rural land sharing communities</i>) should be made permitted with consent in the RU1. The new Standard Instrument definition <i>eco-tourist facilities</i> are to be permissible within RU1.</p> <p>Clause 7.5 applying to rural land sharing community development is to be amended to allow for this land use to occur in RU1. Substitute the potential rural landsharing community development map with the map currently in use generally as illustrated in the Lismore Rural Housing Strategy 2002. The map is to exclude proposed E zones and R5 Large Lot Residential.</p> <p><b>Option C comments</b></p> <ul style="list-style-type: none"> <li>• Eliminates confusion associated with differences between the RU1 and RU2 zones, whether perceived or real.</li> <li>• The SI LEP does not provide flood zones, therefore the limited retention of RU2 has utility.</li> <li>• RU1 will make up approximately 85% of the entire land area of the LGA.</li> <li>• Elimination of RU2 is not a diametrical difference to the rural zone recommendation within the peer review.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>zone application in Lismore is similar to some adjoining Shires. Pratt points out in the review that the (then) Department of Industry and Investment, in their submission to the draft LEP, recommended that Council expand the use of the RU1 zone with the inclusion of class 4 agricultural lands and regionally significant farmland that is cleared and is less than 20% slope.</p> <p>Possible solutions considere in the review are:</p> <ul style="list-style-type: none"> <li>• Retention of the RU2 zone.</li> <li>• RU1 zone should be expanded to include a) all State and Regionally Significant Farmland; and b) contiguous class 4 agricultural lands.</li> </ul> <p>The zone boundary should follow the natural features of the land except where the zone boundary is so close to the cadastral boundary to cause a loss of clarity in the map. The cadastral boundary should be used as the zone boundary in this instance.</p> <p>Isolated areas of class 4 land, as well as those localities or valleys that are entirely mapped as class 4 and class 5 land, and have no adjacent State and regionally significant farmland, should remain as RU2.</p> <ul style="list-style-type: none"> <li>• Expansion of permissible land uses in RU2 with a restriction of the non-agricultural uses in RU1. The report recommends that <i>kiosks</i> (permissible with consent) are removed from RU1. Recommended additional permissible land uses</li> </ul>	<ul style="list-style-type: none"> <li>• The Department of Trade and Investment, Regional Infrastructure and Services (formerly DII, and DPI) has questioned the need for RU2 in their commentary of the Peer Review of Rural Zones: <i>“is it worth the heartache in having RU2 at all?”</i></li> <li>• Includes all the additional land as recommended in the Pratt Review and by the Department of Trade and Investment, Regional Infrastructure and Services and Investment (class 4 agricultural land and State and regionally significant farmland).</li> <li>• Nine out of sixteen rural Standard Instrument LEPs have been made throughout the State without the use of RU2. All adjoining LGAs, with the exception of Richmond Valley, have incorporated the use of RU2 in their Standard Instrument LEPs.</li> <li>• The additional landuses in the RU1 zone (<i>information and educational facilities, rural landsharing communities, caravan parks, restaurants and eco-tourist facilities</i>) will be treated on their merits during the development assessment process in order to avoid potential landuse conflicts.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>within RU2 include <i>liquid fuel depots, truck depots and vehicle repair stations.</i></p> <ul style="list-style-type: none"> <li>The report acknowledges that some adjustment may be required to accommodate non-agricultural land uses that are permissible only in the diminished RU2 lands. These are listed as <i>information and educational facilities and rural landsharing communities.</i></li> </ul> <p>The DP&amp;I advises (Practice Note PN11 – 002 10 March 2011) that permitted land uses within RU2 should be more restricted than RU1, “<i>where the permitted uses are usually more limited and differ from RU1 land due to the landscape constraints.</i>” This is contrary to the recommendation in the review to expand permissible land uses in RU2.</p> <p><b>5. Comments regarding Peer Review of Rural Zones from the Department of Trade and Investment, Regional Infrastructure and Services (formerly Dept of Industry &amp; Investment)</b></p> <p>Council considered there would be merit in obtaining input to the peer review process from an ‘agricultural’ specialist. However, it was not possible to locate such a specialist who also has a knowledge of the impact of local environmental plans. The (then) DII advised that it would be able to provide such input. Further to this, Council sought the input and expertise of the NSW Farmers Association (see below) for their broad representation and knowledge of a wide range of farming interests.</p> <p>The DTIRIS provided commentary on the Peer</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Review of Rural Zones and the following points were made in relation to the use of RU1 and RU2:</p> <ul style="list-style-type: none"> <li>• Agreement with the conclusion that <i>“there is very little difference between RU1 and RU2”</i>.</li> <li>• Agreement with the recommendation to include class 4 agricultural land and regionally significant farmland as RU1.</li> <li>• Agreement that the majority of issues associated with the use of RU2 are based on perception rather than fact.</li> <li>• Questioned whether <i>“there is anything to gain from zoning some areas as RU2 rather than include them as RU1?”</i></li> </ul> <p><b>6. NSW Farmers Association</b></p> <p>Staff sought comment from the NSW Farmers Association, as the peak body for farming interests, on the Peer Review and the proposed options. Kath Robb, the Executive Councillor for this region, and David Eyre, the Association’s Senior Policy Manager provided a formal response, which was provided to Councillors prior to the Draft LEP Council briefing in July 2011.</p> <p><b>7. Potential Rural Landsharing Community Development Map</b></p> <p>A change in the areas included in the rural zones will require an adjustment of the non-agricultural uses that are permissible. One issue in particular relates to rural landsharing communities (multiple occupancies). The potential rural landsharing map was developed as part of the Lismore Rural</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Housing Strategy 2002. A broad scale physical and environmental land capability assessment was undertaken to produce the map. Land constraints used to exclude land from the map included flood, acid sulfate soils, slope greater than 33%, prime agricultural land, high bushfire risk, and primary and secondary koala habitat.</p> <p>Currently under Lismore LEP 2000 rural landsharing communities (RLSC) are permissible on land within zones 1(a) and 1(c) where the land is also shown on the potential RLSC map. The potential RLSC map was reduced in area in the Draft LEP as this landuse was proposed to be restricted to the RU2 zone.</p> <p>The elimination or reduction of the RU2 zone would need to be accompanied by an amendment to the potential rural landsharing community development map as the adherence to a superseded RU2 boundary has little merit.</p>		
1.2	<p><b>Section 1.2 of the draft LEP “Aims of Plan” does not include anything about the support and maintenance of primary production.</b></p>	<p>It is noted that the Lismore LEP 2000 does not have a specific aim relating to primary production either. Furthermore, the aims do not provide an inventory of the various land uses that occur throughout the LGA. However, given the significant economic and social contribution of the sector an amendment to the aims of the plan is reasonable.</p> <p>It is important that the aims of a planning tool are not confused with the objectives of an individual zone. The DP&amp;I LEP Practice Note (PN 09-005) provides advice on LEP zone objectives and aims. PN 09-005 states “an LEP is required to set out the</p>	Not applicable	<p>Amend clause 1.2 of the plan by adding the word “agriculture” to the second aim of the plan so as to read:</p> <p><i>To stimulate and strengthen the role of Lismore as a regional centre for agriculture,</i></p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>particular overarching aims of the plan. Each zone then includes core objectives which describe in more detail the purpose of the land it refers to.”</i></p>		<p><i>business, education, health, recreation, tourism and the arts.</i></p>
<p>1.3</p>	<p><b>Objection to the 10% area limitation for boundary adjustments in clause 4.1(3a).</b></p>	<p>Currently a rural boundary adjustment to create lots below the minimum lot size can be undertaken with consent using clause 36(5) of the Lismore LEP 2000 or clause 9 of SEPP (Rural Lands) 2008.</p> <p>Lismore LEP 2000 clause 36(5) provides for the subdivision of lots to adjust common boundaries without a limitation to the area of the allotment. Various heads of consideration are provided to enable a merit based assessment for all boundary adjustments.</p> <p>The Lismore Draft LEP provides for the subdivision of rural land with consent to adjust common rural boundaries where one or more lots are less than the minimum lot size. A 10% maximum area variation applies, as required by the DP&amp;I.</p> <p>Rural boundary adjustments can also be undertaken using SEPP (Rural Lands) 2008. The SEPP allows for a subdivision for the purposes of primary production. A dwelling is not permitted on the additional allotment. There is no minimum lot size development standard, nor is there any percentage limit to the maximum area variation. The allotments can be consolidated without development consent as consolidation is not subdivision of land in accordance with section 4B of the <i>EP&amp;A Act 1979</i> and does not constitute development pursuant to section 4 of that Act. The outcome is similar to a boundary adjustment undertaken using clause 36(5) of Lismore LEP 2000.</p>	<p><b>Option A</b> Delete the publicly exhibited clause 4.1(3a) regarding rural boundary adjustments.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• The concerns raised in public submissions are largely due to the complexity of the NSW planning system. Many members of the community are not aware that rural boundary adjustments can be undertaken using SEPP (Rural Lands) 2008.</li> <li>• The removal of the clause will eliminate some of the confusion associated with the draft LEP rural subdivision provisions.</li> <li>• The provisions of clause 9 of SEPP (Rural Lands) 2008 allows land to be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land. The clause does not provide any limitations regarding the characteristics of a residual lot, and therefore does not contravene a development standard. Consolidation of the allotments can be undertaken without development consent.</li> <li>• The residue lot may not have a dwelling entitlement if it is below the minimum lot size and there is not already a lawfully erected dwelling house on the land.</li> <li>• The DP&amp;I has indicated that it is working</li> </ul>	<p><b>Option A</b></p> <p>Delete the publicly exhibited clause 4.1(3a) regarding rural boundary adjustments.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The residue allotment created under clause 9 of the SEPP will have a dwelling entitlement if:</p> <p>a) There is a lawfully erected dwelling house on the land pursuant to Draft LEP clause 4.2A(3)(a); or                      b) The allotment is equal to or greater than the minimum lot size.</p> <p>On review, with respect to clause 4.1(3a) it is considered that the use of this clause with a 10% area variation limit is both confusing and superfluous when a primary production lot, without a minimum lot size can be created under SEPP (Rural Lands) 2008. The DP&amp;I has indicated that it is working on a boundary adjustment model clause, which if correctly drafted, has the potential to eliminate confusion surrounding the issue.</p> <p><b>Peer review</b></p> <p>The Peer Review of Rural Zones points out that Clarence Valley Council's draft LEP 2010 has a boundary adjustment clause that does not include a 10% limitation or similar. Pratt states in the review <i>"There is no logical reason to limit boundary adjustments to 10%. A boundary adjustment of 5% could have more significant impacts than a boundary adjustment involving 75% change to a lot size. The change should be based on sound planning principles."</i></p> <p>The Clarence Valley boundary adjustment clause has not been supported by the DP&amp;I and is to be removed for the plan.</p> <p>Pratt recommends that Council makes</p>	<p>on a model boundary adjustment clause.</p> <p><b>Option B</b>                      Amend clause 4.1(3a) and use the additional subclause (3b) as recommended by Pratt as follows:</p> <p><i>(3a) Notwithstanding the provisions of subclause (3), consent may be granted to a subdivision of land to adjust common boundaries between lots mapped as AB 40ha on the Lot size Map where:</i></p> <p><i>(i) the subdivision will not result in the creation of additional lots or the opportunity for additional dwellings, and</i></p> <p><i>(ii) the subdivision will not adversely impact on the long term agricultural production potential or environmental characteristics of the land and the surrounding locality, and</i></p> <p><i>(iii) the subdivision will not create unreasonable conflict between existing and likely future agricultural activities carried out on surrounding land and the activities to be carried out on the allotments following adjustment of the boundaries, and</i></p> <p><i>(iv) the subdivision will not adversely effect the ability of future land owners to effectively and efficiently manage the land, and</i></p> <p><i>(v) the size of the resulting allotments will be consistent with the subdivision pattern within the locality.</i></p> <p><i>(3b) An allotment created under subclause (3a) may not be re-subdivided, except under subclause (3a) or clause 2.6.</i></p> <p><b>Option B Comments</b></p>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>representations to the DP&amp;I to permit further adjustments to clause 4.1(3a).</p> <p>The publicly exhibited clause 4.1(3a) was:</p> <p><i>(3a) Notwithstanding the provisions of subclause (3), consent may be granted to a subdivision of land to adjust common boundaries between rural lots where one or more lots is less than the minimum lot size shown on the Lot Size Map, where:</i></p> <p><i>(i) the subdivision will not result in the creation of any additional lots or the opportunity for additional dwellings, and</i></p> <p><i>(ii) the subdivision will not result in a change of area of any lot of greater than 10%, and</i></p> <p><i>(iii) the subdivision will not adversely impact on the long term agricultural production potential or environmental characteristics of the land and the surrounding locality.</i></p> <p>Pratt's recommended amended provision is as follows:</p> <p><i>(3a) Notwithstanding the provisions of subclause (3), consent may be granted to a subdivision of land to adjust common boundaries between lots mapped as AB 40ha on the Lot size Map where:</i></p> <p><i>(i) the subdivision will not result in the creation of additional lots or the opportunity for additional dwellings, and</i></p> <p><i>(ii) the subdivision will not adversely impact on the long term agricultural production potential or environmental characteristics of the land and the surrounding locality, and</i></p>	<ul style="list-style-type: none"> <li>• The amended LEP provision would allow the flexibility that is currently provided for under SEPP (Rural Lands)</li> <li>• A similar approach to boundary adjustments used by Clarence Valley Council was not supported by the DP&amp;I.</li> <li>• SEPP (Rural Lands) 2008 provides for boundary adjustment via a primary production subdivision.</li> <li>• Not supported by the Department of Trade and Investment, Regional Infrastructure and Services (refer to commentary on peer review).</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>(iii) the subdivision will not create unreasonable conflict between existing and likely future agricultural activities carried out on surrounding land and the activities to be carried out on the allotments following adjustment of the boundaries, and</i></p> <p><i>(iv) the subdivision will not adversely effect the ability of future land owners to effectively and efficiently manage the land, and</i></p> <p><i>(v) the size of the resulting allotments will be consistent with the subdivision pattern within the locality.</i></p> <p><i>(3b) An allotment created under subclause (3a) may not be re-subdivided, except under subclause (3a) or clause 2.6.</i></p> <p><b>Comments regarding Peer Review of Rural Zones from the Department of Trade and Investment, Regional Infrastructure and Services</b></p> <p>“Unsure of the concept of expanding the 10% variation”.</p>		
1.4	<p><b>Objection to the 40ha minimum lot size. Merit based assessment of lot size preferred.</b></p> <p><b>Arguments raised in some submissions for smaller rural lot sizes include enhanced environmental outcomes (weed management more readily achieved), farm succession planning</b></p>	<p>The minimum lot size for subdivision under Lismore LEP 2000 for land within most rural zones including 1(a) General Rural Zone, 1(d) Investigation Zone &amp; 1(r) Riverlands Zone is 40ha. This minimum rural lot size has applied for many years. The exception to this is the minimum lot size for 1(b) Agricultural Zone which is 20ha, with provisions to allow for a reduction to 13ha.</p> <p>The minimum lot size for RU1, RU2, E2 and E3 in the draft LEP is 40ha. Land within the current 1(b) zone is the only rural zone in which the minimum lot size has been increased. Changing the minimum lot size in the 1(b) zone will affect approximately 30</p>	<p><b>Option A</b> Maintain the proposed minimum lot size of 40ha on all rural zoned land.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with the advice from the Department of Trade and Investment, Regional Infrastructure and Services.</li> <li>• Owners of land within 1(b) Agricultural Zone have had the last 12 months to lodge a development application for subdivision under Lismore LEP 2000 with the existing minimum lot size</li> </ul>	<p><b>Option A</b></p> <p>Maintain the proposed minimum lot size of 40ha in the RU1, RU2 zones, E2 and E3 zones.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	(small lot for retiring farmers).	<p>land owners, all of whom were notified of the proposed amended minimum lot size at the beginning of the public exhibition of the Draft LEP. These landholders have had the option to lodge a development application for subdivision under the Lismore LEP 2000 with the existing minimum lot size (20ha/13ha) for approximately the last 12 months since the exhibition of the Draft LEP.</p> <p><b>Peer review</b></p> <p>The Peer Review of Rural Zones concludes that the minimum lot size in rural areas should remain at 40 hectares. The review includes an extract of the advice that the Department of Industry and Investment provided to Council regarding lot size:</p> <p><i>The proposed increase in the minimum lot size for a dwelling for lands that are currently zoned 1(b) Agriculture from 20ha to 40ha is supported in principle given the objectives of the RU1 zone and the objectives of the SEPP Rural Lands 2008. The SEPP Rural Lands along with the Standard LEP Instrument enables the creation of an agricultural lot of any size by subdivision provided no dwelling is located or constructed on the agricultural lot. It is also likely that there is already a range of lot sizes including a large number of lots less than 40ha across the shire. These lots enable new entrants who wish to enter agriculture to purchase smaller properties if they so wish.</i></p> <p><i>Maintaining the 40ha subdivision standard over the remaining rural lands of the shire is permissible</i></p>	<p>(20ha/13ha).</p> <ul style="list-style-type: none"> <li>• Subdivision for the purpose of a primary production lot below the minimum lot size is permissible with consent. A dwelling is not permitted on such a lot.</li> <li>• Consistent with the peer review recommendation.</li> </ul> <p><b>Option B</b></p> <p>Amend the minimum lot size maps so that all of the existing land within 1(b) Agricultural Zone has a minimum lot size of 20ha. Maintain the 40ha minimum lot size for the remainder of the land within RU1, RU2, E2 and E3 zones.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Inconsistent with the advice from the Department of Trade and Investment, Regional Infrastructure and Services.</li> <li>• Addresses the issue raised in submissions regarding the increased minimum lot size for existing 1(b) land.</li> <li>• Generally maintains the current status quo.</li> <li>• Inconsistent with the peer review recommendation.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>with the LEP template and goes some way towards recognising the cost/price squeeze facing many agricultural industries. It should be noted however that the 40ha standard is primarily a rural settlement control strategy as it does not necessarily reflect the economics of the typical agricultural industries of the Lismore region such as beef cattle production. To reflect the agrieconomic and agricultural production factors for this sector, the minimum lot size would have to be considerably larger.</i></p> <p>The review also points out that that many rural coastal Councils are introducing larger minimum lot sizes for subdivision for some of their area: Kyogle (100ha), Bellingen (70ha and 100ha), Nambucca (100ha), Clarence Valley (100ha, 150ha and 200ha).</p> <p>There may be agricultural enterprises that could be undertaken on smaller allotments such as market gardening, stone fruit orchards, flowers, hydroponics and other forms of horticulture. Clause 4.2(3) of the Draft LEP allows for the subdivision with consent of allotments below the minimum lot size to cater for these landuses. A dwelling is not permitted on such an allotment.</p> <p><b>Comments regarding Peer Review of Rural Zones from the Department of Trade and Investment, Regional Infrastructure and Services</b></p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		"Agree that 40ha should remain the nominated development standard".		
1.5	<b>Development consent is required for farm dams.</b>	<p>The Standard Instrument LEP definition for water storage facilities is: <b>water storage facility</b> means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.</p> <p>Water storage facilities are permitted with development consent in RU1 Primary Production and RU2 Rural Landscape Zones. Water storage facilities are prohibited in R5 Large Lot Residential Zone. Extensive agriculture is permitted without consent in all RU1, RU2 and R5 zones. Some submissions raised concern that farm dams would require consent in RU1 and RU2. Some concern was also raised that farm dams would be prohibited in R5 where extensive agriculture can be undertaken without consent.</p> <p>The DP&amp;I has clarified that a farm dam is considered ancillary to the principle use of agriculture. Consequently a farm dam will not require development consent if extensive agriculture or intensive plant agriculture are permitted without consent. Similarly, irrigation systems are deemed ancillary to extensive agriculture and intensive plant agriculture.</p> <p>Notwithstanding the absence of consent requirements for farms dams in certain zones, the <i>Water Management Act 2000</i> regulates this form of land use. The NSW Department of Water and Energy has jurisdiction over this legislation and provide advice on the capacity and location of farm dams that can be constructed without the need for a licence under the WM Act.</p>	Not applicable	<p>Include the following in Draft LEP Schedule 2 Exempt Development:</p> <p><i>Farm dams within zones RU1, RU2 (if applicable) and R5, authorised under the Water Management Act 2000.</i></p> <p><i>Farm irrigation systems within zones RU1, RU2 (if applicable) and R5, authorised under the Water Management Act 2000.</i></p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
1.6	<p><b>Concern regarding rural landsharing map in flood prone areas.</b></p>	<p>The Potential Rural Landsharing Community Development Map (PRLCD map) identifies areas with potential for rural landsharing community development (multiple occupancies). The map was prepared as part of the Lismore Rural Housing Strategy 2002. The PRLCD map generally remains unchanged in the Draft LEP, except that any rural areas translated to RU1 zone are not identified for potential rural landsharing.</p> <p>The PRLCD map only applies to the RU2 zone in accordance with clause 7.5 of the Draft LEP. Preparation of the map involved the assessment of physical and environmental land capability. Constrained land or land with certain ecological values was not included on the maps. A social, economic and infrastructure servicing capability assessment was also undertaken to identify potential landsharing areas.</p> <p>The criteria used to identify areas potentially suited for rural landsharing communities are listed in section 16.3 Lismore Development Control Plan Chapter 16. These criteria include, but are not limited to, land suitability. Flood prone land is considered to be an absolute constraint <i>“and should be excluded from areas considered to have potential for rural landsharing development.”</i></p> <p>Flood modelling has not been undertaken within some rural areas, so whilst the flood planning area provides an indication of the 1 in 100 year flood level, it should not be used to determine permissibility of rural landsharing communities. A more pragmatic approach would be to allow for a merit based assessment where the onus is on the applicant to demonstrate that the land is not flood</p>	<p><b>Option A</b> Amend the Potential Rural Landsharing Community Development Map so that no potential rural landsharing areas are located within flood prone areas as identified on the Flood Planning Maps.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• The rural landsharing map was developed as part of the Lismore Rural Housing Strategy 2002. Land suitability, including potential flood prone land was a criterion used in the production of the maps. Flood modelling was not used; however the areas with potential are generally located outside of the 1(r) zone which is mostly flood prone land.</li> <li>• Lismore Development Control Plan Chapter 16 section 16.3 lists flood prone land as an absolute constraint and is not suitable for rural landsharing communities. Flood modelling has not been undertaken in rural areas so this approach may prohibit rural landsharing communities without absolute certainty regarding the flood prone nature of the land.</li> <li>• Does not provide the opportunity for the land holder to submit a flood study with a development application to demonstrate that the proposed development is outside of the flood planning area.</li> </ul> <p><b>Option B</b> Do not amend the Draft LEP Potential Rural Landsharing Community Development Maps in relation to flood prone land.</p>	<p><b>Option B</b></p> <p>No change to the Draft LEP with respect to RLSC map and flood prone land.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		prone.	<p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>Provides the opportunity for the land holder to submit a flood study with a development application to demonstrate that the proposed development is outside of the flood planning area.</li> <li>Allows the landholder the opportunity to demonstrate consistency with the relevant DCP flood requirements.</li> </ul>	
1.7	<p><b>What does RU2 objective mean “to ensure that development does not detract from the scenic or natural values of the rural area?”</b></p> <p><b>Objectives of the RU2 zone will be used in unfair restrictive way in the future.</b></p> <p><b>Could Council regard dairy infrastructure in RU2 as detracting from scenic landscape values of the land?</b></p>	<p>Zone objectives set out the purpose of the zone and reflect the intended strategic landuse direction. Zone objectives are used by a consent authority to help determine if a development application (DA) is consistent with the strategic planning for the area.</p> <p>Extensive agriculture and intensive plant agriculture (excluding turf farming) can be undertaken without development consent in RU1 and RU2 zones. These landuses do not need to have regard to the zone objectives.</p> <p>Some farm buildings and structures can be erected without the need for development consent in accordance with the requirements of Part 2 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. These structures include stock yards up to 0.5ha, buildings up to 200m<sup>2</sup> and fencing.</p> <p>RU1 and RU2 zones provide for agricultural landuses within approximately 85% of the entire Local Government Area. Most forms of agriculture require some form of buildings or structures, including dairy infrastructure, which form part of the rural landscape.</p>	<p><b>Option A</b> Maintain the RU2 zone objectives as publicly exhibited.</p> <p><b>Option A comments</b></p> <ul style="list-style-type: none"> <li>Fails to address the relevant issue raised in submissions.</li> <li>The second last objective refers to rural tourist facilities when there is no such definition.</li> <li>The last proposed RU2 zone objective can be construed as limiting the agricultural potential of rural land.</li> <li>Recommendation 1.1 involves the elimination of RU2 except for high risk flood prone urban areas. The objectives will not be consistent with the nature of these areas.</li> </ul> <p><b>Option B</b> 1. Delete the following three proposed RU2 zone objectives:</p> <p><i>To discourage the fragmentation of rural land.</i></p> <p><i>To allow a range of uses that compliment</i></p>	<p><b>Option B</b> 1. Delete the following three proposed RU2 zone objectives:</p> <p><i>To discourage the fragmentation of rural land.</i></p> <p><i>To allow a range of uses that compliment the scenic values of the land, such as recreation areas, environmental facilities and rural tourist facilities.</i></p> <p><i>To ensure development does not detract from the scenic natural values of the rural area.</i></p> <p>2. Insert the existing LEP 2000 1(a) objective (b) as a new objective in the RU1</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Lismore LEP 2000 land use table Zone 1(a) General Rural Zone, includes several objectives including one that requires consideration of scenic amenity and character of the rural environment:</p> <p>LEP 2000 1(a) zone objective (b) is:</p> <p><i>To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from scenic amenity and character of the rural environment</i></p> <p>The proposed objectives of the RU2 zone were intended to provide similar utility to the existing aforementioned 1(a) objective.</p> <p>Notwithstanding the preceding comments, the significance of this issue is diminished if the RU2 zone is restricted in extent to the high risk flood prone urban areas. This also makes the following objective unnecessary:</p> <p><i>To discourage the fragmentation of rural land</i></p>	<p><i>the scenic values of the land, such as recreation areas, environmental facilities and rural tourist facilities.</i></p> <p><i>To ensure development does not detract from the scenic natural values of the rural area.</i></p> <p>2. Insert the existing LEP 2000 1(a) objective (b) as an objective in the RU1 zone as follows:</p> <p><i>To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from scenic amenity and character of the rural environment</i></p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Addresses the relevant issue raised in submissions by removing any confusion with the intent of the zone objectives.</li> <li>• The objection to the objectives will be significantly diminished if Council adopts the elimination of RU2 except for high risk flood prone urban areas.</li> <li>• The proposed new objective for the RU1 zone acknowledges the need to allow non-agricultural uses but not when they are in conflict with agriculture and not when they will detract from scenic amenity and rural character.</li> <li>• The second last objective refers to rural tourist facilities when there is no such definition.</li> </ul>	<p>Zone as follows:</p> <p><i>To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from scenic amenity and character of the rural environment</i></p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<ul style="list-style-type: none"> <li>The objectives in question are not mandated by the DP&amp;I, and Council has the discretion to determine what is appropriate.</li> </ul>	
1.8	<b>Objection to prohibition of tourist cabins in rural zones.</b>	<p>The Lismore LEP 2000 definition of <i>rural tourist facility</i> is: <i>means a small scale establishment providing basic holiday accommodation or basic recreational or educational facilities and includes a camping ground, 3 or more cabins, educational facility or the like, being facilities which are integrated with or designed to compliment the rural activities or attractions on the site or in the surrounding locality, but does not include a bed and breakfast establishment.</i></p> <p>The closest equivalent Standard Instrument definition was originally farm stay accommodation: <i>means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.</i></p> <p>Farm stay accommodation is permissible in the Draft LEP RU1 and RU2 zones. Tourist cabins would be permissible under this definition, if linked to a working farm. There was no definition that provided for tourist cabins in a rural zone on land that is not operated for primary production, or where primary production was undertaken on a small scale.</p> <p>The Standard Instrument (Local Environmental Plans) Amendment Order 2011 introduced changes to the Standard Instrument LEP, including additional landuses. Relevant to the issue of tourist cabins is the new eco-tourist facility definition.</p>	<p><b>Option A</b> Include the new <i>eco-tourist facility</i> definition as a use permitted with consent in the RU1, RU2 and E3 zones.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>Council has been lobbying the DP&amp;I for the inclusion of such a definition for some time.</li> <li>Generally maintains the status quo in terms of retaining potential tourist opportunities in rural areas.</li> </ul> <p><b>Option B</b> Do not amend the Draft LEP to include the new <i>eco-tourist facility</i> land use as permitted with consent in RU1, RU2 and E3 zones</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>Decreases potential tourism opportunities in rural area.</li> <li>Fails to address the issue raised in submissions.</li> </ul>	<p><b>Option A</b></p> <p>Include the new <i>eco-tourist facility</i> as a use permitted with development consent in the RU1, RU2 and E3 zones.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><b>eco-tourist facility</b> means a building or place that:</p> <p>(a) provides temporary or short-term accommodation to visitors on a commercial basis, and</p> <p>(b) is located in or adjacent to an area with special ecological or cultural features, and</p> <p>(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.</p> <p>It may include facilities that are used to provide information or education to visitors and to exhibit or display items.</p> <p><b>Note.</b> See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.</p> <p>Eco-tourist facilities are not a type of <b>tourist and visitor accommodation</b>—see the definition of that term in this Dictionary.</p> <p>The use of the new eco-tourist definition in the Draft LEP would allow for tourist cabins in rural zones on properties where primary production is undertaken on a small scale or is not undertaken at all, although it is noted that there may be problems with the requirement that it be located in or adjacent to an area with special ecological or cultural features. This matter may require further discussion with the DP&amp;I.</p>		
1.9	<b>Objection to decreased land use options in RU1 or RU2 compared with permissible landuses in existing rural zones.</b>	The existing rural zones 1(a), 1(b) & 1(r) generally allow a wider range of land uses than the Draft LEP rural zones RU1 and RU2. The following permissible land uses within existing rural zones are generally not permissible within RU1 or RU2	Not applicable	No change in response to the submission. Refer to Attachment 7 for review of uses in the RU2 zone in

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Objection that RU2 zone prohibits truck depot for servicing trucks and earthmoving equipment when this can currently occur in 1(a) general rural zone.</b></p>	<p>zones:</p> <ul style="list-style-type: none"> <li>• 1(a) General Rural Zone: industries, offensive or hazardous industries, motels, service stations, heliports, airfields &amp; liquid fuel depot.</li> <li>• 1(b) Agricultural Zone: industries.</li> <li>• 1(r) airfields, industries, heliports &amp; service stations.</li> </ul> <p>It is proposed that industrial uses are removed from the RU1 Primary Production zone, which will cover approximately 85% of the entire land area of the LGA, if the recommendation in Issue 1.1 is adopted. This is consistent with the objectives for the rural zones, in particular to encourage sustainable primary production. This is also consistent with the Settlement and Housing Actions as stated in the Far North Coast Regional Strategy <i>“Councils will prepare a Local Growth Management Strategy prior to zoning further land for urban, commercial and industrial uses.”</i></p> <p>Reference should be made to the review of the uses permissible in the RU2 zone in the Lismore urban flood prone areas in Attachment 7 to the Council report.</p> <p>Approved existing land uses that are prohibited under the Draft LEP may continue operation under the existing use provisions of the <i>EP&amp;A Act 1979</i>.</p> <p>Service stations have generally increased in size and have contracted to urban centres. Airstrips and helipads (private use) are permissible in the new rural zones. Various forms of tourist accommodation are permissible with consent in the</p>		<p>the Lismore urban flood prone areas.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>new rural zones including bed and breakfast accommodation, farm stay accommodation, caravan parks and as discussed in 1.8, eco-tourist facilities. It is reasonable to enable the new eco-tourist facility definition to be permissible with consent within RU1, RU2 and E3. Hotel and motel accommodation is permissible in the business zones, RU5 Village and R1 General Residential.</p> <p>A business involving servicing trucks and earthmoving equipment is not a home occupation, home business or home industry under SEPP (Exempt and Complying Development Codes) 2008. Development consent is required for such a land use.</p> <p>A business that carries out the servicing of trucks and earth moving equipment is defined as a <i>car repair station</i> under the Lismore LEP 2000. A car repair station is prohibited in the 1(a) zone. The definition of a car repair station is as follows:</p> <p><b><i>car repair station</i></b> means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, including panel beating or spray painting, but not repairs of a kind usually carried out by an auto-electrician.</p> <p>The equivalent land use in the Draft LEP is defined as a <i>truck depot</i>, which is:</p> <p><b><i>truck depot</i></b> means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
1.10	<p><b>Primary production land should not be restricted by any of the overlay maps.</b></p>	<p>A truck depot is proposed to be prohibited in the RU1 and RU2 zones.</p> <p>Refer to Attachment 2 for discussion, in particular issues numbers 2.3, 2.9 and 2.32.</p> <p>Overlay maps represent constraints that require more detailed consideration during the development application process. Generally the overlay maps will have little impact on most farm operations as this land use is undertaken without consent in rural zones.</p>	Not applicable	Refer to Attachment 2 for recommendations in relation to overlay maps.
1.11	<p><b>What is the requirement for fencing properties with multiple zones?</b></p> <p><b>Split zone will cause devaluation of the property and make future management more problematic.</b></p> <p><b>Multiple zonings on one parcel will constitute fragmentation of that parcel - any primary production should be classified as RU1.</b></p>	<p>The DP&amp;I advice regarding lots with more than one zone is: <i>“In some circumstances ‘dual’ or ‘split’ zoning on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses.”</i></p> <p>The use of split zoning is not uncommon on rural allotments in Lismore LEP 2000 or the Draft LEP. Some of the lots have a relatively large area and the use of a single zone does not reflect the development potential or the attributes of the land. Moreover, physical and ecological characteristics do not follow cadastre or lot boundaries.</p> <p>The zone that applies to the land is not, of itself, a requirement for fencing. An obligation for fencing may potentially arise if a development application is lodged.</p> <p>Regarding fencing off areas for grazing (extensive</p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>agriculture), this land use can be undertaken without development consent in RU1 and RU2 zones so there will be no need for fencing between these zones. Refer to Attachment 2 issue No. 2.6 which discusses the permissibility of extensive agriculture in the E3 zone. If this use is not prohibited as proposed in the draft LEP, it will eliminate any need for stock fencing. Extensive agriculture is prohibited in E2; however if the existing use provisions of the <i>EP&amp;A Act 1979</i> apply, the area does not have to be fenced off.</p> <p>If a development application is lodged for an activity that could potentially impact on the vegetation within an area zoned as E2 on the allotment, then Council could potentially require that land to be fenced under section 80A of the <i>EP&amp;A Act 1979</i>. However, this would relate more to the impact on the vegetation than the zone per se.</p> <p>Notwithstanding the above comments, if the extent of the RU2 zone is reduced, the use of split zoning in rural areas will be significantly reduced.</p>		
1.12	<b>Potential conflict for tourist facilities in RU2.</b>	<p>A range of tourist facilities is currently permissible with consent in the various existing rural zones including bed and breakfast establishments, rural tourist facilities, motels and caravan parks. Many of these existing developments operate without conflict with adjoining rural land uses.</p> <p>The various matters listed under section 79C of the <i>EP&amp;A Act 1979</i> have to be considered during the development application process for tourist facilities, including potential land use conflict.</p>	Not applicable.	No change.
1.13	<b>Rural land sharing has the potential to conflict with permissible land</b>	<p>The various matters listed under section 79C of the <i>EP&amp;A Act 1979</i> have to be considered during the development application process for rural land</p>	Not applicable	No change.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>uses in rural zones</b></p> <p><b>Objection to prohibition of multiple occupancies in RU1.</b></p> <p><b>Rural landsharing communities (Multiple Occupancy) should not be permitted on prime agricultural land.</b></p>	<p>sharing communities, including potential land use conflict. The provisions of Lismore DCP Chapter 16 Rural Land Sharing Communities and Chapter 11 Buffers are applicable for the assessment of rural landsharing community development applications.</p> <p>The potential rural land sharing communities map has been created using a constraints analysis. The map does not cover land that is identified as class 2 &amp; 3 agricultural land. The proposed RU1 zone incorporates class 2 &amp; 3 agricultural lands. The exclusion from RU1 zone generally does not introduce new restrictions.</p> <p>Refer to issue No. 1.1 regarding the possible expansion of the RU1 zone and the implications for permissibility of rural landsharing communities within the zone.</p> <p>Rural landsharing communities are not permitted on prime agricultural land pursuant to Chapter 16 Lismore Development Control Plan – <i>Rural Land Sharing Communities</i>. Chapter 16 lists several absolute constraints which prohibit this type of development including (but not limited to):</p> <p>Land that comprises more than 25% prime crop and pasture land. This includes lands that have been identified as having agricultural land suitability Class 1, 2 and 3 (as classified by NSW Agriculture).</p>		
1.14	<b>Where does the W1 Natural Waterways zone extend to?</b>	The W1 Natural Waterways zone has been applied to the rivers and creeks (class 3 – 8 streams) throughout the LGA with the exception of	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Is development consent needed for irrigation from the W1 zone?</b></p> <p><b>Objection to W1 zone. Water extraction controlled by water licences and more regulation is not required.</b></p>	<p>waterways within the urban area. Urban area waterways are within the W2 Recreational Waterways Zone. The boundary of the W zones generally extends to the property boundary of the adjoining land allotment.</p> <p>The State government issues approval/licence for pumping from a watercourse under the <i>Water Management Act 2000</i>. In many cases the irrigation of crops or pumping from a water course for stock is ancillary to the principle agricultural land use. Development consent is not required for various agricultural land uses in RU1 and RU2 (extensive agriculture and intensive plant agriculture) and if the irrigation infrastructure is located on the adjoining RU1 or RU2 land consent is not required for the ancillary use.</p> <p>Development consent is required for water supply systems including water reticulation systems within RU1 and RU2 zones if this is the principle land use i.e. the irrigation system is not subordinate or ancillary to another use. The infrastructure SEPP provides some exclusions for public authorities.</p>		
1.15	<p><b>The right to excise a house lot from a larger allotment to allow the older generation to bow out should be a provision of the LEP.</b></p>	<p>Excision of house lots (concessional lots) is no longer supported by the DP&amp;I.</p> <p>Refer to issue No. 1.4 in this table for further comments regarding subdivision.</p> <p>Future rural housing needs will be examined as part of the housing strategy currently being prepared by Council.</p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
1.16	<b>Draft clause 5.3 – Development near zone boundaries, requires the inclusion of a setback/buffer for the purposes of aerial spraying etc in order to mitigate landuse conflict.</b>	<p>The use of draft clause 5.3 – Development near zone boundaries requires the consent of Council. A development application involving the use of this clause will have to be consistent with the provisions of Lismore DCP Chapter 11 Buffers.</p> <p><i>Living and Working in Rural Areas</i> (DPI, CMA &amp; SCU 2007) also provides guidance for Councils on the North Coast of NSW with regards to buffer requirements.</p>	Not applicable	No change.
1.17	<b>Concern regarding the authorised use of existing dwellings on small rural titles that were built prior to BA or DA requirements.</b>	<p>The draft LEP does not propose changes to dwelling entitlements, that is, if a land holder currently has a dwelling entitlement they will continue to have that dwelling entitlement. Council provides written advice regarding dwelling entitlements. Council’s adopted fees and charges are applicable.</p> <p>In the absence of a dwelling entitlement, a landholder could potentially demonstrate consistency with the existing use provisions of the <i>EP&amp;A Act 1979</i> regarding old dwellings that predate IDOs and LEPs and the need for BAs or DAs.</p>	Not applicable	No change.
1.18	<b>Nothing in the draft LEP regarding sustainable food production.</b>	<p>RU1 and RU2 zone objectives incorporate reference to sustainability.</p> <p>The promotion of ecologically sustainable development is incorporated into the aims of the Draft LEP (Clause 1.2).</p> <p>Food production is generally covered by the LEP definition of <i>horticulture</i>, which does not require development consent in over 85% of the total Local Government Area.</p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
1.19	<b>Council failed to include the farming sector in the draft LEP process, yet the Environmental Defenders Office had input.</b>	The submission analysis process involved the use of an independent expert to peer review several issues that were raised in rural submissions including the use of RU1 and RU2 zones, rural boundary adjustment and minimum lot size. Chris Pratt, Planning Resolutions was engaged to undertake the review. Input was also sought from the Department of Industry and Investment and a representative of the NSW Farmers Association. This is discussed in more detail in Issue 1.1 above.	Not applicable	No change.
1.20	<b>Forestry should require consent in RU1 and RU2.</b>	Forestry is permitted without development consent in RU1, RU2 and RU3. This is consistent with the permissibility of forestry in the equivalent zones in the Lismore LEP 2000. Notwithstanding the issue of permissibility in the Draft LEP, forestry is subject to regulation under various Acts. Forestry operations involving the removal of certain native trees require approval from the Catchment Management Authority under the <i>Native Vegetation Act 2003</i> .	Not applicable	No change.
1.21	<b>No provisions in the draft LEP to permit a subdivision for lease purposes. Leases for longer than 5 years are classed as subdivisions under the EP&amp;A Act and the LEP needs to provide a mechanism for such regulatory consents.</b>	A lease of land creates a subdivision under s.7A <i>Conveyancing Act 1919</i> (formerly s.327AA <i>Local Government Act 1919</i> now repealed) when the total of the original term of the lease, together with any option of renewal, is more than 5 years. When the lease affects the whole of a lot in a current plan - the body of the lease will simply identify the area to be leased by reference to the lot and deposited plan number. A new plan is not required.  When the lease affects part of a lot or lots in a current plan - it will be necessary to provide a plan to define the land in the lease and the residue of any lot in a current plan affected by the leased area.	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>No special provisions are required for such a lease subdivision. The subdivision of rural land for a lease in excess of 5 years requires development consent. Draft LEP clause 4.1 prescribes the minimum lot size development standard in accordance with the Lot Size Map. A dwelling could be erected on such an allotment in accordance with Draft LEP clause 4.2A.</p> <p>A subdivision for lease purposes involving undersized allotments is catered for under clause 9 of SEPP (Rural Lands) 2008 and Draft LEP clause 4.2. An allotment can be created with development consent under these provisions less than the minimum lot size as shown on the lot size map. A dwelling cannot be erected on such a lot.</p>		
1.22	<p><b>Request to provide a copy of the study that Council undertook to evaluate the impact of the LEP on the farming sector and on rural land values.</b></p> <p><b>An independent agricultural scientist should oversee the rural zonings.</b></p>	<p>Council prepared an environmental study to support the Draft Local Environmental Plan in accordance with the specifications set out by the Director-General of the DP&amp;I under s57 of the <i>EP&amp;A Act 1979</i>. There is no legislative requirement for Council to undertake individual studies on any sector of the LGA.</p> <p>The Draft LEP was publicly notified and 1417 submissions were received. All submissions have been analysed, options and recommendations have been prepared. The submission analysis process incorporated additional research/reviews in order to address in particular, matters raised in rural submissions. A summary of these reviews/research follows:</p> <ul style="list-style-type: none"> <li>• Ground truthing site visits by staff and an ecologist to properties where submitters raised issues about the appropriateness of proposed Environmental Protection zoning.</li> </ul>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<ul style="list-style-type: none"> <li>A review of the proposed rural zones and subdivision/boundary adjustment development standards was undertaken by an independent planning consultant. The review incorporated an evaluation of the impact of the Draft LEP on the farming sector, including on rural land values. The Department of Industry and Investment and a representative of the NSW Farmers Association were also consulted during this process.</li> <li>A review by an engineering consultant of the proposed flood planning map for those areas where detailed flood modelling has not occurred.</li> </ul>		
1.23	<b>Council must be prepared to compensate for any devaluation of land.</b>	This issue is discussed in more detail in Attachment 2 Issue No. 2.15.	Not applicable	No change.
1.24	<b>Land owners should be able to do what they want if they own the land.</b>	<p>Landowners in general do not have a right to do whatever they wish on their land. Various legislative requirements restrict noise, air and water pollution; soil contamination; mineral extraction; utilisation/management of natural resources including, but not limited to flora and fauna; building specifications and land uses.</p> <p>A Local Environmental Plan is a statutory land use planning document, created under Part 3 of the <i>EP&amp;A Act 1979</i> as required by The Standard Instrument (Local Environmental Plans) Order 2006. The LEP, created under the <i>EP&amp;A Act 1979</i> must achieve the objects of the Act, as listed below:</p> <p><b>5 Objects</b></p> <p><i>The objects of this Act are:</i></p> <p>(a) <i>to encourage:</i></p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i></p> <p><i>(ii) the promotion and co-ordination of the orderly and economic use and development of land,</i></p> <p><i>(iii) the protection, provision and co-ordination of communication and utility services,</i></p> <p><i>(iv) the provision of land for public purposes,</i></p> <p><i>(v) the provision and co-ordination of community services and facilities, and</i></p> <p><i>(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i></p> <p><i>(vii) ecologically sustainable development, and</i></p> <p><i>(viii) the provision and maintenance of affordable housing, and</i></p> <p><i>(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i></p> <p><i>(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i></p> <p>The SI LEP incorporates land zoning and other related maps and provisions that control development. Zoning is the division of land into categories. These categories determine what sort of development is allowed in the area that they cover. Zoning creates certainty for landholders and investors, for example it allows the occupants of a residential estate to be confident that inappropriate development will not spoil their residential amenity. LEPs and DCPs provide regulations surrounding</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>rural land uses, so that inappropriate development will not compromise the potential of farmers to sustainably utilise the agricultural potential of their land.</p>		
1.25	<p><b>Concern regarding any future expansion of Dunoon Village and the loss of agricultural land and increased pressure on infrastructure.</b></p>	<p>Approximately 20ha of land is identified at the southern end of Dunoon in the Lismore Village Development Strategy 1997 (LVDS) for potential future village expansion. The Far North Coast Regional Strategy reflects the areas contained in the LVDS.</p> <p>If a planning proposal is lodged with Council for any future rezoning within the village, relevant issues including infrastructure and loss of agricultural land will all form part of the assessment. Any future planning proposal would be publicly exhibited.</p>	Not applicable	No change.
1.26	<p><b>Clarity required as to the range of agricultural activities that can be undertaken within RU1 and RU2.</b></p>	<p>Agricultural land use permissibility is identical in both RU1 and RU2 zones. Agriculture includes animal boarding or training establishments, aquaculture, extensive agriculture, intensive livestock agriculture and intensive plant agriculture.</p> <p>Extensive agriculture and intensive plant agriculture (excluding turf farming) can be undertaken without consent in RU1 and RU2 zones. This includes dairies (pasture based), production of crops or fodder, grazing, horticulture, viticulture and the cultivation of irrigated crops.</p> <p>Animal boarding or training establishments, aquaculture and intensive livestock agriculture all require development consent in RU1 and RU2.</p> <p>Notwithstanding identical permitted agricultural land uses in the two zones, issue No. 1.1 explores the</p>	Not applicable	No change.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		reduction of the RU2 zone and the expansion of the RU1 zone.		
1.27	<b>Concern regarding loss of dwelling entitlement in Draft LEP.</b>	The Draft Lismore LEP does not introduce provisions that would extinguish a dwelling entitlement for land within the proposed RU1, RU2, R5 and E3 zones.	Not applicable	No change.
1.28	<b>Concern regarding permissibility of sex services in RU1 &amp; RU2 zoned land.</b>	<p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> permits <i>home business, home industry</i> or a <i>home occupation</i> as exempt development. <i>Home occupation (sex services)</i> is separately defined and is not mandated as exempt development under the SEPP. Council has the option to require consent for this landuse.</p> <p>The Standard Instrument LEP definition for <i>home occupation (sex services)</i> is:</p> <p><b>home occupation (sex services)</b> means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:</p> <p>(a) the employment of persons other than those residents, or  (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or  (c) the exhibition of any signage, or  (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.</p>	<p><b>Option A</b>  No change to the publicly exhibited land use table.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>Action can be taken pursuant to the provisions of the Part 6 of the EP&amp;A Act 1979 for non-compliance.</li> <li><i>Home occupation</i> and <i>home occupation (sex services)</i> have similar restrictions regarding the maintenance of the neighbourhood amenity. A <i>home occupation</i> is mandated as exempt development under the SEPP.</li> </ul> <p><b>Option B</b>  Amend the land use table to require development consent for <i>home occupation (sex services)</i> within the rural (RU1 &amp; RU2), business and industrial zones.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>Compliance action can be undertaken pursuant to the provisions of the Part 6 of the EP&amp;A Act 1979 for recalcitrant operators.</li> <li>A <i>home occupation (sex services)</i> is not</li> </ul>	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The Lismore Draft LEP proposes <i>home occupation (sex services)</i> as permitted without consent in the rural (RU1 &amp; RU2), business and industrial zones.</p> <p>The landuse is required to operate in accordance with the definition, like all home occupations. Compliance action can be undertaken pursuant to the provisions of Part 6 of the EP&amp;A Act 1979 for non-compliance.</p> <p>The Standard Instrument LEP definition for <i>sex services premises</i> follows:</p> <p><b>sex services premises</b> means a brothel, but does not include home occupation (sex services).</p> <p><i>Sex services premises</i> are proposed as permitted with consent in the industrial zones only.</p>	mandated as exempt development under the SEPP.	
1.29	<b>Concerned about turbidity of river increasing. This is not coming from grazing properties.</b>	<p>There are various parameters influencing the cloudiness of the water. Some of these are:</p> <ul style="list-style-type: none"> <li>- Phytoplankton</li> <li>- Sediments from erosion</li> <li>- Resuspended sediments from the bottom (frequently stirred up by bottom feeders like carp)</li> <li>- Waste discharge</li> <li>- Algae growth</li> <li>- Urban runoff</li> </ul> <p>It is difficult to argue that grazing properties do not contribute to the turbidity of watercourses.</p>	Not applicable	No change.
1.30	<b>RU2 objective to encourage sustainable primary industry production including</b>	This is incorrect. Extensive agriculture and intensive plant agriculture (excluding turf farming) can be undertaken without development consent in RU2 zone. Changes in these forms of agriculture	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	extensive agriculture will become impossible because any change will need consent.	do not require the consent of Council.  Refer to issue No. 1.1 for discussion regarding the use of RU1 and RU2.		
1.31	Key habitat, wildlife corridor and native vegetation overlays will lock farms. Council consent will be required to change farming practices eg cropping to grazing.	Key habitat, wildlife corridor and native vegetation overlays are not land use zones. These overlay maps provide heads of consideration for development that requires the consent of council.  Extensive agriculture and intensive plant agriculture (excluding turf farming) can be undertaken without development consent in RU1 and RU2 zones. Changes in these forms of agriculture do not require the consent of Council.  Refer to Attachment 2 Issue No. 2.13 for further comment.	Not applicable	No change.
1.32	Land zoned rural should not be precluded from having a second residence for manager or rural workers.	Rural workers dwellings are permitted with development consent in RU1 zone only.  Dual occupancies (attached) are permitted with development consent in RU1 and RU2 zones.  Refer to issue No. 1.1 for detail regarding the possible expansion of the RU1 zone and permissibility of rural land sharing communities.	Not applicable	No change.
1.33	Does the objective in the RU1 zone “To minimise conflict between land uses within the zone and land uses within adjoining zones”, mean that if cattle grazing conflicts	Grazing is defined as extensive agriculture in the Draft LEP. Extensive agriculture can be undertaken without development consent in RU1 and RU2. Land uses that are permitted without consent can be carried out unconditionally, without a requirement to fence off watercourses.	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	with riparian zones fencing will be required?			
1.34	Proposes that the RU4 Rural Small Holdings zone (since amended to Primary Production Small Lots zone) be included in the Draft LEP to cover small rural allotments of 1-10 ha so that these lots can be subdivided into a minimum size of 2 or 3 ha.	<p>The potential for more intensive rural settlement has been mapped in the Lismore Rural Housing Strategy, the Lismore Village Development Strategy, the Far North Coast Regional Strategy and the Lismore Housing Strategy (currently under preparation). 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	No change.
1.35	Concern regarding further consent required for existing approved quarry in RU2 zone.	<p>Quarries (extractive industry) require development consent within rural zones in the existing LEP 2000 and the Draft LEP.</p> <p>An existing approved quarry can continue to operate in accordance with the relevant development consent conditions. Quarry operations outside of the parameters of the approval may require further development consent.</p>	Not applicable	No change.
1.36	What does Council class as a creek?	<p>The Standard Instrument LEP definition for watercourse (including creeks) follows:</p> <p><i><b>watercourse</b> means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).</i></p>	Not applicable	No change.
1.37	Request advice as to	Forestry is permitted without development consent	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	which zones forestry is permissible within.	in RU1, RU2 and RU3.		
1.38	Is there a detailed plan for the horticultural future of the North Coast?	<p>The (then) NSW Department of Primary Industries has published the following in recent years:</p> <p><i>Primary Industries in the North Coast Region of NSW – Strategic Review, 2006;</i></p> <p><i>Living and Working in Rural Areas - A handbook for managing land use conflict issues on the NSW North Coast – 2007.</i></p> <p>Council consulted with all relevant Government agencies, including the NSW DII (formerly DPI), prior to the preparation of the Draft LEP and during the public exhibition process. Moreover, the advice provided by the DII has been incorporated into key rural recommendations including the use of RU1/RU2 zones and minimum rural lot size.</p>	Not applicable	No change.
1.39	<p>Concern expressed by NSW Sugar Milling Co-Operative Ltd regarding clause 5.3 – Development near zone boundaries. No flexibility should be provided adjacent to cane lands, or if this is unacceptable a maximum of 20m. Concern regarding consultation for development applications involving this provision.</p> <p>Recommendation to include provisions in</p>	<p>All development applications involving this provision will be assessed on their merits. Consultation with adjoining landowners is undertaken in accordance with Lismore DCP chapter 10 – Notification and Advertising of Development applications.</p> <p>Council will consider the requirements of Lismore DCP chapter 11 Buffer Areas in order to minimise land use conflict. <i>Living and Working in Rural Areas</i> (DPI, Northern Rivers CMA, &amp; Sothern Cross University) is also a useful document that can assist in determining appropriate buffer distances for development that requires the consent of Council.</p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	the Draft LEP regarding buffers and land use conflicts.			
1.40	<b>Request clarification regarding consent for Agricultural Produce Industries.</b>	<p>Agricultural produce industries and rural industries can be undertaken with development consent in RU1 and RU2 zones. This means a development application must be approved by Council prior to commencing such a development. This is consistent with the current requirements for such developments in the existing Lismore LEP 2000.</p> <p>The Standard Instrument LEP definition for agricultural produce industries and rural industries are provided below:</p> <p><b>agricultural produce industry</b> means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.</p> <p><b>Note.</b></p> <p>Agricultural produce industries are a type of <b>rural industry</b>—see the definition of that term in this Dictionary.</p> <p><b>rural industry</b> means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:</p> <p>(a) agricultural produce industries,  (b) livestock processing industries,</p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>(c) composting facilities and works (including the production of mushroom substrate),            (d) sawmill or log processing works,            (e) stock and sale yards,            (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.</p> <p><b>Note.</b> Rural industries are not a type of <b>industry</b>—see the definition of that term in this Dictionary.</p>		
1.41	<p>Concern regarding permissibility of a golf course in the new zone (RU1).</p>	<p>A golf course is included in the <i>Recreation facility (outdoor)</i> definition in the Draft LEP. <i>Recreation facility (outdoor)</i> is permitted with consent in RU1 and RU2.</p>	Not applicable	No change.
1.42	<p>Unclear if reforestation and tree planting are included in environmental protection work definition. Does this allow for clearing of noxious weeds?</p>	<p>Tree planting, reforestation and clearing of noxious weeds are all defined as environmental protection works. Environmental protection works can be undertaken without development consent in all zones in the Draft LEP. It is defined as, <i>works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.</i></p>	Not applicable	No change.
1.43	<p>The following land uses are incompatible with RU2: Caravan parks, restaurants and tourist facilities.</p>	<p>Rural tourist facilities and restaurants are currently permissible with development consent in most rural zones under Lismore LEP 2000. Caravan Parks are permissible with consent in the 1(a) zone.</p> <p>Refer to issue No. 1.1 for discussion about the permissibility of the SI LEP equivalent land uses in rural zones under the Draft LEP. Compatibility and potential land use conflicts could then be dealt with on their merits.</p>	Not applicable	No change.
1.44	<p>Large rural rate burden.</p>	<p>Council rates and charges are levied under the</p>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<i>Local Government Act 1993.</i> Local environmental plans are prepared under Part 3 of the <i>Environmental Planning and Assessment Act 1979.</i> Various legislative requirements and State Government guidelines are provided for the preparation of a LEP. There is no nexus between LEP preparation and the quantum of land rates.		



## ATTACHMENT 2: DRAFT LEP2010 SUBMISSIONS ON ENVIRONMENTAL PROTECTION ZONES &amp; RELATED MATTERS

Table 1: Issues &amp; Responses to Submissions

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
2.1	<b>Objection to the use of E2 and E3 zones.</b>	<p><u>Biodiversity on the North Coast of NSW</u></p> <p>The north coast area of NSW is recognised as being ecologically significant in that three of Australia's five biogeographic areas mingle within the region, these being Tambanum (subtropical), Bassian (temperate) and Torressian (tropical) (CSIRO Division of Wildlife and Ecology 1996)</p> <p>North east NSW is known to support amongst the highest number of rare or threatened plant species in Australia and is equal to the wet tropics for overall fauna species diversity. The region contains the highest diversity of marsupial, frog, snake and non-Ctenotus (non-skink) species in Australia and is only second to the wet tropics for birds (NPWS 1999).</p> <p><u>Land area within environmental protection zones</u></p> <p>The Lismore Draft LEP proposes to translate 624ha (0.48% of the total land area of the LGA) of existing environmental protection zoned land under Lismore LEP 2000 to either E2 or E3. Additionally, approximately 2190ha (1.7% of the total area of the LGA) of existing rural zoned land is proposed for translation to either E2 or E3 zones.</p> <p><u>Statutory and other considerations regarding rural lands and natural resource management</u></p> <p>The Far North Coast Regional Strategy requires Councils in the region to protect and zone land with environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values. Several State</p>	<p><b>Option A</b></p> <p>Discard Lismore Draft LEP environmental protection zones and maintain Lismore LEP 2000 environmental protection zone boundaries without modification. Await the completion of the Biodiversity Management Strategy and Koala Plan of Management to inform further potential LEP amendments.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Inconsistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Inconsistent with adopted Lismore Environmental Study 2010 section 2.5.2 – <i>Methodology for Identifying Environmental Protection Zones</i>;</li> <li>• Addresses some of the issues raised by opponents to E zones in public submissions;</li> <li>• Fails to address some of the issues raised by supporters of E zones in submissions;</li> <li>• Fails to address issues raised by the Office of Environment and Heritage (formerly DECCW)</li> <li>• Some inaccuracies in existing LEP 2000 environmental protection zones.</li> <li>• Will provide 0.48% of the total area of the LGA within environmental</li> </ul>	<p><b>Option C</b></p> <p>(i) Proceed with modified E2 and E3 zones in accordance with site specific recommendations as detailed in Table 2 in this Attachment 2.</p> <p>(ii) Rectify anomalies in the remaining exhibited E2 and E3 zones (excluding E2 &amp; E3 zones adjacent to R1 General Residential Zone or RE2 Private Recreation Zone as illustrated on draft LEP Land Zoning Maps LZN – 007, 008, 011 &amp; 012) applying to land that was not ground truthed. Anomalies involving the extension of the E zone boundary beyond the environmental asset and into forestry, cropping, grazing land, mapped sugar cane land or the like should be replaced with the surrounding rural zone. Avoid islands of rural zone where possible.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Government statutes require the use of environmental protection zones for land with environmental or ecological values, while others require the protection of agricultural land through the use of appropriate zones. Compliance with the following statutory and other requirements was considered with regards to the use of rural and environmental protection zones in the Draft Lismore LEP and the associated submission analysis process:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy 14 – Coastal Wetlands</li> <li>• State Environmental Planning Policy 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy (Rural Lands) 2008</li> <li>• Deemed State Environmental Planning Policy – North Coast Regional Environmental Plan</li> <li>• Section 117(2) Directions by the Minister</li> <li>• Far North Coast Regional Strategy</li> <li>• NSW Department of Planning LEP Practice Note PN 09-002</li> </ul> <p><u>Methodology for identifying environmental protection zones in the Draft LEP</u></p> <p>Section 2.5.2 of the Lismore LES 2010 details the methodology used to identify environmental protection zones in the Draft LEP. A brief overview follows.</p> <p>E2 Criteria include: existing environmental protection zones where environmental significance is evident, SEPP 14 Wetlands, SEPP 26 Littoral Rainforest, Endangered Ecological Communities and koala habitat. E2 merit considerations include: high environmental value, contiguous vegetation, area greater than 5ha, significance in local, regional and state context,</p>	<p>protection zones (excluding national parks) compared with the recommended 1.51% (refer to option (c) for details).</p> <p><b>Option B</b> Maintain Lismore Draft LEP environmental protection zones without modification. Await the completion of the Biodiversity Management Strategy and Koala Plan of Management to inform further potential LEP amendments.</p> <p><b>Option B comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Fails to significantly address E zone issues raised in submissions.</li> </ul> <p><b>Option C</b></p> <p>(i) Proceed with modified E2 and E3 zones in accordance with site specific recommendations as detailed in Table 2 in this Attachment.</p> <p>(ii) Rectify anomalies in the remaining exhibited E2 and E3 zones (excluding E2 &amp; E3 zones adjacent to R1 General Residential Zone or RE2 Private Recreation Zone as illustrated on draft LEP Land Zoning Maps LZN – 007, 008, 011 &amp; 012) applying to land that was not ground truthed. Anomalies involving the extension of the E zone boundary beyond the environmental asset and into</p>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>importance to ecosystem functioning, contribution to wildlife corridors and vegetation growth stage, structure and condition.</p> <p>E3 merit considerations include: area with environmental values, koala habitat, area greater than 5000m<sup>2</sup>, landscape and scenic qualities within the urban environment, potential for environmental rehabilitation and land surrounding important natural water sources.</p> <p><u>Environmental Protection zone criteria, site visits &amp; remaining E2/E3 zones</u></p> <p>Site visits were conducted in late 2010 and early 2011 to assess the vegetation within the proposed environmental protection zones and to check the validity and accuracy of the zone boundaries. Landholders that lodged a submission regarding the site specific use of E2 or E3 zone were contacted in writing. The opportunity was provided to have the land within the proposed environmental protection zone ground truthed. The ground truthing was conducted by a strategic planner and an ecologist. The site visits confirmed that the application of the environmental protections zones was generally valid. However peripheral anomalies were commonly observed in the zone boundaries. An ecological site assessment report was prepared for each of the allotments that were visited. These reports were used to assist with the following recommendations:</p> <ul style="list-style-type: none"> <li>• No expansion of publicly exhibited E zones unless requested by landholder and where sufficient justification exists;</li> <li>• E2 and E3 zones are applied to vegetation that satisfies the relevant Lismore LES criteria or merit considerations and does not generally incorporate cleared buffer areas;</li> </ul>	<p>forestry, cropping, grazing land or the like should be replaced with the surrounding rural zone. The surrounding rural zone should also be used for cleared land without conservation significance, with an area greater than 1 hectare and with minimum dimensions of 100m X 100m, that is surrounded by an E zone.</p> <p><b>Option C comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Significantly addresses some E zone issues raised in submissions.</li> <li>• Potential to amend anomalies with E2 and E3 boundaries in most existing rural zones across the local government area.</li> <li>• The reduction in total area of the LGA of E2 and E3 zoned land is from 2815ha (2.17%) down to 1945ha (1.51%). It is also worth noting that this figure includes a recommendation to change the draft zone of 333ha of Rocky Creek Dam from E3 Zone to SP2 Infrastructure Zone.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<ul style="list-style-type: none"> <li>• Rectify anomalies where E zone boundary extends beyond environmental asset and into forestry, cropping, grazing land or the like;</li> <li>• Rectify E zone anomalies with the adopted Lismore Environmental Study 2010 section 2.5.2 – <i>Methodology for Identifying Environmental Protection Zones</i> (vegetation assessment prepared by ecologist);</li> <li>• Consideration given to yet to be constructed development approvals;</li> <li>• Areas of rural zone less than 1 hectare, without environmental protection zone merit, surrounded by environmental protection zones are undesirable.</li> </ul> <ul style="list-style-type: none"> <li>• E zones not to be applied to land mapped as production area entitlement with the NSW Sugar Milling Cooperative Ltd.</li> </ul> <p>Rectify anomalies in the remaining exhibited E2 and E3 zones (excluding E2 &amp; E3 zones adjacent to R1 General Residential Zone or RE2 Private Recreation Zone) applying to land that was not ground truthed.</p>		
2.2	<p><b>Environmental Protection Zones should be expanded to include: koala habitat, riparian vegetation, all high conservation value vegetation, key habitat, wildlife corridors, all big scrub remnants, flying fox roosting areas, steep rural</b></p>	<p>Council is currently in the process of refining the vegetation mapping as part of the development of the Biodiversity Management Strategy. The BMS will explore appropriate policy responses to biodiversity management.</p> <p>Refer to issue No. 2.1 for discussion.</p>	Refer to issue No. 2.1 for options.	Refer to issue No. 2.1 for recommendation.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	land, all EECs, isolated mature fig trees.			
2.3	<b>Objection to the use of Clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i> and associated wildlife corridor, key habitat and native vegetation maps.</b>	<p><u>Key habitat and corridor background</u></p> <p>The NPWS developed a project that assessed key habitats and corridors (KHC) in the north-east of New South Wales. For this project, key habitats are areas of predicted high conservation value for forest fauna, and include many large areas of vegetated lands and important vegetation remnants on- and off-park. A habitat corridor facilitates important ecological processes such as migration, colonisation and interbreeding of plants and animals between two or more larger areas of habitat.</p> <p>Vegetation cover in corridors depicted in the KHC project is not always continuous. Mapped corridors may include smaller remnants, wetlands, roadside vegetation, groups of trees or even individual trees. Corridors may be broken or fragmented by degraded or cleared areas while still contributing to landscape connectivity. Discontinuous corridors often constitute important stepping-stones and many provide an obvious starting point for habitat restoration programs.</p> <p>The KHC map produced by NPWS shows the regional key habitats for forest fauna. In preparing the Natural Resources Sensitivity map, Council extended these key habitats to include areas considered to be of local significance on the basis of the vegetation mapping undertaken by GHD.</p> <p><u>Vegetation mapping</u></p> <p>Section 2.5.1 of the adopted Lismore Environmental Study 2010 states: <i>“The accuracy of the vegetation</i></p>	<p><b>Option A</b> Maintain Draft LEP clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i> and associated maps without modification. Await the completion of the Biodiversity Management Strategy and Koala Plan of Management to potentially refine the biodiversity maps associated with this provision.</p> <p><b>Option A comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Fails to address relevant issues raised in submissions, including concerns about accuracy of maps;</li> <li>• Fails to utilise the resources, information and community input involved in the preparation of the Biodiversity Management Strategy and Koala Plan of Management.</li> </ul> <p><b>Option B</b> Delete the entire Draft Lismore LEP clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i>, and associated maps. Await the completion of the Biodiversity Management Strategy and Koala Plan of Management to inform the biodiversity maps associated with this provision.</p>	<p><b>Option B</b> Delete the entire Draft Lismore LEP clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i>, and associated maps. Await the completion of the Biodiversity Management Strategy and Koala Plan of Management to inform the biodiversity maps associated with this provision.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>mapping from satellite imagery is considered to be 75%. The success of the vegetation mapping is dependent on the scale of the mapping outputs, mixture of vegetation, typicality of the field survey outcomes, and the structural differences between the various vegetation communities.”</i></p> <p><u>Clause 7.9 Natural Resources Sensitivity – Biodiversity and overlay maps</u></p> <p>The overlay map is an indication of potential conservation significance and is relevant to the assessment of development applications. If a ‘development’ does not require Council approval, such as horticulture in a rural zone, the overlay map and the related clause 7.9, have no effect. The maps do not influence land use permissibility.</p> <p>It is worth noting that all of the matters covered by the draft LEP provision are also required to be considered under section 79C of the EP&amp;A Act.</p> <p><u>Biodiversity Management Strategy</u></p> <p>Council has the potential to include this provision and the associated maps in the LEP after the production of more sophisticated vegetation mapping associated with the production of the Biodiversity Management Strategy and Koala Plan of Management.</p>	<p><b>Option B comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Draft Lismore LEP clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i> is an optional local provision;</li> <li>• Significantly addresses relevant issues raised in submissions;</li> <li>• Utilises the resources, information and community input involved in the preparation of the Biodiversity Management Strategy and Koala Plan of Management;</li> <li>• Will enable greater community debate and input to any future map;</li> <li>• Council has the ability to consider development impacts on areas of environmental significance through the development assessment process pursuant to section 79C of the EP&amp;A Act.</li> </ul> <p><b>Option C</b></p> <p>Delete reference to “native vegetation” in clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i> through the removal of subclause 7.9(2)(c) <i>native vegetation</i> in the Draft LEP.</p> <p>Delete the native vegetation layer from the biodiversity maps.</p> <p>Restrict the areas mapped as ‘wildlife</p>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<p>corridor' and 'key habitat' to land delineated by DECCW.</p> <p>Await the completion of the Biodiversity Management Strategy and Koala Plan of Management to inform further potential LEP amendments.</p> <p><b>Option C comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Draft Lismore LEP clause 7.9 <i>Natural Resources Sensitivity – Biodiversity</i> is an optional local provision;</li> <li>• Partially addresses relevant issues raised in submissions;</li> <li>• The removal of the native vegetation overlay (high conservation value vegetation), by default, places greater conservation significance on wildlife corridors and key habitat. Such an amended provision is unbalanced and inconsistent with the objectives of the clause.</li> </ul>	
2.4	<p><b>Concern regarding the reliance on the existing use provisions of the EP&amp;A Act 1979 to continue farming.</b></p>	<p>Most forms of agriculture are permissible without development consent within existing rural zones under Lismore LEP 2000. Agriculture in existing environmental protection zones is permissible with consent.</p> <p>The Draft LEP proposes that some agricultural uses are permitted without consent in the rural zones and agriculture is prohibited in the environmental protection zones.</p> <p>Elsewhere in this table it is recommended that extensive</p>	Not applicable	Not applicable

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>agriculture is permitted without consent in E3 (issue No. 2.6). Therefore the following could be undertaken without reliance on existing use provisions of the <i>EP&amp;A Act 1979</i>:</p> <p>(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,                      (b) the grazing of livestock for commercial purposes,                      (c) bee keeping,                      (d) a dairy (pasture-based).</p> <p>It is recommend elsewhere in the table (issue No. 2.6) that the prohibition of agriculture within E2 remains unchanged, which means that farmers may be required to rely on the existing use provisions within this zone. Existing grazing and cropping within the E2 zone would be classified as an <i>existing use</i> pursuant to section 106 of the <i>EP&amp;A Act 1979</i> if the land was translated from an existing rural zone.</p> <p>According to section 107(3) of the Act, <i>a use is presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.</i></p> <p>The general public perception is that existing agricultural use will lapse after 12 months (s107(3) of the EP&amp;A Act 1979). However, a farmer may “spell a paddock” for well in excess of 12 months as part of normal agricultural use e.g. destock due to drought, flood, and contamination etc. Grazing land use involves much more than just stocking a paddock. Fencing, slashing, fertilising, weed management, maintenance of farm shed, machinery, farm dam, water pumps and irrigation lines are all ancillary activities associated with grazing.</p> <p>Cropping land may be left fallow for more than 12</p>		



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>months for various reasons e.g. pathogen control, rotation cycle, flood and drought etc. The ancillary activities associated with cropping are similar to those linked with grazing.</p> <p>Pursuant to section 107(3) of the Act, a landholder could establish that the use has not been abandoned after 12 months by reasonably demonstrating that the ancillary activities associated with the agricultural use were maintained or continued to be undertaken even in the absence of stocking or cropping.</p> <p>The existing use provisions do provide a mechanism that will allow a landholder to continue to undertake a prohibited land use.</p>		
2.5	<p><b>Consent of Landholder required for use of E2 and E3 and/or natural resources sensitivity overlay maps including native vegetation, key habitat and wildlife corridor.</b></p>	<p>Council has consulted with the community in accordance with the legislative requirements of the <i>EP&amp;A Act 1979</i>. Further amendments to the Draft LEP may require re-notification of the plan, necessitating additional community consultation. The consent of the landholder is not required for rezoning under the <i>EP&amp;A Act 1979</i>.</p> <p>Council has to consider the land and its qualities for the purposes of long term strategic planning. Sound strategic planning practices are based on several factors including legislative requirements, optimising sustainable development outcomes, public interest etc. Long term strategic planning decisions need to look beyond the individual circumstances of the current land holders.</p>	Not applicable	Not applicable
2.6	<p><b>Permissibility of agriculture in E2 and E3 zones.</b></p>	<p>Under Lismore LEP 2000 agricultural land uses fall under two definitions. These include <i>agriculture</i> and <i>animal establishment</i>. <i>Agriculture</i> includes horticulture, cropping, livestock grazing, bee keeping and the like. An <i>animal establishment</i> is where animals are intensively housed or slaughtered such as a feedlot, piggery, chicken farm or abattoir.</p>	<p><b>Option A</b> Maintain existing Draft LEP Land Use Table for E2 and E3 zones.</p> <p><b>Option A comments</b></p> <ul style="list-style-type: none"> <li>• Fails to address the relevant issues raised in public submissions;</li> </ul>	<p><b>Option B</b></p> <p>Amend the E3 Draft LEP Land Use Table to include extensive agriculture as permissible <u>without</u> consent. The other forms of</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Lismore LEP 2000 permits agriculture in existing environmental protection zones with development consent and animal establishments are prohibited.</p> <p>The Standard Instrument LEP uses an increased number of definitions for agricultural land uses. These include <i>aquaculture</i>, <i>extensive agriculture</i> (grazing &amp; cropping), <i>intensive livestock agriculture</i> (feedlots, chicken farms etc), <i>intensive plant agriculture</i> (horticulture &amp; turf farming) and <i>livestock processing industry</i> (abattoir, tannery etc). The use of a greater number of definitions provides the opportunity to "tailor" the appropriate range of land uses for a particular zone. For example, it is now possible to permit grazing in a zone, while prohibiting horticulture.</p> <p>The Draft LEP proposes that all forms of agriculture are not permissible within E2 or E3 zones, so landholders would have to rely on the existing use provisions if they were to continue grazing, cropping etc. This can become problematic if the use ceases for a period of time (refer to issue 2.4 in this table for further discussion of existing use).</p> <p>A survey of 21 gazetted Standard Instrument LEPs around NSW has revealed that only one LEP prohibits extensive agriculture in E3. Four LEPs permit extensive agriculture with consent in E2.</p> <p>The rationale for the prohibition of all agricultural landuses including aquaculture, extensive agriculture, intensive livestock agriculture and intensive plant agriculture was: the potential inconsistency with zone objectives; and the provisions of SEPP (Mining, Petroleum Production and Extractive Industries) 2007. The SEPP permits mining (open cut), petroleum</p>	<ul style="list-style-type: none"> <li>• Consistent with E2 and E3 zone objectives;</li> <li>• Large reliance on existing use provisions of EP&amp;A Act 1979.</li> </ul> <p><b>Option B</b></p> <p>Amend the E3 Draft LEP Land Use Table to include extensive agriculture as permissible <u>without</u> consent. The other forms of agriculture are to remain prohibited including aquaculture, intensive livestock agriculture, intensive plant agriculture and livestock processing industry.</p> <p><b>Option B comments</b></p> <ul style="list-style-type: none"> <li>• Partially addresses the relevant issues raised in public submissions;</li> <li>• Consistent with E3 zone objectives;</li> <li>• Extensive agriculture is not a mandatory prohibition in the E2 or E3 zones in the SI LEP template;</li> <li>• Supported by the NSW Department of Primary Industries;</li> <li>• Decreased reliance on existing use provisions of EP&amp;A Act 1979.</li> </ul> <p><b>Option C</b></p> <p>Amend the E3 Draft LEP Land Use Table to include extensive agriculture as permissible <u>without</u> consent. The other forms of agriculture are to remain prohibited including aquaculture, intensive livestock agriculture, intensive plant agriculture and livestock</p>	<p>agriculture are to remain prohibited including aquaculture, intensive livestock agriculture, intensive plant agriculture and livestock processing industry.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>production and extractive industries with consent on land within which agriculture or industry are permissible. These land uses, could impact negatively on the ecological values of the land within the zone.</p> <p>The SI LEP definition of extensive agriculture is:</p> <p><i>(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,</i>  <i>(b) the grazing of livestock for commercial purposes,</i>  <i>(c) bee keeping,</i>  <i>(d) a dairy (pasture-based).</i></p> <p><b>Note.</b> Extensive agriculture is a type of <b>agriculture</b>—see the definition of that term in this Dictionary.</p> <p>It is acknowledged that grazing and bee keeping have the potential to impact negatively on the ecological values of the land within the zone. However, the removal of livestock from the land may create weed management and bush fire risk issues. Koalas may experience greater difficulty moving through the landscape. On review, extensive agriculture within E3 appears to be compatible with the zone objectives. They remaining agricultural landuses should remain prohibited.</p> <p>The proposed E2 zone is generally limited in rural areas to EECs on the flood plain. Weed management is still an issue, however the vegetation within these zones has State significance and other avenues should be explored for weed management other than grazing. Moreover, grazing will probably continue within the E2 zone under the existing use provisions of the EP&amp;A Act 1979 for some time to come.</p> <p>Intensive plant agriculture is separately defined in the SI LEP as:</p> <p><i>(a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),</i></p>	<p>processing industry.</p> <p><b>Option C comments</b></p> <ul style="list-style-type: none"> <li>• Partially addresses the relevant issues raised in public submissions;</li> <li>• Consistent with E3 zone objectives;</li> <li>• Extensive agriculture is not a mandatory prohibition in the E2 or E3 zones in the SI LEP template;</li> <li>• Supported by the NSW Department of Primary Industries;</li> <li>• Decreased reliance on existing use provisions of EP&amp;A Act 1979.</li> <li>• Increased requirements for landholders to undertake extensive agriculture.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>(b) horticulture, (c) turf farming, (d) viticulture.</p> <p><b>Note.</b> Intensive plant agriculture is a type of <b>agriculture</b>—see the definition of that term in this Dictionary.</p> <p>Intensive plant agriculture is often “all or nothing” with regards to vegetation removal. A turf farm or a macadamia orchid requires the removal of the vegetation, whereas grazing can be undertaken with the retention of some trees. It is considered that intensive plant agriculture is incompatible with the E2 and E3 zone objectives.</p>		
2.7	<p><b>The use of E2 or E3 zones and natural resources sensitivity overlay maps (native vegetation, key habitat &amp; wildlife corridors) penalise landholders for good land management practices.</b></p>	<p>Some rural landholders that have undertaken bush regeneration in the past have expressed concern that due to their actions some of their land is proposed for an environmental protection zone or is included in a biodiversity overlay map. Conversely, other landholders have requested an environmental protection zone as a means of affording long term protection for their land that has been the subject of bush regeneration.</p> <p>It remains unclear as to why the zone will penalise landholders that have undertaken bush regeneration activities. It is likely that most authorised landuses can continue to be undertaken under the existing use provisions of the EP&amp;A Act.</p> <p>It is acknowledged that many landholders within the Local Government Area have managed their land for biodiversity conservation without the use of land use zones and overlay maps. It is also acknowledged that land use zones are only one mechanism to manage for biodiversity. Other mechanisms can be explored with the development of the Biodiversity Management Strategy.</p>	Not applicable	Not applicable

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>There is a legislative requirement for Councils throughout the State to use environmental protection zones. These requirements include S 117 Directions, the North Coast Regional Strategy, the North Coast Regional Environmental Plan, and relevant State Environmental Planning Policies.</p> <p>The following have been considered before making recommendations regarding natural resource management:</p> <ul style="list-style-type: none"> <li>• Fertile soils, high and reliable rainfall, close proximity to markets. Ideal requirements for food and fibre production (social and economic);</li> <li>• The north coast of NSW is one of the most biodiverse regions of Australia (environmental);</li> <li>• Public submissions;</li> <li>• Development pressure (social and economic)</li> <li>• Legislative requirements.</li> </ul> <p>Elsewhere in this table it is recommended that:</p> <ul style="list-style-type: none"> <li>• Amendments are made to E2 and E3 boundaries (issue No. 2.1);</li> <li>• Draft LEP clause 7.9 – Natural resources sensitivity - biodiversity and associated overlay maps are deleted from the Draft LEP (issue No. 2.3);</li> <li>• Extensive agriculture is permitted without consent in E3 (issue No. 2.6).</li> </ul>		
2.8	<b>Objection to the use of clause 7.8 Riparian Land and Waterways and the associated 40m.</b>	Submissions were received expressing concern that rural landholders would have to fence off watercourses. Grazing, cropping ( <i>extensive agriculture</i> ), horticulture, irrigated crops, and viticulture ( <i>intensive plant agriculture</i> ) can be undertaken without consent within rural zones (87.5% of the LGA). The provisions of the LEP apply only to development that requires development consent. Moreover, the 40m area does not apply to land uses that are permissible without consent.	<p><b>Option A</b></p> <p>Maintain Draft LEP clause 7.8 <i>Riparian Land and Waterways</i> and the associated 40m.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with the existing 40m requirement in the <i>Water</i></li> </ul>	<p><b>Option A</b></p> <p>Maintain Draft LEP clause 7.8 <i>Riparian Land and Waterways</i> and the associated 40m buffer.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Other submissions were received requesting that watercourses be fenced off from livestock and large buffer areas be introduced for intensive plant agriculture.</p> <p>The 40m requirement does not exclude the possibility of development that requires consent within this area. In some instances a development consent may require that a watercourse is fenced off under section 80A(1) of the EP&amp;A Act 1979.</p> <p>The 40m requirement has been in force under separate NSW legislation for many years. The now repealed <i>Rivers and Foreshores Improvement Act 1948</i> and the current <i>Water Management Act 2000</i> both refer to a 40m distance from watercourses (waterfront land).</p> <p>Clause 91 of the WM Act requires a controlled activity approval for certain activities in, on or under waterfront land (40m from the highest bank of the river). Section 39A of the <i>Water Management (General) Regulation 2004</i> details exemptions to controlled activity approvals. These include (but not limited to) the erection of a dwelling house or dual occupancy and ancillary works. These forms of development are not exempt from consideration under the Draft LEP.</p> <p>Clause 52 of the WM Act outlines exemptions specific to domestic and stock rights.</p>	<p><i>Management Act 2000</i>;</p> <ul style="list-style-type: none"> <li>Clarifies/highlights the 40m requirements of the WM Act, which are generally not well known.</li> </ul> <p><b>Option B</b> Delete the existing Draft LEP clause 7.8 <i>Riparian Land and Waterways</i> and the associated 40m.</p> <p><b>Option B comments</b> The 40m requirement in the <i>Water Management Act 2000</i> is still in force regardless of whether this provision is used in the draft LEP;</p> <ul style="list-style-type: none"> <li>Fails to clarify/highlight the 40m requirements of the WM Act, which are generally not well known.</li> <li>Deletes the requirement for special consideration for dwellings and dual occupancies and ancillary works within 40m of a watercourse (refer to WM Act exemptions in discussion column).</li> </ul> <p><b>Option C</b> Amend the existing Draft LEP clause 7.8 <i>Riparian Land and Waterways</i> and the associated 40m so that the distance decreases proportionally with a decrease in the size of the watercourse. E.g. Order 7-8 watercourses (Wilson's River, Leycester Creek etc) 40m, order 5-6 30m, order 3-4 20m and order 1-2 10m.</p> <p><b>Option C Explanatory note:</b></p>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<p>Council's GIS provides a stream/watercourse order that serves to categorise the size of the watercourse. The watercourse sizes ranges from a first order up to the largest eighth order.</p> <p><b>Option C comments</b></p> <ul style="list-style-type: none"> <li>Inconsistent with the 40m requirement of the <i>Water Management Act 2000</i>;</li> <li>Inconsistent with the DP&amp;I Draft model local provision – "Riparian Land and Waterways".</li> </ul>	
2.9	<p><b>Objection to the water supply protection maps and clause 7.6 Development Within Urban Water Supply Catchments.</b></p>	<p>The objective of clause 7.6 <i>Development within urban water supply catchments</i> is "to maintain the quality of surface and groundwater resources accessed for the provision of urban water". The clause applies to the Wilsons river catchment and the proposed Dunoon Dam catchment.</p> <p>Clause 7.6 does not apply to land uses such as extensive agriculture in rural zones as the land use is permissible without consent.</p> <p>Rous Water is the regional water supply authority providing potable water in bulk to the Council areas of Lismore (excluding Nimbin), Ballina (excluding Wardell), Byron (excluding Mullumbimby) and Richmond Valley (excluding land to the west of Coraki). A population of around 95,000 is serviced by this water supply system with the actual area of operations being approximately 3,000km<sup>2</sup>.</p> <p>The principal source of the Rous Water supply network is Rocky Creek Dam situated 25 kilometres north of Lismore near the village of Dunoon. The Dam has a</p>	<p><b>Option A</b></p> <p>(i) Maintain existing Draft LEP clause 7.6 <i>Development Within Urban Water Supply Catchments</i>.</p> <p>(ii) Amend the Water Supply Protection Map to include Rocky Creek Dam and Nimbin water supply catchment areas.</p> <p>(iii) Amend the Water Supply Protection Map to correct the inundation and catchment areas for the proposed Dunoon Dam.</p> <p>(iv) Maintain existing permissible land uses within the area of the Water Supply Protection Map.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>Clause 7.6 is generally consistent with the recommendation from Rous Water;</li> <li>Facilitates the provision of potable</li> </ul>	<p><b>Option A</b></p> <p>(i) Maintain existing Draft LEP clause 7.6 <i>Development Within Urban Water Supply Catchments</i>.</p> <p>(ii) Amend the Water Supply Protection Map to include Rocky Creek Dam and Nimbin water supply catchment areas.</p> <p>(iii) Amend the Water Supply Protection Map to correct the inundation and catchment areas for the proposed Dunoon Dam.</p> <p>(iv) Maintain existing</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>storage capacity of 14,000 ML. A more recently developed source of water is the Wilsons River - which increased the water available to the region by more than one third, providing about 4000 ML per annum of additional water. Other water sources are located outside the Lismore LGA.</p> <p>The Rocky Creek Dam catchment and the majority of the Wilsons River catchment are located within the Lismore LGA. Rocky Creek catchment is generally within forested National Park. The Wilsons River catchment incorporates developed urban and rural land.</p> <p>Lismore City Council's recently adopted DCP Chapter 22 Water Sensitive Design, whilst not referenced in clause 7.6 is consistent with the objective of the Draft LEP provision.</p> <p>Rock Creek Dam catchment was not included in the Water Supply Protection Maps.</p> <p>The Nimbin water supply catchment map was also omitted.</p> <p>It was also noted during the exhibition period that Water Supply Protection Map WSP-005 is incorrect with relation to Dunoon Dam. The catchment area is mapped as the inundation area and the inundation area is mapped as catchment.</p>	<p>water throughout the Lismore LGA;</p> <ul style="list-style-type: none"> <li>• Consistent with the requirements of Council's recently adopted DCP Chapter 22 Water Sensitive Design;</li> <li>• Does not impact on the majority of agricultural uses in rural zones as they do not require development consent;</li> <li>• Does not control access to creeks etc by stock in rural zones as grazing is permissible without development consent;</li> <li>• Correction of minor errors in existing mapping.</li> </ul> <p><b>Option B</b> Delete existing Draft LEP clause 7.6 <i>Development Within Urban Water Supply Catchments</i> and the associated map.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Inconsistent with the submission from Rous Water;</li> <li>• Fails to protect the potable water supply throughout the Lismore Local Government area;</li> <li>• Inconsistent with the requirements of Council's recently adopted DCP Chapter 22 Water Sensitive Design;</li> <li>• Draft Lismore LEP clause 7.6 <i>Development Within Urban Water Supply Catchments</i> is an optional local provision.</li> </ul>	<p>permissible land uses within the Water Supply Protection Map.</p>
2.10	<b>Need for development consent for tree</b>	<p>Numerous changes were introduced to the Principal Local Environmental Plan (the Standard Instrument) on 25 February 2011 including several changes to clause</p>	<p><b>Option A</b></p> <p>Do not use the new optional subclause</p>	<p><b>Option B</b></p> <p>Amend the draft LEP to</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>removal in environmental protection zones.</p> <p>Clause 5.9 Preservation of trees or vegetation</p>	<p>5.9 Preservation of trees and vegetation.</p> <p>The clause was an optional clause and was included in the draft LEP. In the Standard Instrument the clause is now a compulsory clause. The other significant change that involves policy implications is the introduction of a new optional subclause (9).</p> <p>The use of this optional provision would require development consent for tree removal in the R5, E2 and E3 zones, where exemptions apply under the <i>Native Vegetation Act 2003</i> (NV Act). Exemptions from approval under the NV Act include Routine Agricultural Management Activities (RAMA) and the removal of non-protected regrowth. RAMAs include native vegetation removal for the maintenance of rural infrastructure etc. Non-protected regrowth may include native vegetation that has regrown since 1 January 1990.</p> <p>The use of the provision would allow Council a partial regulatory role only in relation to tree removal in the R5, E2 and E3 zones. All other forms of tree removal in the environmental protection zones, including removal of protected regrowth and remnant native vegetation would require approval under the NV Act. Council is not the consent authority under this Act.</p> <p>Currently under Lismore LEP 2000 and the Lismore Development Control Plan development consent is required for native tree removal within environmental protection zones (with some exemptions). Development consent from Council is not required in rural zones. Consent is required from the Catchment Management Authority under the NV Act for tree removal in environmental protection zones and rural zones, with some exemptions as previously discussed.</p>	<p>5.9(9).</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Inconsistent with the Lismore DCP chapter 14 <i>Tree Preservation Order</i> that requires development consent for all native tree removal within environmental protection zones;</li> <li>• Eliminates the need for development consent when tree removal is exempt from approval under the <i>Native Vegetation Act 2003</i>;</li> <li>• Decreases the potential risk of increased authorised short term vegetation removal under the <i>Native Vegetation Act 2003</i> prior to the making of the Lismore Standard Instrument LEP.</li> </ul> <p><b>Option B</b></p> <p>Amend the draft LEP to include the new optional subclause 5.9(9).</p> <p><b>Option B comments</b></p> <ul style="list-style-type: none"> <li>• Partially consistent with the Lismore DCP chapter 14 <i>Tree Preservation Order</i> that requires development consent for native tree removal within environmental protection zones (some exemptions apply);</li> <li>• Requires development consent in environmental protection zones when tree removal is otherwise permitted (without approval) under Division 2 or 3 of Part 3 of the <i>Native Vegetation Act 2003</i>;</li> <li>• Potential to deliver enhanced</li> </ul>	<p>include the new optional subclause 5.9(9).</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<p>environmental outcomes in the long term;</p> <ul style="list-style-type: none"> <li>• Potential to increase authorised short term vegetation removal under the <i>Native Vegetation Act 2003</i> prior to the making of the Lismore Standard Instrument LEP.</li> </ul>	
2.11	<p><b>Koala habitat provision required with associated maps.</b></p>	<p>Current legislation related to managing the threats to koalas and their habitats includes:</p> <ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>• <i>Threatened Species Conservation Act 1995</i>;</li> <li>• <i>State Environmental Planning Policy No. 44 – Koala Habitat Protection</i>;</li> <li>• <i>Native Vegetation Act 2003</i>;</li> <li>• <i>Draft Lismore LEP</i>;</li> <li>• Lismore Development Control Plan Chapter 14 – Tree Preservation Order.</li> </ul> <p>Koalas are defined as a threatened species under the <i>TSC Act 1995</i> as they are listed in schedule 2 of that Act as vulnerable. Section 5A of the <i>EP&amp;A Act 1979</i> requires a 7 part test (ecological assessment) to be undertaken if a development application may impact on a threatened species. Additionally Section 79C of that Act requires that the consent authority considers SEPP 44, the LEP, relevant DCP chapters and environmental impacts.</p> <p>SEPP 44 may require an assessment of the koala habitat. If core koala habitat is identified, a koala plan of management is required.</p> <p>Development consent or a property vegetation plan is required under the <i>Native Vegetation Act 2003</i> for tree removal in rural and environmental protection zones.</p>	<p><b>Option A</b> No change to the Draft LEP.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Fails to immediately address koala habitat protection issues raised in submissions, which request a koala habitat provision and associated maps;</li> <li>• Utilises the resources, information and community input involved in the preparation of the Koala Plan of Management.</li> </ul> <p><b>Option B</b> Include a koala habitat provision and associated maps prior to the adoption of the KPoM.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Consistent with statutory requirements and Draft LEP Practice Notes;</li> <li>• Immediately addresses koala habitat protection issues raised in</li> </ul>	<p><b>Option A</b></p> <p>No change to the Draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Council is not the consent authority in this instance.</p> <p>Lismore City Council is currently developing a Draft Comprehensive Koala Plan of Management (KPoM) for the south eastern portion of the LGA.</p>	<p>submissions;</p> <ul style="list-style-type: none"> <li>• Fails to utilise the resources, information and community input involved in the preparation of the Koala Plan of Management.</li> </ul>	
2.12	<p><b>Rocky Creek Dam should be zoned SP2 Infrastructure instead of E3 Environmental Management.</b></p>	<p>The land incorporating and surrounding Rocky Creek Dam is currently within Zone No 5 (Special Uses Zone) under Lismore LEP 2000. It was proposed to translate this land to E3 Environmental Management Zone in the Draft LEP. The proposed E3 extends beyond the footprint of the existing Special Use Zone into all of the Rous Water land. It also erroneously extends into an adjoining eastern allotment that is part of the Whian Whian State Conservation Area.</p> <p>The use of E3 would require the lodgement of a development application whenever Rous Water needed to undertake development that is otherwise permitted without consent under State Environmental Planning Policy (Infrastructure) 2007. The use of SP2 Infrastructure zone for the site is consistent with the aims of SEPP (Infrastructure) and NSW Department of Planning Practice Note PN 10-001 Zoning for Infrastructure in LEPs.</p> <p>Under both the SEPP and the Standard Instrument LEP a <i>water supply system</i> includes <i>water reticulation system, water storage facility and water treatment facility</i>. Rocky Creek Dam water supply includes all of these infrastructure categories. SI LEP definitions are:</p> <p><b><i>water reticulation system</i></b> means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply</p>	Not applicable.	<p>SP2 Infrastructure zone is to be used for Rocky Creek Dam. The footprint of the SP2 zone is to be congruent with the existing Zone 5 Special Uses. The purpose shown on the land zoning map is to be <i>water supply system</i>.</p> <p>The remaining Rous Water Land surrounding the dam is to be zoned E3 Environmental Management.</p> <p>The adjoining eastern allotment (Lot 4 DP 755752), with the exception of the inundated portion that is currently within Zone 5 Special Uses, is to be zoned E1 National Parks and Nature Reserves.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>reservoirs.</i></p> <p><b>Note.</b> <i>Water reticulation systems are a type of <b>water supply system</b>—see the definition of that term in this Dictionary.</i></p> <p><b>water storage facility</b> <i>means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.</i></p> <p><b>Note.</b> <i>Water storage facilities are a type of <b>water supply system</b>—see the definition of that term in this Dictionary.</i></p> <p><b>water supply system</b> <i>means any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) a water reticulation system,</i></li> <li><i>(b) a water storage facility,</i></li> <li><i>(c) a water treatment facility,</i></li> <li><i>(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).</i></li> </ul> <p><b>water treatment facility</b> <i>means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.</i></p> <p><b>Note.</b> <i>Water treatment facilities are a type of <b>water supply system</b>—see the definition of that term in this Dictionary.</i></p> <p>Rous Water is agreeable to the use of SP2 Infrastructure water supply system.</p> <p>The SP2 Infrastructure Zone will not have an adverse impact on the dam and the surrounding area as it is managed to maintain water quality.</p>		
2.13	<b>Minor amendments to Draft LEP</b>	The following minor amendments to the Draft LEP provisions regarding the natural resource management	<b>Option A</b> Aims of Plan:	<b>Option C</b> Aims of Plan:

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>provisions regarding natural resource management</b></p>	<p>have been raised in public submissions:</p> <p><u>Aims of Plan:</u></p> <p>The word “<i>promote</i>” should be changed to “<i>ensure</i>” so the aim reads “<i>To ensure development that is consistent with the principles of ecologically sustainable development (ESD).</i>”</p> <p>The word “<i>enhance</i>” should be added to “<i>protect and sustain</i>” so as to read “<i>To protect, sustain and enhance Lismore’s natural environment particularly native flora and fauna.</i>”</p> <p><u>Clause 7.8 Riparian Land and Waterways</u></p> <p>Riparian lands provision, clause 7.8(4)(b) makes reference to restoration of disturbed areas. “to a satisfactory extent” should be removed from the clause.</p>	<p>Change the word “<i>promote</i>” to “<i>ensure</i>” so the aim reads “<i>To ensure development that is consistent with the principles of ecologically sustainable development (ESD).</i>”</p> <p>The word “<i>enhance</i>” should be added to “<i>protect and sustain</i>” so as to read “<i>To protect, sustain and enhance Lismore’s natural environment particularly native flora and fauna.</i>”</p> <p><u>Clause 7.8 Riparian Land and Waterways</u></p> <p>Remove “to a satisfactory extent” from clause 7.8(4)(b)</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• The word “ensure” is more consistent with the function of a LEP as a regulatory document, than the word “promote”.</li> <li>• Use of the word “enhance in the Aims of the Plan is consistent with the compulsory word “restore” used in the objectives for E2 and E3 zones.</li> <li>• The use of the word satisfactory is equivalent to “adequate”, “suitable” or “acceptable”. “Satisfactory extent” is appropriate in this context and its deletion will not improve the operation of the provision.</li> </ul> <p><b>Option B</b></p> <p>Do not modify any of the provisions.</p>	<p>The word “<i>promote</i>” should be changed to “<i>ensure</i>” so the aim reads “<i>To ensure development that is consistent with the principles of ecologically sustainable development (ESD).</i>”</p> <p>The word “<i>enhance</i>” should be added to “<i>protect and sustain</i>” so as to read “<i>To protect, sustain and enhance Lismore’s natural environment particularly native flora and fauna.</i>”</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>The word “promote” is inconsistent with the regulatory role of a LEP.</li> <li>Omission of the word “enhance” is inconsistent with the use of the compulsory word “restore” used in the E2 and E3 objectives.</li> </ul> <p><b>Option C</b> Aims of Plan:</p> <p>Change the word “promote” to “ensure” so the aim reads “To ensure development that is consistent with the principles of ecologically sustainable development (ESD).”</p> <p>Add the word “enhance” to “protect and sustain” so as to read “To protect, sustain and enhance Lismore’s natural environment particularly native flora and fauna.”</p> <p>No change to clause 7.8(4)(b).</p> <p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>The word “ensure” is more consistent with the function of a LEP as a regulatory document, than the word “promote”.</li> <li>Use of the word “enhance in the Aims of the Plan is consistent with the word “restore” used in the objectives for E2 and E3 zones.</li> <li>The use of the word satisfactory is equivalent to “adequate”, “suitable” or</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			"acceptable". "Satisfactory extent" is appropriate in this context.	
2.14	<b>Clauses 7.1 Acid sulfate soils and 7.2 Agricultural works in sugar cane areas.</b>	<p>The majority of the acid sulfate soils are located on the floodplain in the southern section of the local government area. A large portion of this area is used for growing sugar cane. The self regulation approach for the management of acid sulphate soils is supported by the NSW Sugar Milling Cooperative Ltd.</p> <p>The issue of mapping accuracy and the amendment of the definition of <i>works</i> was raised in a small number of submissions. The acid sulfate soils maps were produced by the then NSW Department of Primary Industries and are the result of considerable scientific research, data collection and modelling.</p>	<p><b>Option A</b> No change to the Draft LEP, that is, maintain Draft LEP clauses 7.1 Acid sulfate soils and 7.2 Agricultural works in sugar cane areas and associated overlay maps.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• The self regulation approach is similar to that used in the existing acid sulfate soils provisions of Lismore LEP 2000. This acid sulfate soils management system is supported by NSW Sugar Milling Cooperative Ltd.</li> <li>• The clause is generally consistent with the DP&amp;I model provision;</li> <li>• Good environmental outcomes.</li> </ul> <p><b>Option B</b> Delete Draft LEP clauses 7.1 Acid sulfate soils and 7.2 Agricultural works in sugar cane areas and associated overlay maps.</p> <p><b>Option B comments</b></p> <ul style="list-style-type: none"> <li>• Unsatisfactory environmental outcomes.</li> <li>• The acid sulfate soil clause is not mandatory.</li> </ul> <p><b>Option C</b> Amend Draft LEP clause 7.1 Acid sulfate soils to adjust the definition of</p>	<p><b>Option A</b></p> <p>No change to the Draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<p>works and the depth of works that may require a preliminary acid sulfate soils assessment.</p> <p><b>Option C Comments</b> The definition of works and the depth of works that may require a preliminary acid sulfate soils assessment is derived from the Acid Sulfate Soils Manual, a State Government publication. Deviation from this publication would need to be scientifically supported.</p>	
2.15	<p><b>Concern about decreased property values and diminished rural incomes associated with the use of E2 &amp; E3 and natural resources sensitivity overlay maps. Request for financial compensation.</b></p>	<p><u>The value of native flora and fauna</u></p> <p>The values of high conservation value vegetation are well documented and include habitat, soil formation and protection, waste and nutrient cycling, water purification, sediment and erosion control, shelter, pest control, climate control, amenity, tourism, food, timber and fibre production. It can be argued that the value of rural properties with high conservation value vegetation will not be diminished, and in some instances would be increased.</p> <p><u>Land values</u></p> <p>The major determinates of rural land values are generally the ability to erect a dwelling and the potential to subdivide. The minimum lot size is the same for RU1, RU2, E2 and E3 zones. Dwelling houses are permissible with consent in E3 zones and prohibited in E2 zones. Most of the proposed E2 zone is vegetated with Endangered Ecological Community and located on the flood plain, so the land is generally not suitable for a dwelling house regardless of the zone.</p> <p><u>The use of E2 and E3</u></p>	Not applicable	Not applicable



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Council has applied the E2 and E3 zones in accordance with statutory requirements and NSW Department of Planning practice notes. Council has responded to individual requests from landowners who are affected by the proposed environmental protection zones. Site visits have been undertaken and recommendations regarding the use of E2 and E3 are provided in issue No. 2.1 of this table.</p> <p><u>Land Acquisition (Just Terms Compensation) Act 1991</u></p> <p>The <i>Environmental Planning and Assessment Act 1979</i> does not include provisions for compensation for land which is rezoned. Council has considered the range of uses proposed to be permitted in the E zones in consultation with the NSW Department of Planning. Council is aware that the range of uses should not be drawn too restrictively, however, land uses also need to be consistent with the zone objectives.</p> <p>The <i>Land Acquisition (Just Terms Compensation) Act 1991</i> only applies to land acquisition, not land rezoning.</p> <p><u>Financial incentives</u></p> <p>Council will explore the possibility of financial incentives for landowners that manage for biodiversity conservation in the Lismore City Council Biodiversity Management Strategy that is currently being prepared.</p> <p>Some funding for bush regeneration projects and the like is available through the Northern Rivers Catchment Management Authority's Incentive Program.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The NSW BioBanking scheme could potentially provide an incentive for landholders managing for the conservation of biodiversity. BioBanking enables 'biodiversity credits' to be generated by landowners who commit to enhance and protect biodiversity values on their land through a biobanking agreement. These credits can then be sold, generating funds for the management of the site. Credits can be used to counterbalance (or offset) the impacts on biodiversity values that are likely to occur as a result of development. The credits can also be sold to those seeking to invest in conservation outcomes, including philanthropic organisations and government. The NSW Office of Environment and Heritage administer the BioBanking scheme.</p> <p>The BioBanking scheme can be undertaken in environmental protection zones as long as planting are additional to what vegetation already exists.</p>		
2.16	<p><b>Sufficient State and Federal environmental protection legislation in place.</b></p>	<p>Existing relevant environmental protection legislation:</p> <p><u>Commonwealth</u>  <i>Environmental Protection and Biodiversity Conservation Act 1999</i></p> <p><u>State</u>  <i>Environmental Planning and Assessment Act 1979</i>  <i>Threatened Species Conservation Act 1995</i>  <i>Native Vegetation Act 2003</i>  <i>Noxious Weeds Act 1993</i>  <i>National Parks and Wildlife Act 1974</i>  <i>Fisheries Management Act 1994</i></p> <p>A Local Environmental Plan is a unique local statutory document and is developed for local conditions. It specifically applies to landuses and development. LEP maps identify site specific qualities and compliment</p>	Not applicable	Not applicable

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Commonwealth and State legislation.</p> <p><i>“Expert opinion in 2001 was that a large proportion (39 per cent of Australia’s 85 bioregions have more than 30 per cent of their ecosystems described as threatened” (Australian State of the Environment Report 2006 – an independent report to the Australian government minister for Environment and Heritage).</i></p> <p>It could be argued that there are insufficient environmental protection mechanisms in place to protect Australian biodiversity. Notwithstanding, scientific evidence of biodiversity decline in Australia, Local Government in NSW has a legislative requirement to incorporate natural resource management provisions in Standard Instrument Local Environmental Plans. These directions come from State Environmental Planning Policies, Regional Environmental Plans, Regional Environmental Strategies and Section 117 Ministerial Directions.</p>		
2.17	<b>Lack of support for agriculture.</b>	<p>The analysis of the Draft LEP submissions has revealed several issues associated with rural land uses. Rural landholders expressed concern regarding the use of RU2 Rural Landscape Zone. A preference was generally expressed for the use of RU1 Primary Production Zone. A recommendation is made for a significant increase in the use of RU1 with a corresponding decrease in the use of RU2 (refer to Attachment 1 for rural issues).</p> <p>Notwithstanding the mix of rural zones used throughout the LGA, the total area of land proposed for RU1, RU2 and RU3 is approximately 113,000ha or 87.5% of the LGA. A recommendation has been made elsewhere in this table (issue No. 2.1) to trim the boundaries of the proposed E2 and E3 zones which would result in a</p>	Not applicable	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>further approximately 500ha of rural zoned land. In comparison, the total amount of E2 and E3 land throughout the LGA, as publicly exhibited is 2815ha or 2.17%. Most types of agriculture can be undertaken without consent in rural zones (almost 90%) of the LGA, therefore it is difficult to argue that the LEP does not support agriculture.</p> <p>Refer to Attachment 1 for further comment regarding support for agriculture.</p>		
2.18	<p><b>Potential for increased bush fire risk and weed spread in E2 and E3 land.</b></p>	<p>Intuitively it could be expected that grazing may reduce weed spread; however, weed science is complex and weed spread in some instances may be facilitated by grazing. Volume 10, No. 1 of the Journal of Weed Technology 1996 provides a brief overview of the complexity of weed management <i>“Although grazing animals themselves often cause weed problems in pasture, adjusting grazing timing or intensity or both can sometimes redress the balance. Increasing stocking rates prevents animals from grazing selectively and can help control some weeds. Adjusting grazing pressure can also improve the growth of desirable pasture species so that these are more competitive and able to resist invasion of annual or biannual weeds.”</i></p> <p>The fruit of many weed species is spread independently of grazing via birds, wind or flood etc. Anecdotal evidence suggests that weed species such as Camphor Laurel, Broad Leaf Privet, Lantana and Coral Trees are not controlled by grazing alone.</p> <p>The removal of noxious weeds or environmental weeds can be undertaken without development consent regardless of the land zone (Refer to Lismore Development Control Plan chapter 14 Tree Preservation Order for detail).</p>	Not applicable	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Bush fire risk is proportional to fuel load. Fuel load will increase with the removal of grazing animals. Elsewhere in this table (issue No. 2.6) a recommendation is made for extensive agriculture (including grazing) to be permissible without consent within E3 Environmental Management Zone.</p> <p>The recommendation associated with issue No. 2.6 retains the prohibition of agriculture within E2 environmental conservation zone. The removal of trees can be undertaken for the purposes of bush fire protection etc within E2 or E3 if it is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i>. Council is not the consent authority in this instance.</p>		
2.19	<b>Increased landholder incentives required for biodiversity conservation.</b>	<p>Council will explore the possibility of financial incentives for landowners that manage for biodiversity conservation in the Biodiversity Management Strategy that is currently being prepared.</p> <p>Refer to issue 2.15 for further discussion.</p>	Not applicable	No change to the draft LEP.
2.20	<b>E2 map units should apply to land areas under 5 hectares.</b>	Refer to issue No. 2.1 for discussion.	Refer to issue No. 2.1 for options.	Refer to issue No. 2.1 for recommendation.
2.21	<b>E2 and E3 zones should not be "watered down."</b>	The Lismore Draft LEP proposes to translate 624ha (0.48% of the total land area of the LGA) of existing environmental protection zoned land under Lismore LEP 2000 to either E2 or E3. Additionally, approximately 2190ha (1.7% of the total area of the LGA) of existing rural zoned land is proposed for translation to either E2	Refer to issue No. 2.1 for options.	Refer to issue No. 2.1 for recommendation.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>or E3 zones. Amendments to some of the E2 and E3 boundaries throughout the Local Government Area are recommended as a result of the analysis of the Draft LEP submissions. The recommendation would reduce total area of E2 and E3 zoned land to approximately 1945ha or 1.51% of the total land area of the LGA. It is also worth noting that this figure takes into account a recommendation to change the draft zone of approximately 330ha of Rocky Creek Dam from E3 Zone to SP2 Infrastructure Zone.</p> <p>Refer to issue No. 2.1 for further discussion.</p>		
2.22	<b>Exotic animals should be excluded from E3.</b>	<p>A LEP is not an appropriate mechanism for the control of exotic animals.</p> <p>Council will explore the control of exotic animals and plants in the Biodiversity Management Strategy that is currently being prepared.</p>	Not applicable	Not applicable
2.23	<b>Concern that the Carbon Credit scheme does not apply to environmental protection zones.</b>	<p>The Australian Government has published the National Carbon Offset Standard (NCOS) to regulate carbon offsets. The NCOS includes several specific criteria for domestic offset methodologies (carbon credits). The <i>additionality</i> criterion is relevant to this discussion. <i>Additionality</i> is defined in the NCOS as:</p> <p><i>A requirement that a project or activity provide abatement that is additional to any that would occur in the absence of the project or activity, and that is additional to abatement that would occur anyway to meet Australia's Carbon Pollution reduction Scheme cap or International Target.</i></p> <p>The carbon in the trees currently in the ground cannot be claimed or sold as a carbon offset for another person's polluting activities. To be regarded as a valid offset, a project must be proven to be 'additional' to what would have occurred anyway.</p> <p>Carbon offsets or credits may be achieved equally in</p>	Not applicable	Not applicable

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
2.24	<b>Concern regarding koala habitat at 534 Ballina Rd and 554 Ballina Rd. Koala habitat should be protected within a public reserve in this instance.</b>	<p>either environmental protection zones or rural zones, provided consistency is achieved with the NCOS.</p> <p>534 Ballina Road Lot 1 DP 845558) is currently within the 2(a) Residential zone. The land is proposed as R1 General Residential in the Draft LEP. Council's mapping indicates that part of the land is marginal koala habitat. The allotment has an area of 5544m2 and will not be subject to the provisions of SEPP 44 if a development application is lodged.</p> <p>554 Ballina Road (Lot 31 DP 1079954) has an area of 75ha, with approximately 10ha in the 2(a) Residential zone and the remainder in 1(a) General Rural zone. The land is proposed to be zoned RU2 Rural Landscape and R1 General Residential in the Draft LEP. Council's mapping indicates that part of the land is marginal koala habitat. Future subdivision of the land would be subject to the provisions of SEPP 44. The need for a koala plan of management or a public reserve would be determined at development application stage. A public reserve may be required pursuant to section 80A(1) of the EP&amp;A Act 1979.</p>	Not applicable	No change to the draft LEP.
2.25	<b>Dorrobbee Grass Reserve not included on Biodiversity map.</b>	<p>A site visit was conducted on 31 March 2011. The grassland reserve (Lot 3 DP 833644) is actively managed for the retention of native grass species including but not limited to Kangaroo Grass. The site is also of significance to the Widjabul People of the Bundjalung Nation.</p> <p>The land was not included in the map as it is not included in the DECC wildlife corridor or key habitat maps. It is not included on the native vegetation overlay map as this incorporates native trees only and not grasses.</p> <p>Moreover, a recommendation is provided to Council for the deletion of Draft LEP clause 7.9 – Natural Resources</p>	Not applicable	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Sensitivity Biodiversity and associated maps (refer to issue no. 2.3).</p> <p>Caution may need to be exercised for any future proposed environmental protection zone on the land as water storage facilities are located on the adjoining allotments (Lot 1 and 2 within DP833644). SEPP Infrastructure 2007 allows for water storage facilities within zone RU1, RU2, SP1 and SP2 without consent. If the land is zoned E3 or E2, development consent may be required for works associated with the water storage facility or ancillary access roads.</p>		
2.26	<b>Armstrong Roadside Reserve at Rosebank to be E3.</b>	<p>A site inspection at Armstrong Roadside Reserve at Rosebank (Lot 118 DP 755697) was conducted on 31 March 2011. The Crown land reserve has been the subject of rainforest regeneration over the last decade or more. The land has an area of 6450m<sup>2</sup>. The area of significant vegetation is less than 5000m<sup>2</sup>, which is below the threshold area for consideration for E3 Environmental Management Zone. It is unlikely that the ecological values of the site would be compromised under the current Crown ownership and management regime.</p>	Not applicable	No change to the draft LEP.
2.27	<b>Concern regarding E3 objective: "To protect, manage and restore areas..." This implies a significant cost to the landholder.</b>	<p>Council does not have the discretion to amend the provision as the objective is mandated under the Standard Instrument LEP.</p> <p>Objectives are a consideration in the assessment of a development application. They do not require or enforce any action outside of the development application process.</p>	Not applicable	No change to the draft LEP.
2.28	<b>Property access is through proposed E3. What are the consequences of this?</b>	<p>An access driveway may be deemed as ancillary to the development associated with the access (refer to Conservation of North Ocean Shores v Byron Shire Council [2009] NSWLEC 69.</p>	Not applicable	No change to the draft LEP.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>An example of the application of [2009] NSWLEC 69 follows: A dwelling house is permissible in RU1 Primary Production Zone and not permissible within the adjoining E2 Environmental Conservation Zone. An ancillary access driveway to the dwelling house is not permissible within the E2 land.</p> <p>E3 is less restrictive with some additional permissible land uses including dwelling houses. All development that is ancillary to a dwelling house including driveways, garages, swimming pools etc are permissible the E3 zone.</p>		
2.29	<p><b>Concern that the new LEP is being forced on Councils by the State Government as the Government will fall short of meeting the Kyoto commitments due to the corporate clout of the existing polluters.</b></p>	<p>The National carbon offset/credit scheme and the NSW Biobanking scheme operate similarly in either rural or environmental protection zones. Both schemes rely on planting vegetation additional to that which already exists. Refer to issues 2.15 and 2.23 for further detail.</p>	Not applicable	No change to the draft LEP.
2.30	<p><b>The forested area surrounding and including the Tuckean Wetlands should be incorporated in environmental protection zonings to reflect the ecological significance.</b></p>	<p>The forested Tuckean Wetlands are proposed to be zoned E1 National Parks and Nature Reserves. The other forested areas on private property surrounding E1 are proposed to be zoned E2 in the Draft LEP. Refer to issue No. 2.1 for further detail regarding the use of E2 and E3 zones.</p>	Not applicable	No change to the draft LEP.
2.31	<p><b>Clause 3.3</b></p>	<p>Clause 3.3 <i>Environmentally sensitive areas excluded</i></p>	Not applicable	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Environmentally sensitive areas excluded – request to amend exclusions.</b></p> <p><b>Some submissions expressed the need to incorporate additional exclusions such as areas included in natural resources sensitivity overlay maps.</b></p> <p><b>Other submissions requested decreased exclusions for farm infrastructure.</b></p>	<p>includes a list of criteria that excludes development from being undertaken as exempt or complying development. The criteria include, but are not limited to, SEPP 14 and SEPP 26 lands, National Parks etc.</p> <p>Clause 3.3 is a mandated provision under the Standard Instrument LEP and Council does not have the discretion to delete any of the criteria. A Standard LEP Template direction, does however, permit additional areas to be added to this list.</p> <p>Issue 2.3 in this table recommends the deletion of clause 7.9 and the associated Natural Resources Sensitivity – Biodiversity Maps. The inclusion of these lands in Draft LEP clause 3.3 would not be appropriate without associated maps.</p>		
2.32	<p><b>Concern that wildlife corridors will be changed to environmental protection zones.</b></p>	<p>Refer to comments in issue 2.3 regarding the use of natural resources sensitivity overlay maps.</p> <p>The overlay maps are not land use zones and as such they do not affect the permissibility of development on the land.</p> <p>Any future rezoning of land including the use of environmental protection zones would have to be undertaken in accordance with the legislative requirements. This includes public consultation.</p>	Refer to options in issue 2.3	Refer to recommendation in issue 2.3
2.33	<p><b>Why is the Draft LEP being prepared prior to the Biodiversity Management</b></p>	<p>The Standard Instrument Local Environmental Plans Order 2006 is a statutory requirement that prescribes the form and content of a principal local environmental plan for an area for the purposes of section 33A of the <i>Environmental Planning and Assessment Act 1979</i>.</p>	Refer to issue 2.1 for options in relation to the use of environmental protection zones.	Refer to issue 2.1 for recommendation in relation to the use of environmental protection zones.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Strategy and the Koala Plan of Management</b></p>	<p>The preparation of the Draft LEP was almost complete when Council decided to prepare a Biodiversity Management Strategy.</p> <p>The preparation of a Standard Instrument Local Environmental Plan is compulsory for all Local Government Areas within NSW and State Government funding support is contingent upon adherence to delivery timeframes.</p> <p>Local biodiversity management strategies (BMS) and koala plans of management (KPoM) are significant tools in the strategic management of environmental assets. However, the preparation of these documents is not mandated by the State Government.</p> <p>Over recent years the development of National and State biodiversity strategies has taken place. The <i>Far North Coast Regional Conservation Plan 2010</i> states:</p> <p><i>Councils may also develop shire-wide biodiversity strategies to adapt these overarching documents to the circumstances of their LGA.</i></p> <p>Similarly, there is no statutory requirement for the preparation of a KPoM. Lismore City Council has resolved to prepare a KPoM to assist in fulfilling its statutory responsibility as the determining authority in the development approvals process under the EP&amp;A Act. Council is obliged to consider the actual or likely impact on koala's and koala habitat when assessing development applications.</p>		

Table 2: Site Visits – Proposed Environmental Protection Zones

Name	Site description	Site specific response regarding E2/E3 zones
David Kanaley	<p>416 Nightcap Range Road, Whian Whian. Lot 2 DP 793686 is currently zoned 1(a) General Rural. The allotment is translated to E3 in the draft LEP.</p> <p>The allotment is mapped with wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 15/12/2010.</p> <p>The central northern and north eastern part of the land contains medium aged regrowth native vegetation. The vegetation communities identified include Brushbox / Nightcap Wattle / Subtropical Rainforest tall open forest; and <i>Callicoma serratifolia</i> tall closed forest. Both of these communities can be considered as potential candidates for an EEC. No major environmental weeds were encountered.</p> <p>The remainder of the land contains planted native vegetation incorporating a mix of Eucalyptus species and Rainforest.</p> <p>The site has been managed for native species revegetation over a period of 20 years. The vegetation on the allotment satisfies the merit considerations for E3 zone. However, the allotment incorporates a registered plantation forest and an approved yet to be constructed rural tourist facility.</p> <p>The forestry plantation has been established in the western and north western sections of the allotment. The plantation code is 97/020 and was registered with the then Department of Urban Affairs and Planning. Whilst it is acknowledged that silviculture could proceed under the existing use provisions of the <i>EP&amp;A Act 1979</i> if the allotment is zoned E3, private forestry plantations is one criteria used to translate land to RU1 in accordance with the Lismore Environmental Study 2010.</p> <p>Development consent 88/595 for a rural tourist facility was issued on 25/11/88. Minor amendments to the consent were made under s 102 of the EP&amp;A Act on 9/2/90 and 19/3/90. The consent is for 15 cabins catering for a maximum of 45 guests. The consent did not include a site plan, so the location of the cabins can be determined at the construction certificate stage. The cabins are yet to be constructed, however the consent has been lawfully commenced, a matter formally acknowledged by Council.</p> <p>The Standard Instrument (Local Environmental Plans) Amendment Order 2011 was made and published on 25 February 2011. Relevant to this discussion is the introduction of the <i>eco-tourist facility</i> land use definition. The <i>rural tourist facility</i> definition is not used in the SI LEP. The approved <i>rural tourist facility</i> can be classified as an <i>eco-tourist facility</i> under the SI LEP. The land use can continue outside of the existing use provisions of the <i>EP&amp;A Act 1979</i> if eco-tourist facilities are made permissible with consent in E3 and RU1. In this regard, it is recommended that the new land use</p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>definition <i>eco-tourist facility</i> is permissible with consent in at least E3 Environmental Management, RU1 Primary Production and RU2 Rural Landscape zones. Refer to the summary of Standard LEP Instrument amendments for more detail.</p> <p><u>Recommendation</u> It is recommended that the area of the allotment that incorporates the plantation forestry, dwelling and cleared areas should be zoned RU1. The remaining woody vegetation in the north eastern one third of the allotment should be zoned E3.</p>
<p>Cheryl &amp; Michael Cochran</p>	<p>108 Nightcap Range Road, Dorrroughby. Lot 40 DP 608509 is currently zoned 1(a) General Rural. The entire allotment is translated to RU2 in the draft LEP.</p> <p>The allotment is mapped with wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>The submitter requested that their land be included in an environmental protection zone.</p>	<p><u>Site inspection</u> Site inspection conducted on 15/12/2010.</p> <p>The contiguous patch of woody vegetation within the north eastern half of the allotment, generally delineated by a diagonal line running north west to south east through the lot, is consistent with the merit considerations of the E3 zone as listed in the Lismore Environmental Study 2010.</p> <p>The vegetation within the area described above is tall open forest with a mixed canopy of Tallowwood, Brushbox, Pink Bloodwood and Turpentine. The vegetation in this area is in good condition with minimal weed infestation.</p> <p><u>Recommendation</u> It is recommended that this north eastern section of the lot is zoned E3. Land within the south western half of the allotment, including the area containing buildings, cleared grazing areas and patches of woody vegetation should all remain the same rural zone as that proposed and consistent with adjoining allotments.</p>
<p>Keith Shailes</p>	<p>81 Coopers Creek Road, Repentance Creek. Lot 1 DP 606963 is currently zoned 1(a) General Rural. The allotment is translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation and key habitat in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 16/12/2010.</p> <p>Significant native vegetation on the allotment was mapped as subtropical rainforest. The site inspection revealed that this woody vegetation had a canopy dominated with camphor laurel with very minimal rainforest understorey.</p> <p><u>Recommendation</u> It is recommended the rural zone that is applied over the eastern part of the lot and surrounding lots is applied to the entire allotment.</p>

Name	Site description	Site specific response regarding E2/E3 zones
Bruce Stewart	<p>449 Repentance Creek Road, Repentance Creek. Lot 4 DP 719719 is currently zoned 1(a) General Rural. The allotment is translated to RU1, RU2 and E3 in the draft LEP.</p> <p>A portion of the allotment is mapped with native vegetation and key habitat in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 16/12/2010.</p> <p>Council's vegetation mapping indicates that subtropical rainforest is located in the central northern part of the lot, west of Coopers Creek Road. The proposed E3 zone extends over this and beyond into open grazing land. The site inspection revealed that subtropical rainforest is located on the western side of Coopers Creek Road, in the north of the allotment. The rainforest community in this part of the allotment is classified as an EEC.</p> <p><u>Recommendation</u></p> <p>It is recommended that the E3 zone is reduced so that it encompasses only the area identified as subtropical rainforest in the central northern part of the lot, adjacent to the western side of Coopers Creek Road, as identified in Council's vegetation mapping. The E3 zone boundary should follow the perimeter of the woody vegetation in this location. The surrounding rural zone should be used for the rest of the original proposed E3 area.</p>
Brett Allen	<p>149 Coopers Creek Road Repentance Creek. Lot 1 DP 584194 is currently zoned 1(a) General Rural. It is translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with wildlife corridor and native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site visit conducted on 10/12/2010.</p> <p>The 5.5 hectare allotment incorporates a dwelling and café. The vegetation on the allotment is restricted to weed species and some native regrowth trees, generally Sally Wattle, less than 20 years of age. The vegetation on the site could be cleared without consent (permitted clearing) under Division 2 or 3 of Part 3 of the NV Act.</p> <p><u>Recommendation</u></p> <p>It is recommended that the proposed E3 zone is not used on the land and the rural zone proposed for surrounding land is used instead.</p>
M Maso	<p>114 Maso Road, Repentance Creek. Lot 7 DP 615305 is currently zoned 1(a) General Rural. Proposed Zone predominantly E3 with some RU2 on the south eastern part of the lot.</p> <p>The allotment includes some native vegetation and key habitat in the draft</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 20/12/2010.</p> <p>The site inspection revealed significant areas of Subtropical Rainforest / Brushbox, generally consistent with Council's vegetation mapping. This vegetation community is classified as an EEC.</p> <p>The area proposed to be zoned E3 extends beyond rainforest into open pastures and other woody vegetation of lower conservation significance.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	LEP Natural Resources Sensitivity – Biodiversity Map.	<p><u>Recommendation</u> It is recommended that the proposed E3 area be reduced so that it generally encompasses the areas mapped as predominantly native vegetation in the Ecological Report prepared by Landmark (CI11/4033). The surrounding rural zone should be used for the areas removed from the proposed E3 zone.</p>
Denis Byrne	<p>191 Repentance Creek Road Rosebank. Lot 7 DP 625596 is currently zoned 1(a) General Rural. It is translated to RU1, RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation, key habitat and wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 21/12/2010.</p> <p>The site visit revealed that the proposed E3 zone covered sclerophyll forest with a dominant Brushbox over storey. The proposed E zone also extended beyond the ecological asset over some cleared land and a small area of Camphor Laurel.</p> <p><u>Recommendation</u> It is recommended that the E3 zone be reduced in area so that it generally follows the perimeter of the vegetation mapped as subtropical rainforest in the north western corner of the lot, within the existing proposed E3 area. The adjacent rural zone should be used over the area deleted from the E3 zone.</p>
Sharon McGrigor	<p>26 Fox Road Rosebank. Lot 23 DP 813117 is currently zoned 1(a) General Rural. It is translated to RU1 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>The submitter requested that their land be included in an environmental protection zone.</p>	<p><u>Site inspection</u> Site inspection conducted on 21/12/2010.</p> <p>The site inspection revealed that the vegetation consisted of a mix of exotic weed species, sclerophyllous species and some rainforest trees.</p> <p>The land has potential for environmental regeneration and rehabilitation, a merit consideration for E3 zone as listed in the Lismore LES 2010. several native tree species had been planted on the allotment.</p> <p><u>Recommendation</u> It is recommended that the allotment be translated to E3 zone, in accordance with the landholder's request.</p>
Julian & Vanessa Smith	188 Fox Road, Rosebank. Lot 1 DP 588121 is currently zoned 1(a) General Rural. The entire allotment is translated to E3 in the draft LEP.	<p>Owner request for no site visit.</p> <p>The subject allotment has been translated into the E3 zone in accordance with the merit considerations of the Lismore Environmental Study 2010.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>The allotment is mapped with wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	
<p>A Boston &amp; S Sommerville</p>	<p>27 Minyon Falls Road Rosebank. Lot 6 DP 591904 is currently zoned 1(a) General Rural. It is translated to E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation, wildlife corridor and key habitat in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 10/1/2011.</p> <p>This allotment and other adjoining lots in and around this location are ex banana farms. The area is in close proximity to the Nightcap National Park. It could be argued that land in close proximity to national parks should be zoned E2 or E3. Land in this location does have “environmental values”, which is a merit consideration for E3 in the Lismore Environmental Study 2010. It should be noted that land on the eastern side of Minyon Falls Road, also in close proximity to the national park, is proposed to be zoned RU2.</p> <p>Vegetation on the allotment is a mixture of wet sclerophyll forest, subtropical lowland rainforest and Camphor Laurel dominated forest.</p> <p>The vegetation on the eastern side of the land (approximately one third of the land area) is generally of lower conservation significance than vegetation on the western two thirds of the lot. Camphor Laurel forest is dominant in the east. There is patch of Eucalypt forest adjacent to the western and southern sides of the dwelling within which a koala was sited at the time of the site inspection. However, most of this small area of Eucalypt forest could be removed without consent under the <i>Native Vegetation Act 2003</i> for the purposes of a bush fire asset protection zone for the dwelling house and ancillary structures.</p> <p>Land generally in the western two thirds of the allotment was vegetated with lowland subtropical rainforest (EEC) and wet sclerophyll forest.</p> <p><u>Recommendation</u></p> <p>It is recommended that the land generally 110m west of the western side of the existing dwelling remain as E3 zone and the rural zone used on neighbouring eastern allotments be used on the rest of the lot.</p> <p>To ascertain the recommended E3 boundary, a horizontal line should be drawn in a westerly direction</p>



Name	Site description	Site specific response regarding E2/E3 zones
J & C O'Grady	<p>67 Minyon Falls Road Rosebank. Lot 94 DP 755752 is currently zoned 1(a) General Rural. It is translated to E3 in the draft LEP.</p> <p>The allotment is mapped with wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>from the western side of the dwelling. The E3 boundary should perpendicularly intersect with this horizontal line and generally travel in a north south direction. The E3 boundary should generally be consistent with the perimeter of the woody vegetation in this location.</p> <p><u>Site inspection</u></p> <p>Site inspection conducted on 10/1/2010.</p> <p>The vegetation in the west and south west of the allotment is tall open forest dominated by Blackbutt, Tallowood, Brushbox and White Mahogany. Scibbly Gum dominates in the north west. Camphor Laurel dominates in much of the remainder of the lot.</p> <p>This allotment and other surrounding lots in this location are ex banana farms. The area is in close proximity to the national park. It could be argued that land in close proximity to national parks should be zoned E2 or E3. Land in this location does have “environmental values”, which is a merit consideration for E3 in the Lismore Environmental Study 2010. It should be noted that land on the eastern side of Minyon Falls Road, also in close proximity to the national park, is proposed to be zoned RU2.</p> <p>The majority of this allotment, with the exception of the south western corner was under banana plantations until the mid 1980’s. Generally the old banana land is either cleared pastures or Camphor Laurel regrowth.</p> <p><u>Recommendation</u></p> <p>It is recommended that the proposed E3 zone be reduced as follows: The wet sclerophyll woody vegetation in the south western corner of the allotment should remain as E3 zone (approximately 15000m2). A twenty metre wide strip adjacent to the northern and western boundaries and adjacent to the National Park should also be zoned E3. The rural zone used on neighbouring eastern allotments should be used on the rest of the lot.</p>
Hans-Gunter Gross	<p>17 Minyon Falls Road, Rosebank. Lot 3 DP 611731 is currently zoned 1(a) General Rural. It is translated to E3 in the draft LEP.</p> <p>The allotment is mapped with native</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 10/1/2011.</p> <p>The 6.2 hectare allotment incorporates a dwelling and ancillary buildings. The vegetation on the allotment includes weed species and some native regrowth trees, many of which would be under 20</p>

Name	Site description	Site specific response regarding E2/E3 zones
	vegetation and key habitat in the draft LEP Natural Resources Sensitivity – Biodiversity Map.	<p>years old. Native regrowth trees (trees under 20 years old) can be removed without the consent of Council or the CMA in rural zones under clause 19 of the <i>Native Vegetation Act 2003</i>.</p> <p><u>Recommendation</u> It is recommended that the proposed E3 zone is not used on the land and the rural zone proposed for surrounding land is used instead.</p>
Malcolm Fox	<p>103 Fox Road, Rosebank. Lot 5 DP 631975 is currently zoned 1(a) General Rural. The allotment is translated to RU1 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation, wildlife corridor and key habitat in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 11/1/2011.</p> <p>The proposed E3 zone covers sclerophyll forest and extends beyond into cleared pasture areas. The north western section of the proposed E3 zone is tall open forest and dominated by Blackbutt. The south and south eastern portion of the proposed E3 land are open to closed forest dominated by Camphor Laurel, Blackbutt and Grey Ironbark.</p> <p><u>Recommendation</u> It is recommended that the E3 zone is reduced in area so that it follows the perimeter of the woody vegetation within the proposed E3 zone. The open pasture areas should be zoned rural, consistent with the zone used on the rest of the lot and surrounding western and southern allotments.</p>
Mr J & Mrs B Nanscawen	<p>158 Fox Road, Rosebank. Lot 21 DP 1044850 is currently zoned 1(a) General Rural. The property is translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 24/5/2011.</p> <p>A cleared orchard area of approximately 2 hectares is located in the north eastern part of the lot. The remainder of the allotment is classified as tall open forest and is generally dominated by Blackbutt with some Blackbutt / Brushbox associations.</p> <p>It is recommended that the cleared orchard area of approximately 2 hectares located in the north eastern part of the lot is zoned RU1.</p>
Sandra Heuston	<p>387 Ridgewood Road, Rosebank. Lot 13 DP 847265 is currently zoned 1(a) General Rural. The entire allotment is translated to RU1 in the draft LEP.</p> <p>The allotment is mapped with wildlife corridor and native vegetation in the draft</p>	<p><u>Site inspection</u> Site inspection conducted on 21/12/2010.</p> <p>The site visit revealed that extensive weed management and reforestation has been undertaken over the last two decades. Rainforest species indigenous to the area have been planted over the majority of the allotment.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>The submitter requested that their land be included in an environmental protection zone.</p>	<p>The approximately 5ha area of lowland subtropical rainforest is listed as an EEC. The land is burdened by easements for water supply pipelines. In accordance with clause 125(1) of SEPP (Infrastructure) 2007 Development for the purpose of water reticulation systems may be carried out by or on behalf of a public authority without consent on any land. Consequently, no special zone is required to protect the status of the easements.</p> <p>The vegetation is compatible with the Lismore LES 2010 criteria and merit considerations for E2 zone.</p> <p><u>Recommendation</u> It is recommended that the area of woody vegetation, west of the access driveway be translated to E2 zone. The E2 boundary should generally follow the perimeter of the vegetation. The remainder of the allotment should be zoned RU1. The RU1 should generally cover cleared areas, areas incorporating buildings, the vegetation adjacent to Ridgewood Road, and the tree line adjacent to and over the south south eastern boundary.</p>
Jim & Kay Hindmarsh	<p>2 Hull Road, Rosebank. Lot 301 DP 863374 is currently zoned 1(r) Riverlands and 1(a) General Rural. The allotment is translated to RU1 in the draft LEP.</p> <p>The allotment is mapped with some native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>The submitter requested that their land be included in an environmental protection zone.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 11/1/2011.</p> <p>The two hectare patch of vegetation adjacent to the northern boundary is subtropical lowland rainforest. The area has been fenced off from stock and actively managed for regeneration and weed control for the last six years. The vegetation is classified as an EEC - <i>Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions</i>.</p> <p>The area of vegetation is consistent with the merit considerations for E3 zone as outlined in the Lismore Environmental Study 2010. It is recommended that this portion of the allotment is zoned E3 in accordance with the request of the landholder. The zone boundary should follow the perimeter of the woody vegetation in this location.</p>
Mr J & Mrs P Challis	<p>892 Boatharbour Road, Eltham. Lot 21 DP 730264 is currently zoned 1(r) Riverlands and 7(a) Environmental Protection (Natural Vegetation and Wetlands). The property is translated to RU1 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural</p>	<p><u>Site inspection</u></p> <p>The offer of a site inspection was not accepted.</p> <p>A small portion of the eastern side of the allotment is within the proposed E2 zone. The footprint of this zone is identical to the existing 7(a) Environmental Protection (Natural Vegetation and Wetlands) zone. Council's vegetation mapping indicates that the vegetation within the proposed environmental protection zone is a combination of coastal valley grassy woodland and dry rainforest.</p> <p>The vegetation within the proposed E2 zone is known as the Glendower Remnant. The remnant is approximately 2.6ha in area of which 0.7ha is located within the subject 40ha allotment.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	Resources Sensitivity – Biodiversity Map.	<p><u>Recommendation</u></p> <p>It is recommended that some of the peripheral proposed E2 zone is reduced in area so that it generally follows the perimeter of the woody vegetation within the proposed environmental protection zone. The small area that is removed from the E2 zone should be zoned RU1.</p>
K Graham	<p>82 Faulkner Road, Wyrallah. Lot 2 DP 1128785 is currently zoned 1(a) General Rural and 7(b) Environmental Protection (Habitat). The allotment is translated to RU1 and E3 in the draft LEP.</p> <p>The allotment is mapped with areas of native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Owner request for no site inspection regarding E zones. The site has not been ground truthed by an ecologist; consequently the following comments are based on a desk top assessment.</p> <p>The 75.68 hectare allotment currently has 54.5 hectares within 7(b) Environmental Protection Zone (Lismore LEP 2000) or 72% of the land area. The area proposed for an environmental protection zone under the Draft LEP is reduced to 33.2 hectares or 44% of the land area.</p> <p>The vegetation within the proposed environmental zone is mapped as dry rainforest, sclerophyll forest, coastal woodlands and camphor laurel. The E3 zone boundary extends beyond the woody vegetation into cleared pastures.</p> <p>Tucki Tucki Creek flows through and around the allotment. The land generally slopes down to this watercourse</p> <p><u>Recommendation</u></p> <p>It is recommended that the E3 zone boundary be amended so that it generally follows the perimeter of the woody vegetation within the proposed E3 area. The surrounding RU1 zone should be used to substitute cleared areas removed from E3.</p>
M & D Brombal	<p>38B Faulkner Road, Wyrallah. Lots 93, 108 and 109 all in DP 755705 are currently zoned 1(a) General Rural and 7(b) Environment Protection (Habitat). The allotments are translated to RU1, RU2, E2 and E3 in the draft LEP.</p> <p>The allotments are mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Owner request for no site inspection regarding E zones. The site has not been ground truthed by an ecologist, consequently the following comments are based on a desk top assessment.</p> <p>16.18 hectares of the total land area of Lots 93, 108 &amp; 109 is currently within an environmental protection zone under the Lismore LEP 2000. The total land area proposed for an environmental protection zone within the draft LEP is 16.06 hectares.</p> <p>The vegetation within the proposed environmental zone is mapped as dry rainforest, sclerophyll forest, coastal woodlands and camphor laurel. The E3 zone boundary extends beyond the woody vegetation into cleared pastures. The approximately 8000m2 area proposed for E2 is generally clear of woody</p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>vegetation. Moreover, the vegetated section of the proposed E2 is less than the 5 hectares specified in the merit considerations of the Lismore Environmental Study.</p> <p>Tucki Tucki Creek flows through and around the allotments. The land generally slopes down to this watercourse.</p> <p><u>Recommendation</u> It is recommended that the E3 zone boundary be amended so that it generally follows the perimeter of the woody vegetation within the existing proposed E3 area. The proposed E2 area is generally clear of woody vegetation and the E zone should not be used in this location. The surrounding RU1 zone should be used to substitute cleared areas removed from E3 and E2.</p>
B Bryant	<p>476B Tregeagle Road, Wyrallah. Lot 91 DP 655344 and Lot 14 DP 732621 are currently zoned 1(a) General Rural and 7(b) Environmental Protection (Habitat). The allotments are translated to RU1 and E3 in the draft LEP.</p> <p>The allotments are mapped with some native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Owner request for no site inspection regarding E zones. The site has not been ground truthed by an ecologist; consequently the following comments are based on a desk top assessment.</p> <p>The total land area of Lots 91 and 14 is 87.33 hectares. 24.85 hectares of the land is currently within 7(b) Environmental Protection (Habitat) Zone (Lismore LEP 2000) or 28.5%. The area proposed for an environmental protection zone under the Draft LEP is 26.61 hectares or 30.5% of the land area.</p> <p>The amended environmental protection zone boundaries appear to more accurately reflect the presence of woody vegetation on the property. The vegetation within the proposed environmental zone is mapped as dry rainforest, sclerophyll forest, coastal woodlands and camphor laurel. The E3 zone boundary extends beyond the woody vegetation in both allotments into cleared pastures.</p> <p>Lot 14 and Lot 91 are bounded by Boggy Creek on their western and eastern sides respectively. Lot 91 also drains into Tucki Tucki Creek.</p> <p><u>Recommendation</u> It is recommended that the E3 zone boundary be amended so that it generally follows the perimeter of the woody vegetation within the proposed E3 area on both lots 14 and 91. The surrounding RU1 zone should be used to substitute cleared areas removed from E3.</p>
John Russell	<p>600 Tregeagle Road, Tregeagle. Lot 4 DP 703856 is currently zoned 1(a) General Rural and 1(b) Agricultural and 7(b) Environmental Protection (Habitat). The allotment is translated to RU1 and E3</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 13/12/2010.</p> <p>The area proposed for E3 zone is currently used for grazing and is vegetated with Camphor Laurel tall</p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>open to closed forest with occasional regrowth rainforest species in the understorey.</p> <p><u>Recommendation</u> It is recommended that the proposed E3 area is zoned RU1, consistent with the rest of the allotment and surrounding land parcels.</p>
Robert Needham	<p>628 Tregeagle Road, Tregeagle. Lot 5 DP 703856 is currently zoned 1(a) General Rural and 7(b) Environmental Protection (Habitat). The allotment is translated to RU1 and E3 in the draft LEP.</p> <p>The allotment is not mapped in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 13/12/2010.</p> <p>The proposed E3 zone extends beyond the identified high conservation value vegetation into coffee plantation and grazing land. The site inspection revealed the canopy of the vegetation was predominantly Camphor Laurel on a very steep slope with occasional regrowth rainforest species in the understorey. The landholder did not raise any objection to the use of E3 on this land provided that the zone did not extend into land currently used for agriculture.</p> <p><u>Recommendation</u> It is recommended that the E3 boundary be trimmed back so that it follows the actual perimeter of the woody vegetation proposed for protection. The surrounding RU1 zone should be used on the cleared areas removed from E3.</p>
C Anderson	<p>360 Connor Road, Tregeagle. Lot 5 DP 731808 is currently zoned 1(a) General Rural and 7(b) Environmental Protection (Habitat). The allotment is translated to E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Owner request for no site inspection regarding E zones. The site has not been ground truthed by an ecologist; consequently the following comments are based on a desk top assessment.</p> <p>The 19.27 hectare allotment currently has 9.5 hectares within 7(b) Environmental Protection (Habitat) Zone (Lismore LEP 2000) or 49% of the land area. The area proposed for an environmental protection zone under the Draft LEP is 19.27 hectares or 100% of the land area.</p> <p>The vegetation within the proposed environmental zone is mapped as dry rainforest, sclerophyll forest, coastal woodlands and camphor laurel. The E3 zone boundary extends beyond the woody vegetation into cleared pastures.</p> <p>The land generally slopes to the south east down to Boggy Creek, which forms the eastern boundary of the allotment.</p> <p><u>Recommendation</u></p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>It is recommended that the E3 zone boundary be amended so that it generally follows the perimeter of the woody vegetation within the proposed E3 area. More specifically the approximately 3.5 hectares of cleared land incorporating the dwelling in the north western corner of the lot should be zoned RU1.</p> <p><u>Bed and Breakfast establishment</u></p> <p>The existing dwelling is located within Zone No. 7(b) Environmental Protection (Habitat). Bed and breakfast establishments are only permissible if the dwelling was lawfully erected and used before Lismore LEP 2000 amendment 10 (8 Nov 2002). Under the draft LEP bed and breakfast accommodation is permissible with consent in RU1, RU2 and E3.</p>
Beverley Green	<p>229 Connor Road, Tregeagle Lot 11 DP 589356 is currently zoned 1(a) General Rural, 1(b) Agricultural and 7(b) Environment Protection (Habitat)</p> <p>Proposed zone E3 Environmental Management and RU1 Primary Production.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 14/12/2010.</p> <p>The site inspection confirmed that the proposed E3 zone extends well into land currently used for macadamia orchards in the southern portion of the lot and Camphor Laurel forest in the northern section of the lot.</p> <p><u>Recommendation</u></p> <p>It is recommended that the boundary of the proposed E3 zone is amended (reduced) so that it is consistent with the perimeter of the woody vegetation within the existing 7(b) zone, excluding all of the macadamia orchards, dwelling and sheds. The tall open forest within this section of the lot includes Forest Redgum, Tallowwood and Pink Bloodwood.</p> <p>Additionally, the proposed E3 zone on the adjoining northern allotment (Lot 2 DP 585444) should be amended so that it is restricted to the south western corner, generally mapped as wet sclerophyll forest. The remaining proposed E3 on this lot is camphor laurel and should be zoned RU1.</p>
Simon Romalis	<p>245A Connor Road, Tregeagle. Lot 12 DP 589356 is currently zoned 1(a) General Rural and 7(b) Environment Protection (Habitat). The allotment is translated to RU1 and E3 in the draft LEP.</p> <p>Some of the allotment is mapped with</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 14/12/2010.</p> <p>The proposed E3 zone covers the existing 7(b) Environment Protection (Habitat) Zone and extends well into Camphor Laurel forest. The existing 7(b) zone incorporates the majority of the woody vegetation with conservation significance. The vegetation in this portion of the lot is described as tall</p>

Name	Site description	Site specific response regarding E2/E3 zones
	native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.	open forest with co-dominant canopy species including Forest Redgum and Tallowwood.  <u>Recommendation</u> It is recommended that the proposed E3 zone be reduced in area so that its northern limit on the allotment is the same as the existing 7(b) zone. RU1 zone should be used to substitute the Camphor Laurel forest proposed for E3.
Mr I & Ms L Pursey	215 Connor Road, Tregeagle. Lot 2 DP 585444 is currently zoned 1(a) General Rural, 1(b) Agricultural and 7(b) Environment Protection (Habitat). The allotment is translated to combination of RU1 and E3 in the draft LEP.  The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.	<u>Site inspection</u>  Site inspection conducted on 19/5/2011.  <u>Recommendation</u> It is recommended that the E3 zone is reduced in area so that it generally covers the Eucalypt vegetation in the south western corner of the land. The existing zone within this area is 7(b). The northern half of the E3 land is generally vegetated with Camphor Laurel and other weed species with limited early regrowth rainforest and the use of the surrounding rural zone is more appropriate.
P & D Chapman	266 Connor Road, Tregeagle. Lot 1 DP 1115271 is currently zoned 7(b) Environment Protection (Habitat) with a small portion within 1(a) General Rural and the allotment is translated to combination of RU1 and E3 in the draft LEP.  The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.	<u>Site inspection</u>  Site inspection conducted on 19/5/2011.  89% of the 41.5 hectare allotment is currently within an environmental protection zone under the Lismore LEP 2000. The total land area proposed for an environmental protection zone within the draft LEP is reduced to 70.5%.  Forest Red Gum and Tallowwood are generally co-dominant canopy species within the open forest. Forest Red gum dominates on the southern boundary. The lower slopes and gully lines are vegetated with regrowth rainforest and exotic species.  <u>Recommendation</u> It is recommended that the E3 zone is further reduced in area so that it generally follows the perimeter of the woody vegetation within the proposed environmental protection zone. The open pasture areas removed from environmental protection zoning should be zoned rural, consistent with the zone used on the remainder of the allotment.
Mr J Kinkead & Ms J Mossfield	374 Connor Road, Tregeagle. Lot 6 DP 731808 is currently zoned 7(b)	<u>Site inspection</u>



Name	Site description	Site specific response regarding E2/E3 zones
	<p>Environment Protection (Habitat) and the allotment is translated to combination E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>Site inspection conducted on 24/5/2011.</p> <p>Pink Bloodwood and Tallowwood are generally co-dominant canopy species within the open forest in the western part of the lot with some flooded gums present on the lower slopes. The upper slopes of the eastern part of the lot incorporate regrowth rainforest, with some Pink Bloodwood and Tallowwood present. The naturally occurring regrowth rainforest is an EEC.</p> <p><u>Recommendation</u> It is recommended that the E3 zone is reduced in area so that it generally follows the perimeter of the woody vegetation within the proposed environmental protection zone. RU1 should be used on the open pasture areas removed from environmental protection zoning.</p>
Colin & Doreen Walters	<p>251 Tatham Road, South Gundurimba. Lot 1 DP 405077 is currently zoned 1(r) Riverlands and 7(a) Environmental Protection (Natural Vegetation and Wetlands). The allotment is translated to RU1 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 7/12/2010.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC's:</p> <p>(i) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i> (ii) <i>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion.</i> (iii) <i>Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion.</i></p> <p>Some of the EEC in the north of the lot is fenced off from livestock. This area has been the subject of significant weed management funded by the Environmental Trust. The rest of the lot, including treed areas, is used for grazing.</p> <p>The proposed E2 zone on the allotment extends significantly beyond the EEC's into pastures.</p> <p><u>Recommendation</u> It is recommended that the boundary of the E2 zone is amended to follow the perimeter of the actual woody vegetation within the area currently delineated by the E2 zone.</p> <p>The current land use can continue in the proposed E2 zone under the existing use provisions of the EP&amp;A Act.</p>
Lois Wadsworth	Note that the submission did not relate to the submitter's own property	Comments Regarding 140 and 94 Hazlemount Lane appear elsewhere in this table as a response to the landholder submission.

Name	Site description	Site specific response regarding E2/E3 zones
	<p>140 Hazlemount Lane, Tuckurimba. Lot 4 &amp; 5 in DP 857530, are currently zoned 1(a) General Rural, 1(r) Riverlands. The allotments are translated to RU2 and E3 in the draft LEP.</p> <p>The allotments are mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>Crown Land opposite 1566 Wyrallah Road Tucki Tucki. Lot 131 DP 728195 is currently zoned 7(b) Environmental Protection (Habitat) and 1(r) Riverlands. The allotment is translated to RU1 and E2 in the draft LEP.</p> <p>The allotment is mapped with some native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map. The land is also mapped with some koala habitat.</p> <p>94 Hazlemount Lane, Tuckurimba. Lot 183 DP 1013042 and Lot 4 DP 588125 are currently zoned 1(a) General Rural, 1(r) Riverlands. Lot 183 is translated to RU2 and E3 and Lot 4 is translated to RU2 in the draft LEP.</p> <p>Lot 183 is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>Further investigation/mapping of vegetation will be undertaken as part of the Biodiversity Management Strategy currently being prepared by Council.</p> <p><u>Site inspection</u></p> <p>Site inspection Lot 131 (Crown land) conducted on 9/12/2010. The proposed E2 zone in Lot 131 has been done in accordance with the Lismore Local Environmental Study 2010. The vegetation within the allotment incorporates Eucalypt forest identified as secondary koala habitat. The proposed E2 zone also incorporates some areas of an EEC - <i>Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions</i>.</p>
John White	<p>140 Hazlemount Lane Tuckurimba. Lot 4 DP 857530 is currently zoned 1(a) General Rural and 1(r) Riverlands. It is</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 9/12/2010.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>The proposed E3 zone on the allotment incorporates the following EEC's:</p> <ul style="list-style-type: none"> <li>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></li> <li>(ii) <i>Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></li> <li>(iii) <i>Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions.</i></li> </ul> <p>The freshwater wetlands are in excellent condition. The rainforest has minor weeds including lantana. Some of the proposed E3 extends into pasture land. The allotment is currently used for grazing.</p> <p><u>Recommendation</u> It is recommended that the E3 zone boundary is amended to follow the perimeter of the woody vegetation within the proposed E zone.</p>
Chris and Kim Woolley	<p>139 Hazlemount Lane Tuckurimba. Lot 10 DP 736216 is currently zoned 1(r) Riverlands. It is translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 9/12/2010.</p> <p><u>Recommendation</u> It is recommended that the E zone be removed from this allotment as the vegetation in this area is generally introduced grass species and one Melaleuca. The proposed rural zone for the surrounding land should be used in this part of the lot.</p>
Graham Smith	<p>12 Baxter Lane, Tuckurimba. Lot 85 DP 755746 is currently zoned 1(a) General Rural and 1(r) Riverlands. The allotment is translated to RU1, RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with some native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 27/11/2010.</p> <p>The proposed E3 zone on the allotment incorporates an EEC identified as <i>Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion</i>. The vegetation is early regrowth and is dominated with exotic species, interspersed with Eucalypts.</p> <p>Proposed E3 area is used for grazing in times of flood. A recommendation is made in table 1 above for extensive agriculture to be permissible without consent in E3. The proposed E3 zone extends significantly beyond the woody vegetation into pastures.</p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p><u>Recommendation</u> It is recommended the E3 zone boundary follow the perimeter of the vegetation. Small cleared areas surrounded by woody vegetation should remain E3.</p>
Tony Millard	<p>191 Tuckurimba Road, Tuckurimba. Lot 22 DP 701081 is currently zoned 1(r) Riverlands and 1(a) General Rural. The allotment is translated to combination of RU1, RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 19/5/2011.</p> <p>The proposed E3 zone on the allotment incorporates an EEC identified as <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>. The vegetation is mature and dominated with native species with minimal weed infestation.</p> <p><u>Recommendation</u> It is recommended that the E3 zone is reduced in area so that it generally follows the perimeter of the woody vegetation within the proposed environmental protection zone. The open pasture areas removed from environmental protection zoning should be zoned rural, consistent with the zones used on the remainder of the allotment.</p>
Jeff Champion	<p>94 Hazlemount Lane Tuckerimba. Lot 5 DP 857530, Lot 4 DP 588125, Lot 183 DP 1013042, Lot 1 DP 127550, Lot 101 DP 755746 are currently zoned 1(a) General Rural and 1(r) Riverlands. It is translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Offer of site inspection declined.</p> <p><u>Use of E3 zone</u> Habitat assessment for several allotments supplied by landholder. The habitat assessment for Lot 183 DP 1013042, Lot 1 DP 127550 and Lot 101 DP 755746 is relevant as these allotments incorporate proposed E3 zone. The Habitat assessment was prepared by Professor Peter Baverstock BSc(Hons), PhD, DSc, Wildlife Biologist.</p> <p><u>Recommendation</u> The following recommendations are based on the habitat descriptions provided in the aforementioned habitat assessment.</p> <p>The proposed E3 zone should be reduced so that it is limited to areas labelled as F and G in the habitat assessment (refer to document CI10/35213). The vegetation within these areas is consistent with an EEC under the <i>Threatened Species Conservation Act 1995</i>. The surrounding rural zone should be used over the remainder of the land proposed for E3.</p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>It should be noted that vegetation on surrounding allotments at a similar elevation incorporate the following EECs:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(ii) <i>Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(iii) <i>Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions.</i></p>
JP & CJ McKeough	<p>481C Tuckean Island Road, Green Forest.</p> <p>Lot 141 and 142 in DP 755691 are currently zoned 1(a) General Rural and 1(r) Riverlands. The allotments are mainly translated to RU2 in the draft LEP. Lot 141 includes some E2.</p> <p>A portion of each allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>The allotments are both mapped as flood prone.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 29/11/2010.</p> <p>The proposed E2 zone on the allotment incorporates an EEC identified as <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i> The vegetation is described as tall woodland with an open understorey of grass/herbland containing a mixture of exotic pasture grasses and native species typical of floodplain wetlands.</p> <p><u>Recommendation</u></p> <p>It is recommended that the surrounding rural zone be used in the southern end of the proposed E2 area as this part of the allotment is vegetated with pastures. Otherwise, the application of the E2 zone on this allotment is consistent with the criteria outlined in the Lismore Local Environmental Study 2010.</p> <p>The existing use provisions of the EP&amp;A Act may be applicable. The two allotments, including the area of proposed E2, were used for grazing at the time of the site visit.</p>
WP & FG Lulham	<p>439 Tuckean Island Road, Green Forest. Lots 2 DP 801877 is currently zoned 1(a) General Rural and 1(r) Riverlands. The property is translated to RU2 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>Personal communication with land owner in January 2011 regarding Draft LEP</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 24/5/2011.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC's:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(ii) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(iii) <i>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion.</i></p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>issues. The letter of objection was received outside of the public exhibition period, however the matters raised are relevant to the LEP submission review process.</p>	<p>The vegetation is largely mature to young regrowth tall open forest to open woodland. Camphor Laurel is occasional in the upper stratum and sparse to dense in the lower strata. The understorey consists largely of grazed pasture.</p> <p><u>Recommendation</u> To ensure consistency with the LES it is recommended that the boundary of the E2 zone is trimmed back so that it generally follows the perimeter of the woody vegetation within the area proposed for E2. The cleared area vegetated with camphor laurel in the shape of an "E" and the rectangular plantation block approximately 100m to the east of the "E" should be removed from the E2 zone.</p> <p>The landholder requested that his concerns regarding the increased presence of camphor laurel on the allotment be recorded.</p> <p>The surrounding rural zone should be used to substitute any land removed from E2.</p> <p>The existing use provisions of the EP&amp;A Act may be applicable. The allotments, including the area of proposed E2, were used for grazing at the time of the site visit.</p>
Phillip Weis	<p>305 Tuckean Island Road, Green Forest.</p> <p>Lots 1, 3, 7, 8 &amp; 9 all in DP 8740, Lot 4 DP 115382 and Lot 1 DP 246085 are currently zoned 1(a) General Rural and 1(r) Riverlands. The property is translated to RU2 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p> <p>Lots 1, 58, 151, 288 &amp; 289 all in DP 755720, Lots 1 &amp; 2 in DP 208731, Lot 139 DP 755720 and Lot 7 DP 844022 are currently zoned 1(a) General Rural and 1(r) Riverlands. The property is translated to RU2 in the draft LEP. A portion of Lot</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 29/11/2010.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC's:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(ii) <i>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion.</i></p> <p>The Broad-leaved Paperbark tall open forest/woodland is disturbed mature forest, with a midstorey of Camphor Laurel. The Swamp box woodland is advanced regrowth including remnant mature Swamp Box and Forest Redgum. The ground cover is a mixture of native grasses, ferns and forbs, along with exotic pasture grasses.</p> <p>The application of the E2 zone on these allotments is generally consistent with the criteria outlined in the Lismore Local Environmental Study 2010.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>139 is translated to E2.</p> <p>Some of the land is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Recommendation</u> It is recommended that the boundary of the E2 zone is trimmed back so that it follows the perimeter of the woody vegetation within the area proposed for E2. This amendment should apply to Lots 1, 3, 7, 8 &amp; 9 all in DP 8740 and Lot 4 DP 115382. The surrounding rural zone should be used to substitute any land removed from E2.</p> <p>The existing use provisions of the EP&amp;A Act may be applicable. The allotments, including the area of proposed E2, were used for grazing at the time of the site visit.</p>
Arthur George Weis	<p>256 Tuckean Island Road, Marom Creek. Lot 146 DP 755691 and Lot 1 DP 1090388 are currently zoned 1(r) Riverlands. The allotments are translated to RU1 and E2 in the draft LEP.</p> <p>Some of the allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 30/11/2010.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>The vegetation within the proposed E2 has a sparse canopy and an understorey of pasture grasses.</p> <p><u>Recommendation</u> The application of the E2 zone has been done in accordance with the LES E2 methodology. No change recommended.</p> <p>At the time of the inspection the land was used for grazing. This land use could continue in accordance with the existing use provisions of the EP&amp;A Act.</p>
Mr C Lumley	<p>192B Mathieson Lane, Marom Creek. Lot 177 DP 755691 is currently zoned 1(r) Riverlands. The allotment is translated to combination of RU2 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 17/5/2011.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>The forest includes both mature trees of a height to 18m and young regenerating stems. The vegetation is generally in good condition, with a small component of Camphor Laurel. The proposed E2 boundary partially extends beyond into cleared pasture areas.</p> <p><u>Recommendation</u> It is recommended that the E2 zone is reduced in area so that it follows the perimeter of the woody vegetation within the proposed E2 zone. The open pasture area should be zoned rural, consistent with the zone used on the rest of the lot.</p>
Michael Boland	<p>53 Paff Lane, East Coraki. Lot 1 DP 547374 is currently within zone 1(r) Riverlands and 1(a) General Rural. Lot 115 DP 755699 is currently zoned 1(r). Proposed zone includes RU1 and E2.</p> <p>The allotments include some native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> Site inspection conducted on 27/11/2010.</p> <p>The proposed E2 zone on the allotments incorporates an EEC identified as <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>. The vegetation is mature and dominated with native species with minimal weed infestation. The proposed E2 extends significantly beyond the native vegetation into cleared pastures. Moreover, the EEC vegetation does not extend into Lot 115. The proposed area for E2 on this allotment also includes a dwelling house and sheds and is vegetated with pasture grass and various exotic trees and shrubs.</p> <p><u>Recommendation</u> It is recommended that the boundary of the E2 zone is amended to follow the perimeter of the woody vegetation and wetland grasses and sedges in both lots 1 and 115. This will remove E2 zone from Lot 115. The open pasture area should be zoned rural, consistent with the zone used on the rest of the lot.</p> <p>The current land use i.e. grazing can continue in the proposed E2 zone under the existing use provisions of the EP&amp;A Act.</p>
Ms K Boland & Mr N Charters	<p>2 Paff Lane East Coraki. Lot 2 DP 1086421 is currently zoned 1(r) Riverlands. The allotment is translated to combination of RU2 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u> The offer of a site inspection was not accepted. Council's vegetation mapping indicates that the vegetation within the proposed environmental protection zone is a combination of Coastal Floodplain Wetlands, Coastal Swamp Forest and Dry Rainforest. The vegetation is listed as an Endangered Ecological Community under the <i>Threatened Species Conservation Act 1995</i>.</p> <p><u>Recommendation</u> It is recommended that some of the peripheral proposed E2 zone is reduced in area so that it</p>



Name	Site description	Site specific response regarding E2/E3 zones
		<p>generally follows the perimeter of the woody vegetation within the proposed environmental protection zone. The area north of Paff Lane within the proposed E2 generally devoid of woody vegetation is likely to be freshwater wetland (EEC) and should remain in E2.</p> <p>The pasture areas removed from E2 should be zoned rural, consistent with the zone used on the remainder of the allotment.</p>
David Haynes	<p>1856 McCaughey Road, Green Forest. Lot 136 DP 755691 is currently zoned 1(r) Riverlands. It is translated to RU2 and E3 in the draft LEP.</p> <p>The allotment is not mapped in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 29/11/2010.</p> <p>The vegetation on the portion of the allotment proposed for E3 is limited to pasture species. The native vegetation is located on adjoining allotments at a distance greater than 50 metres.</p> <p><u>Recommendation</u></p> <p>It is recommended that the E3 zone is removed from the land and replaced with the surrounding rural zone used on the allotment.</p>
Roger Olive	<p>775 Tuckean Island Road, Green Forest. Lots 155, 156 &amp; 168 all in DP 755691 are currently zoned 1(r) Riverlands. It is translated to RU2, E2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation and wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 30/11/2010.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>The vegetation in the proposed E2 is highly disturbed mature tall open forest to open woodland with Camphor Laurel occasional in the upper stratum. The understorey consists largely of grazed pasture.</p> <p>The proposed E3 zone on the allotment incorporates the following EEC's:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(ii) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(iii) <i>Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions.</i></p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>The vegetation consists of very sparse tree cover. Camphor Laurel was well controlled on the property.</p> <p>The allotments are currently used for grazing and the land use could continue in the proposed E zones in accordance with the existing use provisions of the EP&amp;A Act.</p> <p><u>Recommendation</u> It is recommended that some of the peripheral proposed E2 and E3 zones are reduced in area so the E zone boundary generally follows the perimeter of the woody vegetation within the proposed environmental protection zones. The pasture areas removed from E2 and E3 should be zoned rural, consistent with the zone used on the remainder of the allotment.</p> <p>A recommendation is also made in table 1 above to permit extensive agriculture within E3 without consent.</p>
<p>Michael McKeough</p>	<p>108 Stibbard Lane, Green Forest. Lots 151, 166, 179 &amp; 180 in DP 755691 are currently zoned 1(r) Riverlands Proposed zone RU2 Rural Landscape for all lots with the exception of part of Lot 166 which is to be zoned E2. This section of the allotment is mapped as sugar cane land.</p>	<p><u>Site inspection</u> Site inspection conducted on 30/11/2010.</p> <p>The area of Lot 166 proposed for E2 zone is mapped as sugar cane land and is used for growing cane. There are no native trees or shrubs in this part of the allotment. Native vegetation (EECs) is located on adjoining lots.</p> <p><u>Recommendation</u> It is recommended that the E2 be removed from the land and that this part of the lot be translated to the same rural zone as the rest of the allotment.</p> <p>Mapped cane lands have been supplied to Council by the Cane Growers Association. Any land identified on this map will be zoned rural (refer to Attachment 1 for rural zone recommendations).</p>
<p>Messrs J &amp; I Wunsch</p>	<p>861 Tuckean Island Road, Green Forest. Lots 1 &amp; 2 DP 627659 and Lot 1 DP 110168 are currently zoned 1(r) Riverlands. The allotments are translated to a combination of RU1, RU2, E2 and E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural</p>	<p><u>Site inspection</u> The offer of a site inspection was declined by the landholder. Council's vegetation mapping indicates that the vegetation within the proposed environmental protection zones is a combination of Coastal Swamp Forest, Coastal floodplain Wetlands, Dry Rainforest and Camphor Laurel. The majority of the vegetation is listed as an Endangered Ecological Community under the <i>Threatened Species Conservation Act 1995</i>.</p> <p><u>Recommendation</u></p>

Name	Site description	Site specific response regarding E2/E3 zones
	Resources Sensitivity – Biodiversity Map.	<p>It is recommended that the E2 and E3 zones are reduced in area so they generally follow the perimeter of the woody vegetation within the proposed environmental protection zones. Scattered trees within the proposed environmental zones, adjacent to or generally surrounded by more dense vegetation, are likely to be classified as EEC and should be left within the environmental zones.</p> <p>The open pasture areas removed from environmental protection zoning should be zoned rural, consistent with the zones used on the remainder of the allotments.</p>
Mr G Bryen & Ms W Goward	<p>812 Tuckean Island Road, Green Forest. Lot 154 DP 755691 is currently zoned 1(r) Riverlands. The allotment is translated to a combination of RU2 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>The offer of a site inspection was declined by the landholder. Council’s vegetation mapping indicates that the vegetation within the proposed environmental protection zone is a combination of Coastal floodplain Wetlands and Camphor Laurel. The majority of the vegetation is listed as an Endangered Ecological Community under the <i>Threatened Species Conservation Act 1995</i>.</p> <p><u>Recommendation</u></p> <p>It is recommended that the E2 zone is reduced in area so that it generally follows the perimeter of the woody vegetation within the proposed environmental protection zone. The open pasture areas should be zoned rural, consistent with the zone used on the remainder of the allotment.</p>
John & Leone Stibbard	<p>304 Hoare Lane, Dungarubba. Lots 160, 223 and 224 all in DP 755691 are currently zoned 1(r) Riverlands and 7(a) Environmental Protection (Natural Vegetation and Wetlands). It is translated to RU1 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation and wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 2/12/2010.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC's:</p> <ul style="list-style-type: none"> <li>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></li> <li>(ii) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></li> </ul> <p>The vegetation along the northern boundary in the proposed E2 zone is mature tall open forest to open woodland with a well developed understorey. The vegetation is generally in excellent condition with minimal weed infestation. The E2 zone boundary extends into land currently used for tea tree plantation in Lot 223. It is recommended that the E2 boundary is trimmed back so that it follows the perimeter of the woody vegetation within the proposed E zone on Lots 223 and 224.</p>

Name	Site description	Site specific response regarding E2/E3 zones
		<p>The proposed E2 adjacent to the boundary fence on south western portion of Lot 223 and is disturbed regrowth forest with an understorey of grazed pasture within 6m of the boundary fence. The vegetation could be removed without consent under clause 20 of the Native Vegetation Regulation 2005. It is recommended that the E2 zone not be used in this section of the land and RU1 used for the surrounding land also be used in this location.</p> <p><u>Recommendation</u> The SEPP 14 boundary extends into the north eastern corner of the lot beyond the E2 zone. This part of the land is currently under tea tree. Council has the option of including this part of the lot in the E2 zone, however, it is not likely to deliver enhanced environmental outcomes. It is recommended that in this instance the SEPP 14 land is maintained as a rural zone. In the event that a development application for a land use other than agriculture is lodged, the provisions of the SEPP will have to be considered.</p> <p>SEPP 14 Clause 5: <i>Subject to section 74 (1) of the Act, in the event of an inconsistency between this policy and another environmental planning instrument, whether made before, on, or after the date on which this policy is made, this policy shall prevail to the extent of the inconsistency.</i></p>
Gavin Robb	<p>230 Stibbard Lane, Dungarubba. Lot 2 DP 597026 is currently zoned 1(r) Riverlands. It is translated to RU2 and E2 in the draft LEP.</p> <p>The allotment is mapped with native vegetation in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 2/12/2010.</p> <p>The proposed E2 zone on the allotment incorporates an EEC identified as <i>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion</i>. The vegetation is mature and dominated with native species. with minimal weed infestation. The proposed E2 area includes a small patch of Forest Red Gum-Swamp Box tall open forest to woodland on the northern boundary of the lot. This vegetation is consistent with the EEC.</p> <p>Proposed E2 zone covers vegetation on adjoining northern allotments and extends into the northern side of the subject allotment. The E2 zone extends well beyond the small area of native vegetation and into grazing land.</p> <p><u>Recommendation</u> It is recommended that the E2 zone in the northern section of this lot be reduced in area so that it follows the perimeter of the woody vegetation only. The remainder of the proposed E2 should be translated to the same rural zone as used on the rest of the allotment.</p>
Estate of Joy	218 Broadwater Road, Dungarubba.	<u>Site inspection</u>

Name	Site description	Site specific response regarding E2/E3 zones
Morgan	<p>Lots 99, 100 &amp; 187 in DP 755691 and Lot 111 DP 755699 are currently zoned 1(r) Riverlands. Lots 99 and 100 are translated to RU2 and E2. Lots 187 and 111 are translated to RU1.</p> <p>Lots 99 and 100 are mapped with native vegetation and wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>Site inspection conducted on 3/12/2010.</p> <p>The proposed E2 zone on the allotments incorporates the following EEC's:</p> <p>(i) <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i>  (ii) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>The vegetation is highly disturbed mature tall open forest to open woodland with Camphor Laurel occasional to co-dominant in the upper stratum. The understorey consists largely of grazed pasture.</p> <p><u>Recommendation</u>  Some amendments to the E2 zone boundary are recommended (only within the proposed E zone) so that it is consistent with the perimeter of the woody vegetation. The remainder of the proposed E2 should be translated to the same rural zone as used on the rest of the allotment.</p> <p>The existing use provisions of the EP&amp;A Act may be applicable.</p>
Shane Gray & Leslee Eglington	<p>720 Broadwater Road, Broadwater.  Lot 25 DP 825859 is currently zoned 1(a) General Rural and is translated to E3 in the draft LEP.</p> <p>The allotment is mapped as wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 6/12/2010.</p> <p>The vegetation on the allotment is mature tall open forest dominated by Blackbutt and Pink Bloodwood. The E3 zone on this forested allotment is in accordance with the Lismore Local Environmental Study 2010. No change recommended.</p> <p><u>Recommendation</u>  It is recommended in table 1 above that extensive agriculture is permitted without consent within the E3 zone in the draft LEP.</p>
Mark and Roxine Gittoes	<p>21 Plenkovich Road Broadwater.  Lot 8 DP 755691 The land is currently zoned 1(r) Riverlands and 7(a) Environmental Protection (Natural Vegetation and Wetlands). The 1(r) is proposed to be translated to RU1 and the 7(a) is to be translated to E2. The footprint of the existing environmental</p>	<p><u>Site inspection</u></p> <p>Site inspection conducted on 6/12/2010.</p> <p>The proposed E2 zone on the allotment incorporates the following EEC's:</p> <p>(i) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>zone is identical to the footprint of the proposed draft LEP environmental zone. The existing 7(a) land is mapped as SEPP 14 Coastal Wetlands.</p>	<p>(ii) <i>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion.</i></p> <p>The mature open forest/woodland is in good condition with minimal weed species. The ground cover is a mixture of salt tolerant species, with exotic pasture grasses along the margin of the elevated roadway.</p> <p>The area proposed for E2 has generally been zoned in accordance with the Lismore Environmental Study 2010, with some of the E zone extending beyond the ecological asset into cleared land.</p> <p><u>Recommendation</u> It is recommended that the E2 zone be reduced in area so that it follows the perimeter of the woody vegetation only. The remainder of the proposed E2 should be translated to the same rural zone as used on the rest of the allotment.</p> <p>The SEPP 14 boundary extends beyond the area zoned E2. Part of this land is currently under sugar cane. Council has the option of including this part of the lot in the E2 zone, however, it is not likely to deliver enhanced environmental outcomes. It is recommended that in this instance the SEPP 14 land is maintained as RU1. In the event that a development application for a land use other than agriculture is lodged, the provisions of the SEPP will have to be considered.</p> <p>SEPP 14 Clause 5: <i>Subject to section 74 (1) of the Act, in the event of an inconsistency between this policy and another environmental planning instrument, whether made before, on, or after the date on which this policy is made, this policy shall prevail to the extent of the inconsistency.</i></p> <p>The existing use provisions of the EP&amp;A Act may be applicable for cane farming and drainage works in E2 and SEPP 14 zones.</p>
Helen Bennett	<p>2 Bagotville Road, Broadwater. Lot 1 DP 706413 is currently zoned 1(a) General Rural. The allotment is translated to E3 in the draft LEP.</p> <p>The allotment is mapped with native vegetation and wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p><u>Site inspection</u></p> <p>Site inspection scheduled for 6/12/2010 was cancelled at the request of the landholder.</p> <p>Notwithstanding the absence of a formal site inspection, vegetation on the allotment was observed from the two road frontages surrounding the site and the neighbouring property. The vegetation community on the allotment is classified as Blackbutt and Tallowood tall open forest.</p> <p><u>Recommendation</u></p>

Name	Site description	Site specific response regarding E2/E3 zones
B M Plenkovich	<p>84 Bagotville Road Broadwater. Lot 4 DP 717103 is currently zoned 1(a) General Rural and 1(r) Riverlands. It is translated to RU1 and E3 in the draft LEP. Council's GIS also indicates that the north eastern corner of the allotment is mapped as SEPP 14 Coastal Wetlands.</p> <p>The allotment is mapped with native vegetation and wildlife corridor in the draft LEP Natural Resources Sensitivity – Biodiversity Map.</p>	<p>The vegetation on the allotment is consistent with the E3 zone merit considerations contained in the Lismore LES 2010. No change recommended.</p> <p><u>Site inspection</u> Site inspection conducted on 7/12/2010.</p> <p>Most of the vegetation within the proposed E3 zone is very tall open Blackbutt forest. The small riverside patch of vegetation in the northwest extremity of the property is EEC: <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>. The following weeds were observed: Camphor Laurel, Lantana and Coast Morning Glory.</p> <p><u>Recommendation</u> The proposed E3 zone is generally applied in accordance with the Lismore Local Environmental Study 2010. However, the zone extends past the perimeter of the woody vegetation in the north western section of the lot. It is recommended that the E3 boundary be amended so that it follows the perimeter of the woody vegetation. RU1 zone should be used on the cleared areas currently proposed for E3.</p> <p>The SEPP 14 boundary extends into the north eastern corner of the lot. This part of the land is currently under sugar cane. Council has the option of including this part of the lot in the E2 zone, however, it is not likely to deliver enhanced environmental outcomes. It is recommended that in this instance the SEPP 14 land is maintained as RU1. In the event that a development application for a land use other than agriculture is lodged, the provisions of the SEPP will have to be considered.</p> <p>SEPP 14 Clause 5: <i>Subject to section 74 (1) of the Act, in the event of an inconsistency between this policy and another environmental planning instrument, whether made before, on, or after the date on which this policy is made, this policy shall prevail to the extent of the inconsistency.</i></p>
JW & EA Sneesby	<p>818 Broadwater Road, Broadwater. The submitter owns the following allotments: B/361768; C3/9451; G/413240; 1/127564; 4/707834; B2/9451; 1/533925; A1/9451, 29/755691.</p> <p>The lots are generally zoned 1(r) Riverlands. Lot 4 includes some 1(a) General Rural. Lots C3, B2, A1 and 29 all include 7(a) Environmental Protection (Natural Vegetation and Wetlands) and</p>	<p><u>Site inspection</u> Site inspection conducted on 10/12/2010. The comments are limited only to the allotments that incorporate a proposed E zone.</p> <p><u>Lot 1 DP 533925 and Lot 4 DP 707834</u></p> <p>These adjoining allotments are proposed to include some E3 zone. A significant area of the proposed E zone extends onto cleared cropping and grazing land. The remainder of the E3 is vegetated with Blackbutt open forest with a high proportion of Sally Wattle.</p>

Name	Site description	Site specific response regarding E2/E3 zones
	<p>SEPP 14 Coastal Wetlands. The allotments are generally translated to RU1. Lots C3, B2, A1 &amp; 29 also incorporate E2. Lot 4/707834, Lot 29 &amp; Lot 1/533925 incorporate E3.</p> <p>Mapped sugar cane production areas extend into the existing and proposed environmental protection zones and SEPP 14 lands.</p>	<p><u>Recommendation</u> It is recommended that the proposed E3 zone should be amended so that it is consistent with the perimeter of the native woody vegetation within the area proposed for the E zone. The remainder of the proposed E3 should be translated to RU1.</p> <p><u>Lots A1, B2 and C3</u> These adjoining allotments are proposed to include some E2 zone. The footprint of the proposed E2 zone is the same as the existing 7(a) zone. The area proposed for E2 is limited to sugar cane and an elevated road.</p> <p><u>Recommendation</u> It is recommended that the proposed E2 zone is removed from these allotments and replaced with RU1.</p> <p>The SEPP 14 boundary extends into the north eastern section of these lots. Some of the SEPP 14 land is currently under sugar cane. Council has the option of including this part of the lot in the E2 zone, however, it is not likely to deliver enhanced environmental outcomes. It is recommended that E2 zone be applied to SEPP 14 land that incorporates wetland vegetation only. The remainder of the cleared SEPP 14 land should be maintained as a rural zone. In the event that a development application for a land use other than agriculture is lodged, the provisions of the SEPP will have to be considered.</p> <p>SEPP 14 Clause 5: <i>Subject to section 74 (1) of the Act, in the event of an inconsistency between this policy and another environmental planning instrument, whether made before, on, or after the date on which this policy is made, this policy shall prevail to the extent of the inconsistency.</i></p> <p><u>Lot 29</u> This allotment is proposed to include some E2 and E3 zone. The footprint of the proposed E2 zone is the same as the existing 7(a) zone. Some of the proposed E2 zone extends onto cleared land, most of which is mapped for sugar cane (NSW Sugar Milling Cooperative Ltd).</p> <p><u>Recommendation</u> It is recommended that the proposed E2 zone should be amended so that it is consistent with the perimeter of the woody vegetation within the area proposed for the E zone. The amended E2 zone boundary will incorporate two of the following EEC's:</p>



Name	Site description	Site specific response regarding E2/E3 zones
		<p>(i) <i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.</i></p> <p>(ii) <i>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion.</i></p> <p>The proposed E3 zone in the south eastern section of the lot should be removed and replaced with RU1 as the land in this location is cleared for agricultural use.</p> <p>The SEPP 14 boundary extends into the eastern section of the lot. Some of the SEPP 14 land is currently under sugar cane. Council has the option of including this part of the lot in the E2 zone, however, it is not likely to deliver enhanced environmental outcomes. It is recommended that E2 zone be applied to SEPP 14 land that incorporates wetland vegetation only. The remainder of the cleared SEPP 14 land should be maintained as a rural zone. In the event that a development application for a land use other than agriculture is lodged, the provisions of the SEPP will have to be considered.</p>

ATTACHMENT 3: DRAFT LEP2010 SUBMISSIONS ON FLOOD PLANNING AREA & ZONING OF FLOOD PRONE LAND

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>NORTH LISMORE</b>				
3.1	<p><b>Proposed rezoning of 133, 135 Bridge St and 96 Alexandra Pde, Lismore from 2(f) to RU2 as:</b></p> <ul style="list-style-type: none"> <li>• It would not meet the objectives of the RU2 zone as no rural views or landscape would be interrupted by the development of residential homes;</li> <li>• Bridge Street vacant lots would be rendered almost worthless under RU2;</li> <li>• These lots are residential in size;</li> <li>• R2 zoning could contribute to easing chronic land shortage;</li> <li>• It overlooks the small number of houses at the intersection of Bridge Street and Alexandra Parade.</li> <li>• Also suggest that the maximum building height be reconsidered as suitable floor heights will need to be achieved to satisfy flood planning area requirements.</li> </ul>	<p>A dwelling is located at 96 Alexandra Parade. Land at 133 and 135 Bridge Street is vacant. It is part of a small precinct of houses to the west of Richmond River High School and south of the rail line and showgrounds. The part of Slaters Creek where Council and community groups have been successfully undertaking riparian and other environmental rehabilitation works is in close proximity.</p> <p>It is the level of flood hazard that inhibits the approval of a dwelling, not the zone. The area is a High Risk flood area due largely to water depth, which for the subject property (the vacant lots in Bridge Street) would exceed 3.5m in a 1 in 100 year ARI design flood. The existing house at 96 Alexandra Parade has a floor level of 12.71m.</p> <p>Due to this level of flood risk, the draft LEP proposes that the area is included in the RU2 Rural Landscape zone. Although currently located in the 2(f) Residential (Flood Liable) zone, clause 22 of the Lismore LEP 2000 effectively prohibits new dwellings in a High Risk flood area unless they are replacing an existing dwelling.</p> <p>Clause 7.3 in the draft LEP would enable an application for a new dwelling to be considered in the R2 Low Density zone although an assessment against the criteria in the clause and the Development Control Plan may likely result in a refusal.</p>	<p><b>Option A</b> Retain the zone for the subject land as publicly exhibited and increase the maximum building height in flood prone residential zones and the rural landscape zone to reflect the increase in freeboard.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Maintains the status quo with respect to dwelling permissibility.</li> <li>• Changing the zone to R2 Low Density will not ensure approval of a dwelling.</li> <li>• Reflects the flood risk in the area.</li> <li>• Change in maximum building height reflects change in freeboard and inclusion of building height as a development standard in the LEP.</li> </ul> <p><b>Option B</b> Include land in Bridge Street /Alexandra Parade in the R2 Low Density zone and increase the maximum building height in flood prone residential zones.</p>	<p><b>Option A</b></p> <p>Retain the RU2 zone for the subject land as publicly exhibited and increase the maximum building height in the flood prone residential zones. Note that the Height of Buildings map does not apply to the RU2 zone.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The concern about maximum building height is acknowledged. The draft LEP includes a building height map. In the residential zones the maximum building height is proposed to be 8.4m. Building height is defined as the vertical distance between existing ground level to the highest point of the building (excluding chimneys, flues and the like).</p> <p>Currently, residential building height is specified in DCP No. 1, which allows a degree of flexibility that is exercised in the flood prone areas especially as a freeboard of 300mm is required. The draft LEP increases the freeboard to 500mm. As building height will become a development standard under the new LEP, there is merit in the map distinguishing between flood prone and non-flood prone residential areas.</p>	<p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Changing the zone to R2 Low Density will not ensure approval of a dwelling.</li> <li>• Changing to R2 Low Density could be more descriptive for residents.</li> <li>• Flood risk will still be assessed in any development application.</li> <li>• Change in maximum building height reflects change in freeboard and inclusion of building height as a development standard in the LEP.</li> </ul>	
3.2	<p><b>Object to proposed zoning of 81 Bridge St as parkland as:</b></p> <ul style="list-style-type: none"> <li>• <b>The address is 79-81 Bridge St and the two blocks are a landscaped integral whole;</b></li> <li>• <b>The title goes to the mean high water mark of Slater’s Ck and the Wilson River;</b></li> <li>• <b>We wish to maintain our riparian rights to pump from the creek;</b></li> <li>• <b>We lease 3 and 7 Terania St from Council, which are correctly shown as Parkland. However, 9 Terania St is an occupied residence and is also shown as parkland.</b></li> </ul>	<p>79 Bridge Street contains an existing dwelling and is proposed to be included in the R2 Low Density Residential zone. 81 Bridge Street adjoins Slaters Creek and is proposed to be included in the RU2 Rural Landscape Zone. Although this lot is included in the current 2(f) zone, a dwelling would not be permissible due to the level of flood hazard, and would not be practicable due to the location of Slaters Creek.</p> <p>The zoning of the land will not impact on any rights that may exist to pump from Slaters Creek.</p> <p>The land at 3, 7 and 9 Terania Street is also proposed to be included in the RU2 Rural Landscape Zone.</p> <p>Council owns the land at 3 and 7 Terania Street,</p>	<p>Although the lots at 79-81 Bridge are a landscaped unit, it is not possible to build on the land at 81 Bridge Street due to flood hazard and the characteristics of the land. It is therefore considered appropriate to retain the land in the RU2 Rural Landscape Zone as publicly exhibited.</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>If Council plans to demolish the dwelling at 9 Terania St, we wish to register interest in adding it to our lease.</li> </ul>	<p>and the landowner and his family lease it and have been successfully undertaking environmental rehabilitation works on the land and along Slaters Creek.</p> <p>Council does not own 9 Terania Street nor are there plans to acquire the property.</p>		
3.3	<p>The land at 80 Bridge Street should remain under the current zone so the appropriate work can be carried out to erect a dwelling.</p>	<p>Similar to 3.1 above, it is the level of flood risk that inhibits this site from being suitable for a dwelling, rather than the zoning.</p> <p>Where this site differs from the land on the corner of Alexandra Parade and Bridge Street is in the increased level of flood risk, which increases towards the river.</p>	<p>The level of flood risk is greater at this site than Alexandra Parade/Bridge Street area discussed in 3.1 above. It is recommended that the RU2 zone is maintained for the same reasons as described in 3.1.</p>	<p>No change to the draft LEP.</p>
3.4	<p><b>Object to zoning of 10 Pine Street, North Lismore as R2 as:</b></p> <ul style="list-style-type: none"> <li>10 Pine St North Lismore has been a workshop or warehouse since 1959 (PMG, Telstra as a warehouse, mechanical business, fabrication);</li> <li>The current 2(f) zone allows for our possible business growth;</li> <li>The R2 zone has no provision for any kind of business or works that 10 Pine Street was designed for and operated as for 51 years;</li> <li>IN2 zone is preferred, as it will encourage employment opportunities with no adverse effects on other land uses.</li> </ul>	<p>The property is located in the part of Pine Street south of Terania Street. The street is predominantly occupied by houses, which are in good condition and represent an affordable housing precinct close to the CBD.</p> <p>The current business at 10 Pine Street is Mitchells Rural Maintenance. It is the only non-residential building in the street. If the property has been used or has been approved for the use of a workshop or warehouse it will have existing use rights. The EP&amp;A Act and Regulation allow for the consideration of the expansion of such uses, within prescribed limits.</p> <p>Changing the zoning of part or whole of Pine Street to a Light Industry zone could impact on the residential amenity of the street over time. As this area has been in the 2(f) zone for some years, and the majority of the street remains residential, it is reasonable to assume there will continue to be little demand for light industry uses to establish in this</p>	<p>Based on the submission, there are two (2) options available, that is, to include this part of Pine Street in the IN2 Light Industry zone, or leave in the R2 Low Density Residential zone as publicly exhibited. The reasons for the latter option are explained in the adjoining column to the left.</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>area. Additionally, there is industrial zoned land in Tweed Street that is yet to be developed.</p> <p>Given the predominance of the residential use of the street it is not proposed to change the zone to an industrial zone.</p>		
<p>3.5</p>	<p><b>Object to RU2 Zone at 150 Terania Street:</b></p> <ul style="list-style-type: none"> <li>• <b>Consent for “light industrial” issued in 1993. Premises used for automotive mechanical repairs. Translation of 2(f) to RU2 Rural Landscape zone will downgrade the existing development potential of the land, as light industrial is not permissible.</b></li> <li>• <b>This is not a rural area. The land is across the road from an industrial estate and 2 minutes drive to Lismore CBD.</b></li> <li>• <b>The 4330m<sup>2</sup> allotment does not comply with the minimum lot size of 40ha.</b></li> <li>• <b>The existing “mixed use” in Terania Street is not accurately reflected by the RU2 Rural Landscape zone.</b></li> </ul>	<p>This site is currently partly included in the 2(f) Residential (Flood Liable) Zone and partly in the 1(r) Riverlands zone, a rural zone. It is located on the southern side of Terania Street on the corner of Terania Street and Bouyon Street opposite the North Lismore industrial area and next to Arthur Park.</p> <p>Council granted consent for a ‘workshop’ on the subject site in 1992. The use would be defined as a ‘vehicle repair station’ under the draft LEP, which is proposed to be prohibited in the RU2 zone. Light industrial uses are also proposed to be prohibited.</p> <p>The change in permissibility could mean that the land owners would be reliant on existing use rights. The legislation does provide for existing industrial and commercial uses to expand and even change. However, there are limits imposed.</p> <p>The southern side of Terania Street between this site and Pine Street is predominantly housing. Non-residential uses comprise Liberty Fuel (service station), Budget Timbers and, on the subject site, Chris Albertini Automotive. There are also some vacant lots.</p> <p>The northern side of Terania Street is proposed to</p>	<p><b>Option A</b> Retain the RU2 zone and the land use table (with light industry uses prohibited) for the subject land as publicly exhibited.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Does not address submitters concerns;</li> <li>• The land use table does not entirely reflect the mixed use nature of the area, being rural, residential, park and light industrial.</li> </ul> <p><b>Option B</b> Include the site in the IN2 zone (IN2 proposed due to nearby residences).</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Addresses issues raised by the submitters;</li> <li>• There is no need for additional land to be zoned for industry;</li> <li>• Change to an industrial zone</li> </ul>	<p><b>Option C</b> Retain the RU2 zone in Terania Street as publicly exhibited AND include ‘light industry’ and ‘vehicle repair station’ as permissible uses in the RU2 zone land use table.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>be included in the IN2 Light Industrial zone. Consideration could be given to extending the area of this zone to the southern side of Terania Street, which includes the subject property. This would permit a greater range of light industrial uses to establish. However, as noted above, the dominant use in this part of North Lismore is residential.</p> <p>Alternatively, light industry and vehicle repair station are uses that could be made permissible with consent in the RU2 zone. This proposal has merit in light of the recommendation in the Attachment 3 (Rural Issues) to limit the extent of the RU2 zone to the urban flood prone areas of Lismore. It is also consistent with the permissibility of light industrial uses in the current 1(r) Riverlands zone, which applies in some parts of the urban flood prone areas of Lismore. It is also noted that the subject site is currently partly zoned 1(r) Riverlands, which is a rural zone.</p>	<p>was requested by this submission only.</p> <p><b>Option C</b> Retain the RU2 zone in Terania Street as publicly exhibited AND include 'light industry' and 'vehicle repair station' as uses permissible with Council consent in the RU2 zone land use table.</p> <p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>• Addresses submitters concerns with respect to reliance on existing use rights if light industry uses and vehicle repair station are not permissible;</li> <li>• No other submissions were received about the proposed zone change;</li> <li>• Part of the site is currently included in a rural zone, ie, 1(r) Riverlands, in which light industrial uses are permissible with consent;</li> <li>• There is sufficient land zoned for industry for at least the next 10 years in the draft LEP.</li> </ul>	
<b>SOUTH LISMORE</b>				
3.6	<b>With respect to 30 Barnes Ave South Lismore, the area at the rear of the properties in the proposed</b>	The site contains one of four houses located at the southern end of Barnes Avenue. It adjoins land on which Greg Clark Building Pty Ltd is located. The	The land at the southern end of Barnes Avenue could be included in the IN2 zone. While	Amend the Land Zoning Map to change the area in the IN1 zone adjacent to

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>R2 zone should be zoned to IN1 Light Industry or IN2 General Industry.</b></p>	<p>adjoining land to the south and east is proposed to be zoned IN1 General Industrial, which largely reflects the nature of the industrial uses in this locality. The housing to the north and west is proposed to be included in the Low Density Residential zone. Given the current proximity of the industrial activities, including the area in a light industry zone may make little difference in terms of mitigation of impacts on residential amenity.</p> <p>Industrial land uses permissible in the IN1 zone and prohibited in the IN2 zone are: <i>hazardous industries, offensive industries, hazardous storage establishments, offensive storage establishments, heliport and freight transport facilities</i>. It is very unlikely that such uses would seek to locate to this area. It is also highly unlikely that such uses would obtain consent due to the proximity of the residential area.</p> <p>Further consideration is given to the zoning of industrial land adjacent to residential areas in Attachment 9.</p>	<p>the proximity of these dwellings to an industrial area would ensure a detailed consideration of impacts in any future industrial development application, the IN2 Light Industrial zone encourages lower impact industrial uses.</p> <p>The Standard Template Order (February 2011) introduced an additional category of 'general industry' (additional to 'light' and 'heavy'), which is proposed to be prohibited in the IN2 zone. The increased distinction between different types of industry will assist in reinforcing the intention of the Light Industrial zone to provide for light industrial, warehouse and related uses. It is therefore recommended that the area in the IN1 zone adjacent to the southern end of Barnes Avenue is included in the IN2 zone.</p> <p>This would extend the area of IN2 zone adjacent to the R2 zone on the western side of Maloney Ave and be consistent with the principles of applying the IN2 zone as outlined in the LES.</p>	<p>the southern end of Barnes Avenue to the IN2 zone.</p>
<p><b>3.7</b></p>	<p><b>Support proposed change from 2(f) Residential to IN1 zone at 29 and 29a Barnes Ave, South</b></p>	<p>Support noted. The recommendation in Issue 3.6 above would, if adopted, see the IN1 on these properties change to IN2. However, a land use</p>	<p>See comments in 3.6 above.</p>	<p>Amend the Land Zoning Map for 29 and 29a</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	Lismore.	survey undertaken in this area demonstrated that the current uses would continue to be permissible with consent in the IN2 zone.		Barnes Ave to include the lots in the IN2 zone.
3.8	<p><b>Object to proposed rezoning 5 &amp; 7 Newbridge Street (Lots 16 &amp; 17 Section 2 DP4372) from 2(f) to IN1:</b></p> <ul style="list-style-type: none"> <li>• <b>Property purchased for residential purposes;</b></li> <li>• <b>If not suitable as R2, then B6 should apply under the Miscellaneous provision Part 5.3 Development near zone boundaries;</b></li> <li>• <b>The landform is associated more with adjacent zone boundary than rear (Industrial);</b></li> <li>• <b>The stormwater drain (Lots 18-20 DP4372) will not be developed, is critical to stormwater flow &amp; has not been considered in LEP;</b></li> <li>• <b>If zoned Industrial there is no guarantee of rebuilding as residential. There is no reference to “existing” or “current” use in DLEP.</b></li> </ul>	<p>5 Newbridge Street is at the rear of the property that contains Perkins Caravans. It contains a dwelling that is occupied. 7 Newbridge Street is vacant. The attached map shows it is one of the properties between Rawson Street (unformed) and Perkins Caravans that is currently in the 2(f) zone and proposed to be included in the IN1 zone.</p> <p>Apart from the properties with frontage to Union Street, the area bounded by Newbridge Street, Crown Street, Elliott Road and Union Street, is proposed to be included in the IN1 General Industrial zone. The land on the northern side of Newbridge Street is characterised by industrial development and a number of vacant lots, and given the high flood risk in this area, the most appropriate zone was considered to be IN1 General Industrial.</p> <p>The property could continue to be used for residential purposes under existing use rights, which would apply if the dwelling, for example, burnt down. The <i>EP&amp;A Act 1979</i> and the <i>EP&amp;A Regulation 2000</i> contain provisions related to existing use rights.</p> <p>Clause 5.3 of the draft LEP could be used to consider the extension of uses within 50 metres of the zone boundary of the adjoining B6 zone.</p>	<p><b>Option A</b> Retain the site in the IN1 zone as publicly exhibited.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Does not address the submission;</li> <li>• Existing use rights enable the house to continue to be used as a dwelling;</li> <li>• Reflects flood hazard and unlikelihood of housing being approved in the future.</li> </ul> <p><b>Option B</b> Include the northern side of Newbridge Street in the R2 Low Density zone.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Addresses the submission;</li> <li>• While it does not entirely reflect flood hazard it does emphasise residential amenity;</li> <li>• Will not result in increased housing due to controls on minimum lot size and DCP controls.</li> </ul> <p><b>Option C</b> Include the lots (5 &amp; 7 Newbridge St) in the B6 zone.</p>	<p><b>Option B</b> Change the IN1 zoned land on the northern side of Newbridge Street to the R2 Low Density zone extending to Crown Street.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
			<p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>• Addresses the submission;</li> <li>• Includes additional land in the B6 zone, which applies on the southern side of Newbridge Street.</li> </ul>	
3.9	<p><b>Object to zoning 100 Crown Street/31 Newbridge Street IN1 due to the impacts of the noise industry would make and the type of industry Council would allow. Keep the area as it is.</b></p>	<p>The subject property consists of 2 allotments, contains a dwelling and is on the north-eastern corner of Newbridge Street and Crown Street on the southern side of the Casino-Murwillimbah Railway Line. It is located west of the property discussed in Issue 3.8. The western side of Crown Street (opposite the subject property) consists of houses.</p> <p>As noted above, the northern side of Newbridge Street (to Crown Street) is proposed to be included in the IN1 General Industrial zone as it is mostly characterised by industrial development, a number of vacant lots, and high flood risk. The zoning of this area as IN1 could result in more industrial uses over time, although it is noted that existing 2(f) Residential (Flood Liable) zone could also have led to increased industrial uses.</p> <p>The property can continue to be used for residential purposes.</p>	<p><b>Option A</b> Retain the site in the IN1 zone as publicly exhibited.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Does not totally address the submission;</li> <li>• Existing use rights enable the houses to continue to be used as dwellings.</li> </ul> <p><b>Option B</b> Include the area of Crown Street from Newbridge Street to Elliott Road in the R2 Low Density zone. Also see Issue 3.9 above.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Addresses the submission;</li> <li>• Reflects existing residential use of the area;</li> <li>• Will allow residential amenity to be retained.</li> </ul>	<p><b>Option B</b> The area proposed to be amended to the R2 zone pursuant to 3.8 above includes the property at 100 Crown Street/31 Newbridge Street.</p>
3.10	<p><b>Object to zoning of land at 10 Cromer Street, South Lismore as R2 Low Density Residential as it will inhibit the use and</b></p>	<p>Cromer Street consists almost entirely of detached houses. The Our Lady Help of Christians School is located on a large lot that has frontage to Cromer Street, Rhodes Street and Barnes Avenue. The</p>	<p>There are two (2) options available, that is, to include the site in the IN2 Light Industry zone, or leave in the R2 Low</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	development capability of both properties and have negative impact on future saleability of the property.	<p>school buildings front Rhodes Street. The area is an intact housing precinct with good amenity in close proximity to the CBD and services and businesses in South Lismore.</p> <p>Despite its location in the 2(f) zone, in which light industry uses have been permissible for some time, the area has remained residential.</p>	Density Residential zone as publicly exhibited. The area is an intact residential precinct and it is recommended that the R2 Low Density zone be maintained as proposed in the draft LEP.	
3.11	<b>Object to zoning of land at 196 Union Street, South Lismore as R2 Low Density Residential as it will inhibit the use and development capability of the land and have negative impact on future saleability of the property.</b>	<p>The part of Union Street that adjoins Riverview Park is proposed to be included in the R2 Residential zone, while the remainder is proposed to be included in the B6 Enterprise Corridor zone. This part of Union Street contains predominantly houses that are well maintained and apparently desirable to live in.</p> <p>The lot sizes make these lots difficult to re-develop for the types of uses envisaged in the B6 zone, even if the lots were amalgamated. While they are located on a busy road they are also adjacent to the park and provide housing stock in close proximity to the CBD.</p> <p>It is considered that the most suitable future use is residential rather than light industry.</p>	This section of Union Street could be included in the B6 Enterprise Corridor Zone. However, for the reasons included in the column to the left, it is recommended that the R2 zone is retained as proposed in the draft LEP.	No change to the draft LEP.
3.12	<b>No objection to the proposed rezoning of 111 Phyllis Street, and confirm that it has existing light industrial use rights based on DA1992/792.</b>	Support noted. This property, along with the majority of Phyllis Street, is proposed to be included in the R2 Low Density Residential zone. Part of Phyllis Street to the west of Edwards Street and land currently included in the 4(a) Industry zone are proposed to be included in the IN1 General Industrial zone.	Not applicable.	No change to the draft LEP.
3.13	<p><b>Objections received from the following properties:</b></p> <p><b>77, 82, 83 and 114 Caniaba Street; 100, 105, 110, 118, 120, 130, 136,</b></p>	The following zone translations apply to the properties raised in this submission: three allotments go from 2(f) to IN1; ten allotments go from 2(f) to R2; two allotments go from 4(a) to IN1; and one allotment goes from 1(r) Riverlands to IN1.	<p><b>Option A</b> Retain the R2 Low Density zone and the IN1 General Industrial zone as exhibited.</p>	<p><b>Option B</b> Retain R2 as exhibited but change the IN1 Zone in this part of Casino Street to the IN2 zone (128-136</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>145, 172 and 187 Casino Street; and 109 Phyllis Street.</b></p> <p><b>These properties are used for industrial or related purposes and most are to be included in the R2 Low Density zone.</b></p> <p><b>A petition was also submitted with 36 signatories from land owners in the Casino and Caniaba Street area.</b></p> <p><b>Landowners are objecting to the removal of the existing light industrial development option associated with the zone change from 2(f) to R2 for the following reasons:</b></p> <ul style="list-style-type: none"> <li>• <b>The retention of a light industrial option as well as residential option would provide a buffer zone between residential and industrial IN1.</b></li> <li>• <b>Approved uses become prohibited which will restrict future use and development, defeat future plans and reduce the property market value.</b></li> <li>• <b>The removal of light industrial usage from the revised zoning from 2(f) Residential Flood Liable to R2 Low Density Residential will result in an industrial area adjoining a</b></li> </ul>	<p>The non-residential uses currently operating in the area in which the submissions were received, as shown on the attached map (addresses on the petition are also marked on the map) are:</p> <p>Mower Sales (north-eastern cnr Casino &amp; Wilson Streets)                      Rural Buying Service (145 Casino St)                      Tender Center (165 Casino St)                      Troys Driveway and Landscape Supplies (187 &amp; 189 Casino St)</p> <p>Onga Pumps (100 Casino St)                      Dennys Upholsterers (110 Casino St)                      J&amp;R Autotrimmers &amp; Upholstery (118 Casino St)                      Northern Communications (120 Casino St)                      Office (130 Casino St)                      Readings Engineering (132-136 Casino St)                      Allens Welding (172 Casino St)</p> <p>The remainder of buildings in this part of Casino Street (west of Wilson Street) are dwellings.</p> <p>It is not possible to continue to use the 2(f) zone, in which light industry is permissible. The standard LEP template does not have an analogous zone.</p> <p>Light industry, with the exception of home industry, is not permissible in R2 Low Density Residential.</p> <p>The parts of this area proposed to be included in the IN1 General Industrial zone are mostly currently occupied by an industrial or commercial use. That is, the industry/business currently adjoins residential properties. The IN2 Light Industrial zone may be more appropriate to manage the types of</p>	<p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Does not address submissions;</li> <li>• Existing use rights will enable uses to continue to operate unless abandoned;</li> <li>• The IN1 zone may allow consideration of uses not considered appropriate adjoining houses;</li> <li>• Some of the uses in the area proposed as IN1 zone will need to rely on existing use rights (eg Tender Center is 'bulky goods').</li> </ul> <p><b>Option B</b>                      Retain R2 as exhibited but change IN1 to IN2 in Casino Street (128-136 Casino St &amp; 145-155).</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Does not address submissions;</li> <li>• Existing use rights will enable uses to continue to operate unless abandoned;</li> <li>• The use of the IN2 zone is consistent with the rationale for the zone outlined in the Local Environmental Study.</li> </ul> <p><b>Option C</b></p>	<p>&amp; 145-155 Casino St).</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>predominantly residential area without a “light industrial” buffer.</p> <ul style="list-style-type: none"> <li>• If light industry is not permissible south of Casino Street, then object to rezoning 1(r) Riverland to IN1 Industrial due to the increased noise and pollution. Increase heavy traffic, noise and air pollution will deter people from buying or building residential property in the area.</li> <li>• Clause 5.3 – Development near zone boundaries, confirms that the industrial development zone and a residential zone are not expected to be adjoining.</li> <li>• Council has not adequately considered existing businesses in Casino Street and the impact of DLEP on existing land use.</li> </ul> <p>What has changed Council’s position that it now prefers to see residential development on flood prone land rather than redevelopment of Casino St for future Industrial land.</p> <p>Suggestion that Casino St would benefit from B6 zoning, as it is a significant main road and heavily used thoroughfare. Should the whole of Casino St not be suitable for B6, perhaps between Wilson, Caniaba and Phyllis Sts could be</p>	<p>industrial uses permissible in the future in a predominantly residential area.</p> <p>There are two lots south of Casino Street that are proposed to be rezoned from 1(r) Riverlands to IN1 General Industrial. One of these contains a dwelling and this property can continue to be used for residential purposes. The other lot is owned and used by Richmond Sand and Gravel.</p> <p>Clause 5.3 requires a development to be consistent with the objectives of both zones. The requirement does not eliminate the possibility of an industrial land use adjoining a residential development.</p> <p>Transport depot is currently prohibited in the 2(f) zone.</p> <p>It is noted that the 2(f) zone is predominantly a residential zone, albeit one that makes light industrial uses permissible with consent. Many of these areas have not become industrial areas, even though the 2(f) zone has applied for some time.</p> <p>As there is no analogous zone in the standard template, Council is compelled to consider the most appropriate zone that reflects existing uses and preferred future uses. The B4 Mixed Use zone and the B6 Enterprise zone are commercial zones that could lead to further spread of shops and other</p>	<p>Include all or part of Casino Street in an industry or commercial zone</p> <p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>• Partly addresses submissions although it is noted that submissions were not received from the majority of properties in this area;</li> <li>• The use of a commercial zone would increase the spread of shops and other commercial uses away from existing ‘centres’;</li> <li>• There is no evidence that additional industrial or commercial zoned land is required.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>B6 or B4. This would allow a variety of uses, increase property value and provide economic stimulus in South Lismore.</b></p> <p><b>The R2 zone applied to the few residential premises would restrict future abilities of these existing businesses.</b></p> <p><b>There are no Council records about the use of 193 Casino Street, but it has been used historically by Kennedy Bros since 1967 to house and store heavy equipment. There has been continual use of the site for industrial use. The proposed LEP definition of transport &amp; truck depot is prohibited within R2.</b></p>	<p>commercial uses away from existing centres, including the existing small commercial precinct in Union Street, which is proposed to be zoned B1 Neighbourhood Centre.</p> <p>It is noted that the IN2 zone was generally applied where industrial land is in close proximity to housing to provide a buffer and restrict the level and intensity of industrial development within close proximity to residential development.</p>		
<b>EAST LISMORE &amp; GIRARDS HILL</b>				
3.14	<p><b>Objection to the zoning of land at 3 Hutley Place from 2(f) Residential (flood liable) zone to R2 Low Density Residential as it inhibits use and development capability of the land and will have negative impact on future saleability of the property.</b></p>	<p>Hutley Place runs off Junction Street between Keen Street and Molesworth Street south of Ballina Road. It is located to the south of Gasworks Creek where Council has been undertaking riparian rehabilitation works. The properties fronting Hutley Place are mapped as High Flood Risk and adjoin the mapped Floodway. This area is inside the CBD levee wall and is very close to a designated evacuation route in John Street.</p> <p>There are three (3) dwellings in Hutley Place. The subject property is in relatively good condition and is currently occupied as a residence.</p>	<p>The site could be included in the IN2 zone. However, given the dominance of housing in the immediate vicinity and the lack of demonstrated need for additional industrial zoned land, it is proposed to retain the publicly exhibited R2 Low Density zone.</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The area is dominated by housing and is close to the CBD, a primary school and services and businesses.</p> <p>Although light industry uses have been permissible for some time, Hutley Place has remained residential.</p>		
<p>3.15</p>	<p><b>Objection to the change of zone to R1 General Residential at:</b></p> <ul style="list-style-type: none"> <li>• 8 and 10 Eden Place,</li> <li>• 10, 12 and 17 Garrard Street,</li> <li>• 75 Esmonde Street,</li> <li>• 2, 4, 7, 8 and 10 Parade Street</li> </ul> <p>The submissions request the R2 Low Density Residential zone to be used for the following reasons:</p> <ul style="list-style-type: none"> <li>• The poor infrastructure in the area leads to excess water from Golf course backing up in Garrard Street &amp; Eden Place is caught in between;</li> <li>• Inadequate drainage systems don't cope with major rain events or present population;</li> <li>• Very poor parking currently partly due to deep drains;</li> <li>• Built up raw sewage in Garrard St;</li> <li>• Increase in multiple occupancy dwellings would &amp; has caused traffic congestion, excessive noise;</li> <li>• Amenity of residents would be</li> </ul>	<p>Most of the properties in this area are currently included in the 2(a) Residential Zone. The proposed change is to the most analogous zone in the Standard Template, being R1 General Residential. Both the current and proposed zones are similar in intent and the types of housing that are possible, including dual occupancy and residential flat buildings. Further, the minimum lot size for subdivision will remain the same.</p> <p>In accordance with the Standard Instrument, the draft LEP does not contain any design guidelines, standards or requirements for development (such as car parking) apart from minimum lot size (400m<sup>2</sup>) and building heights (8.4m). The Lismore Development Control Plan contains the design guidance and other requirements for development and will continue to apply.</p> <p>The density of housing that will be achieved in the area will depend on a range of factors, including the size of the lots, vehicle access and infrastructure capacity.</p>	<p>The proposed R1 zone is the equivalent zone to the existing 2(a) zone. The R2 Low Density Zone is proposed for high risk flood areas. It is therefore not considered appropriate to apply it to this area. Therefore, it is proposed to retain the R1 zone as publicly exhibited. It is important to note that the flood hazard map that shows part of the area as being Flood Fringe will still be applicable to the assessment of development applications.</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>adversely affected, depriving neighbours of privacy, extra noise, unacceptable parking.</p> <ul style="list-style-type: none"> <li>• The LEP should include controls to ensure the amenity of neighbourhoods is preserved and parking adequately provided;</li> <li>• Council’s own data shows the bottom end of Girards Hill as flood prone, but the new LEP renames it as Low Risk Flood zone with no development restrictions;</li> <li>• LEP 2010 indicates concerns for evacuation points in these zones, but local stormwater flooding has not been addressed;</li> <li>• Property in flood fringe is not suitable for high density housing;</li> <li>• R1 does not address flooding, where R2 does. The appropriate zoning for this area of flood liability should be R2;</li> <li>• It is a worry that Council has changed the wording from flood fringe to low risk flood;</li> <li>• Support change from 3(f) but not to high density;</li> <li>• Parade Street should be Flood Fringe on the flood planning map;</li> <li>• Your floodplain management plan has no information about</li> </ul>	<p>2-8 Parade Street is currently in the 3(f) Services Business (Flood Liable) Zone. These properties are proposed to be included in the R1 zone, rather than the B1 zone proposed along Wyrallah Road, as the properties all contain dwellings and form part of an intact residential precinct with good amenity.</p> <p>As the Standard Template does not have any flood zones, Council was required to select the most appropriate zone that would reflect existing constraints, land uses and future intentions. It therefore adopted the R2 Low Density Residential zone for land where low density housing is to be established or maintained and where the flood hazard is relatively high.</p> <p>This zone is therefore proposed for existing residential areas on the floodplain in North Lismore, South Lismore and parts of East Lismore. The objectives of the proposed R2 zone include providing housing within a low density environment, allowing a range of facilities or services to meet the needs of residents and limiting the density of dwellings to ensure compatibility with the flood hazard.</p> <p>It is the Floodplain Management Plan 2002 that determined the level of flood hazard, ie, flood fringe, which was subsequently incorporated into DCP No.8. This has not changed. DCP No. 8 will also continue to contain the controls for development in the flood prone areas, including the areas mapped as ‘flood fringe’.</p> <p>The draft LEP proposes to change the freeboard from the current 0.3m to 0.5m. This is in</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>any controls for development in areas in "Low Risk" locations;</p> <ul style="list-style-type: none"> <li>The Floodplain management plan states flood height plus 0.3m is permissible. This contradicts the 0.5m for freeboard in the DLEP;</li> <li>Why do controls only apply to floor levels below the flood planning level? Some controls need to be in place for development in flood fringe area.</li> </ul>	<p>accordance with the State Government's Floodplain Development Manual 2005.</p> <p>The flood risk in Girards Hill is not considered sufficient to warrant a Low Density Residential zone, although it is acknowledged that in storm events the stormwater infrastructure does experience problems.</p> <p>Council's Water &amp; Wastewater section has also confirmed that problems are experienced with the sewerage system in this area during flood and heavy storms events.</p>		
<b>CBD AREA</b>				
3.16	<p><b>Objection to zoning of land at 24 and 26 Uralba Street as R2 Low Density:</b></p> <ul style="list-style-type: none"> <li>26 Uralba St is now a Denture Clinic and would have a 3(f) zoning, 24 Uralba St should be re-classified as 3(f);</li> <li>This would be in keeping with zoning of properties on either side of site held by owners for possible extension of building/car parking area;</li> <li>Unsure why Council wants to encourage home ownership in a flood prone area.</li> </ul>	<p><u>Current LEP and Uses</u></p> <p>The current LEP2000 includes the land at 20 Uralba Street (Uralba Street Veterinary Clinic) in the 3(f) Services Business (Flood Liable) zone. The properties at 24 Uralba Street and 26 Uralba Street are currently in the 2(f) Residential (Flood Liable) zone. 24 Uralba Street is vacant land. To the rear of 24 Uralba Street is a dwelling located on a lot that has an unusual configuration with access to Uralba Street and Laurel Avenue. The access handle to Uralba Street for this dwelling is between 20 and 24 Uralba Street.</p> <p>Development consent for a medical centre was granted in 2004 for the Denture Clinic at 26 Uralba Street.</p> <p><u>Draft LEP</u></p> <p>It is not possible to retain the current 3(f) zone as it is not part of the Standard Instrument.</p>	<p>There are two (2) options available: retaining the zones as proposed in the draft LEP or extending the B3 Commercial Core zone to include 24 and 26 Uralba Street.</p> <p><u>Comments</u></p> <p>Extending the B3 zone will allow the extension of a Commercial zone and a range of commercial uses, including shops, further into a relatively intact housing precinct.</p> <p>It is important to retain housing that is close to commercial, community and other services not just for the benefit of residents but also for the</p>	No change to the draft LEP.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>The draft LEP proposes including 20 Uralba Street in the B3 Commercial Centre Zone and the properties at 24 and 26 Uralba Street in the R2 Low Density Residential zone. Veterinary hospital is permissible with consent in the B3 zone and prohibited in the R2 zone. It is also prohibited in the current 2(f) zone. Therefore its permissibility will not change with the proposed zone change.</p> <p>The R2 Low Density Zone lists <i>health consulting rooms</i> as permissible with consent. Health consulting rooms is defined as <i>a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.</i></p> <p>Assuming the Denture Clinic is consistent with this definition, it can continue to operate without relying on existing use rights.</p> <p><u>Zone Boundaries</u></p> <p>Determining the appropriate boundaries of a zone involves a consideration of a number of issues including the existing and surrounding land uses, existing zones and permissible uses and future planning intentions for an area. The demarcation is a relatively straightforward exercise where zone boundaries coincide with roads or some other clear physical marker, such as a river. However, it is more problematic where one zone changes to another without any physical evidence. In this instance the zone boundary for B3 is between 20 and 24 Uralba Street, both owned by the same people.</p>	<p>contribution that is made towards the vitality of the commercial centres. While this area is flood prone and mapped as being High Risk, access to evacuation routes is very good and there is sufficient warning time to enable residents to evacuate.</p> <p>Although the Denture Clinic is clearly not a residential use, it is located in a dwelling house that could be converted to a residential dwelling if the Clinic was to close, and contribute to the stock of housing in close proximity to the CBD, Lismore Square and medical and other services.</p> <p>Clause 5.3 allows consideration to be given to an expansion of the Veterinary Clinic into the Low Density Residential zone.</p> <p>It is proposed that the R2 Low Density Residential zone is maintained as publicly notified.</p>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><u>Transition Areas</u></p> <p>Clause 5.3 of the draft LEP, which largely mirrors Clause 19 in the current LEP, allows Councils to consider, on a case by case basis, the extension of uses within 50 metres of zone boundaries (excluding the Public Recreation, environmental protection and Natural Waterways zones) where the assessment of a site and its surroundings shows that a more logical and appropriate development of the site would occur. Such an extension must be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>This clause would allow any future expansion by the Veterinary Hospital onto the land at 24 Uralba Street to be considered despite it being a prohibited use in the R2 Low Density zone.</p> <p>Extending the B3 zone will allow the extension of a Commercial zone and a range of commercial uses, including shops, further into a relatively intact housing precinct.</p>		
<b>FLOOD PLANNING MAP – OUTSIDE THE LISMORE URBAN AREA</b>				
<b>Richmond River Catchment</b>				
3.17	<p><b>Objection to LEP Flood ‘zone’ at 35 Poole Road, Ruthven.</b></p> <ul style="list-style-type: none"> <li>• 42A Gollan Road, Marom Creek</li> <li>• South Street, South Gundurimba</li> <li>• 39 Walsh Lane, South Gundurimba.</li> </ul>	<p>The Flood Planning map in the draft LEP was prepared prior to the finalisation of the Richmond River Flood Mapping Study in March 2010. This study covered the following areas:</p> <ul style="list-style-type: none"> <li>• Richmond River between Casino and Broadwater (not including Casino);</li> <li>• Bungawalbin Creek from approximately 3km downstream of Neileys Lagoon Road to the Richmond river;</li> <li>• Wilsons River from Lismore to Coraki (not including Lismore); and</li> </ul>	<p>The only option available is to adopt the Flood Planning Map that provides the best knowledge available about the extent of a 1 in 100 year ARI flood.</p>	<p>Replace the exhibited Flood Planning Map with the revised map as amended by the results of the Richmond River Flood Mapping Study.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<ul style="list-style-type: none"> <li>• Lower reaches of other major tributaries of the Richmond River, such as Shannon Brook (Deep Creek) and Sandy Creek.</li> </ul> <p>The Richmond River Flood Mapping Study resulted in:</p> <ol style="list-style-type: none"> <li>1. A calibrated hydrologic model covering the entire Richmond River catchment;</li> <li>2. A calibrated 1D/2D hydraulic model of the floodplain between Casino, Lismore and Broadwater;</li> <li>3. A comprehensive understanding of flood behaviour across the study area; and</li> <li>4. Flood mapping of historical and design flood events, in particular flood levels and hazards.</li> </ol> <p>The mapping of the 1 in 100 year ARI flood event will replace the draft Flood Planning map for the relevant catchment.</p> <p>With respect to the properties in the adjoining column:</p> <ul style="list-style-type: none"> <li>• 35 Poole Road, the new map shows that the property would not be affected by the 1 in 100 year ARI event;</li> <li>• 42A Gollan Road, Marom Creek, the new map shows the property would be affected by the 1 in 100 year ARI event to the same extent as the draft Flood Planning LEP map;</li> <li>• South Street, South Gundurimba, the new map shows the property would be affected by the 1 in 100 year ARI event to the same extent as the draft Flood Planning LEP map;</li> <li>• 39 Walsh Lane, South Gundurimba, the new map shows the property would be affected by</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		the 1 in 100 year event to a similar extent as the draft Flood Planning LEP map.		
<b>Other Catchment/s</b>				
3.18	<p><b>Object to flood planning map at various locations due to concerns about accuracy along with potential impact on property values and financing.</b></p> <p><b>The row below lists the properties for which submissions were made.</b></p>	<p>With regard to the remainder of the LGA (exclusive of the urban area), Council has not undertaken any flood modelling that would provide a high degree of confidence in the mapped extent. To address the concerns raised by submitters, many of whom have witnessed, or whose families have witnessed, the major floods in the LGA, Worley Parsons was engaged to review the Flood Planning Area map and devise an acceptable method for estimating the extent of the 1 in 100 year event.</p> <p>Worley Parsons undertook a regional flood analysis based on a Digital Elevation Model (DEM) of the catchment. This is a newly developed technique for analysing overland flowpaths, which can also be applied to riverine flows.</p> <p>The DEM is used to determine the catchment area at every point along the various flowpaths through the catchment. Australian Rainfall and Runoff and the Rational Method are then used to provide simplistic routing of design rainfalls (the 100yr rainfall) to determine peak flows along the flowpaths. A backwater calculation is then carried out using these flows, Manning's Equation, and the DEM to determine peak water levels along the flowpaths. The end result is a grid of flood extent and water levels <i>throughout</i> the entire catchment.</p> <p>The quality of the outputs from this approach depends heavily on the quality of the DEM. The highest quality elevation data covering the LGA at</p>	The only option available is to adopt the Flood Planning Map that provides the best knowledge available about the extent of a 1 in 100 year ARI flood.	Replace the exhibited Flood Planning Map with the revised map as amended by the results of the Worley Parsons regional flood analysis.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>the moment is the 25m DEM available from the Lands Department. This DEM was created from the 10m contours on the 1:25,000 topographic mapping. These are the same contours used when determining the proposed Flood Planning Area for the 'non-modelled' regions. It therefore utilises the same data as the existing approach, but applies a level of hydraulic rigour to the assessment.</p> <p>It is proposed that the mapped extent provided by Worley Parsons replaces the Flood Planning Map for the area not already modelled in the urban area and the Richmond River project.</p> <p>With respect to individual properties on which submissions were made, the row below describes the change.</p>		
3.19	<p><b>Property specific objections:</b></p> <ul style="list-style-type: none"> <li>• 3 Arthur Road and 805 Corndale Road, Corndale (the change increases the level of the 1974 flood by 8-9m);</li> <li>• 945 Boyle Road, Coffee Camp;</li> <li>• 202 Caniaba Road, Caniaba</li> <li>• 395 Corndale Road, Corndale (dwelling is 7m above surrounding paddocks);</li> <li>• 1 Cross Road, Numulgi</li> <li>• 34 Cross Road, Numulgi;</li> <li>• 120 Durham Road, Monaltrie;</li> <li>• 30 Fernside Road, Fernside</li> <li>• 35 Fernside Road, Fernside</li> <li>• 6E Jacobson Road, Georgica</li> </ul>	<p>Property specific changes:</p> <ul style="list-style-type: none"> <li>• 3 Arthur Road and 805 Corndale Road: the revised map indicates these properties are no longer affected;</li> <li>• 945 Boyle Road, Coffee Camp: the draft map shows very little impact on this property, the revised map reduces this extent;</li> <li>• 202 Caniaba Road, Caniaba: the revised map shows the property is no longer affected</li> <li>• 395 Corndale Road: still affected over the majority of the property. However, the area on which the house is located is no longer affected;</li> <li>• 1 Cross Road, Numulgi: still affected but a much reduced extent on the northern side of Cross Road;</li> <li>• 34 Cross Road, Numulgi: a much reduced</li> </ul>	Not applicable.	Replace the exhibited Flood Planning Map with the revised map as amended by the results of the Worley Parsons regional flood analysis.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• 271-281 Jiggi Road Goolmangar (concern about extending the line on the western side of Jiggi Rd based on 1954 &amp; 1974);</li> <li>• 90 Johnston Road, Clunes;</li> <li>• 74 Keerrong Road, The Channon</li> <li>• 1441A Keerrong Road, The Channon</li> <li>• 16 Koonorigan Road, Goolmangar</li> <li>• 488B Kyogle Road, Tuncester</li> <li>• 290 Leycester Road, Leycester</li> <li>• 359 Nimbin Road, Via Lismore</li> <li>• 621 Nimbin Road, Goolmangar</li> <li>• 956 Nimbin Road, Goolmangar</li> <li>• 1335 Nimbin Road, Goolmangar</li> <li>• 2345A Nimbin Road, Nimbin</li> <li>• 1600 Nimbin Road (in 20 years major floods contained on western side of Nimbin Rd;</li> <li>• 2220 &amp; 2298 Nimbin Road, Coffee Camp</li> <li>• 11 Parmenter Road, Coffee Camp</li> <li>• 2 Pinchin Road, Goolmangar (1989 flood crossed corner of Pinchins Road);</li> <li>• 29 Rock Valley Road, Rock Valley</li> <li>• 334 Rock Valley Road, Rock Valley</li> <li>• 404 Rock Valley Road, Rock Valley</li> <li>• 531 Rock Valley Road, Rock Valley;</li> </ul>	<ul style="list-style-type: none"> <li>• extent is shown;</li> <li>• 120 Durham Road, Monaltrie: a slightly reduced extent is shown;</li> <li>• 30 Fernside Road, Fernside: a much reduced extent is shown;</li> <li>• 35 Fernside Road, Fernside: a reduced extent is shown only on the southern side of the road;</li> <li>• 6E Jacobson Road, Georgica: a reduced extent is shown;</li> <li>• 271-281 Jiggi Road - 271 Jiggi Road is no longer affected; 281 Jiggi Road only minor change to the map on the eastern side of Jiggi Road;</li> <li>• 90 Johnston Road, Clunes: a slightly reduced extent is shown;</li> <li>• 74 Keerrong Road, The Channon: this property was barely affected by the draft Flood Planning map and the revision removes any affect;</li> <li>• 1441A Keerrong Road, The Channon: revised map shows a much reduced area;</li> <li>• 16 Koonorigan Road, Goolmangar: revised map shows a reduced area;</li> <li>• 488B Kyogle Road, Tuncester: a slightly reduced area is shown;</li> <li>• 290 Leycester Road, Leycester: a slightly reduced area is shown;</li> <li>• 1 Mackney Road: Lot 23 DP703516 (No real change) and Lot 1 DP883448 no longer affected;</li> <li>• 359 Nimbin Road, Via Lismore: the revised shows a similar extent affected;</li> <li>• 621 Nimbin Road, Goolmangar: the revised shows a similar extent affected;</li> <li>• 956 Nimbin Road, Goolmangar: the revised shows a reduced extent;</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• 751 Rock Valley Road, Rock Valley</li> <li>• 855 Rock Valley Road, Rock Valley</li> <li>• 73 Rosehill Road, Tuncester;</li> <li>• 281 Rosehill Road, Blakebrook, Lot 31 DP710305;</li> <li>• 308 Rosehill Road, Goolmangar;</li> <li>• 1 Yeager Road, Leycester (noted that 1974 flood did not affect the homestead).</li> </ul>	<ul style="list-style-type: none"> <li>• 1335 Nimbin Road, Goolmangar: the revised shows a much reduced extent;</li> <li>• 1600 Nimbin Road: a small section on the eastern side is still affected (5% of property);</li> <li>• 2220 &amp; 2298 Nimbin Road, Coffee Camp: the draft map shows very little impact on this property, the revised map reduces this extent;</li> <li>• 11 Parmenter Road, Coffee Camp: the revised map indicates a reduced extent;</li> <li>• 2 Pinchin Rd Goolmangar: the revised map indicates the property is still affected but not to the same extent;</li> <li>• 29 Rock Valley Road, Rock Valley: a much reduced extent is shown;</li> <li>• 334 Rock Valley Road, Rock Valley: a much reduced extent is shown – only on the western side of Rock Valley Road;</li> <li>• 404 Rock Valley Road, Rock Valley: the property is no longer affected;</li> <li>• 531 Rock Valley Road, Rock Valley: approximately half the property on the western side of Rock Valley Road is affected (the whole property was affected by the draft map);</li> <li>• 751 Rock Valley Road, Rock Valley: a much reduced extent is shown</li>   <li>• 855 Rock Valley Road, Rock Valley: there is little change between the draft &amp; the revised map;</li> <li>• 73 Rosehill Road, Tuncester: property no longer affected;</li> <li>• 281 Rosehill Road, Blakebrook, Lot 31 DP710305: a much reduced extent is shown;</li> <li>• 308 Rosehill Road, Goolmangar: approximately 2/3 of this property is still affected;</li> <li>• 1 Yeager Road, Leycester: no longer affected;</li> </ul>		





**ATTACHMENT 4: DRAFT LEP 2010 SUBMISSIONS ON URBAN & RESIDENTIAL LAND RELEASE AREAS ~ ISSUES & RESPONSES**

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>4.1 CHILCOTTS GRASS URBAN RELEASE AREA</b>				

<p><b>Support expressed for the rezoning of land at Chilcotts Grass from the land owners.</b></p> <p><b>Concern about the potential impact of the development on wildlife corridors.</b></p> <p><b>Adverse impact on Tucki Tucki Creek.</b></p> <p><b>Refer to 4.3 below.</b></p>	<ul style="list-style-type: none"> <li>• The lots that comprise the Chilcotts Grass Urban Release Area are currently zoned 1(d) Investigation and comprise Lot 301 DP882629, Lot 8 DP262461, Lot 9 DP262461, Part of Lot 1 DP123272;</li> <li>• The total land area is approximately 22ha and is located south-east of Goonellabah and east of the existing City Acres estate extending from the end of George and Willow Tree Drives. Tucki Tucki Creek defines the northern and southern boundaries of the site;</li> <li>• A rezoning proposal was submitted with an assessment of the site's ability to accommodate residential development.</li> <li>• The zones proposed for the site are R1 General Residential and RE1 Public Recreation, which comprises a neighbourhood park and reserve adjacent to Tucki Tucki Creek. It is proposed that a 40m buffer to the Creek will be revegetated to improve the habitat values of the site. The inner 20m of this buffer is proposed to be planted in accordance with Council's guidelines for riparian rainforest rehabilitation. Eucalypts are proposed in the outer 20m to provide a koala corridor.</li> <li>• The indicative Chilcotts Grass subdivision plan proposes 113 residential lots ranging from 600m<sup>2</sup> to 3625m<sup>2</sup>;</li> <li>• The Public Recreation Zone is consistent with the rest of the Tucki Tucki Creek corridor;</li> <li>• The existing road network external to the site has sufficient capacity for the projected additional traffic, except for the intersection of Rous Road and McIntosh Road, which will require upgrading. George Drive and Willow Tree Drive will be extended to provide vehicular access internal to the development.</li> </ul>	<p>The submissions did not oppose the rezoning of Chilcotts Grass. However, they did express concern about the impact of development on Tucki Tucki Creek and its associated flora and fauna. Therefore, the option to retain the land in a rural zone was not considered.</p> <p>The assessment undertaken by the ecologist shows that these concerns can be addressed by increasing the riparian buffer and rehabilitation area in some parts of the site, undertaking additional assessment of ecological issues during the preparation of the development control plan and ensuring that appropriate controls are included in the development control plan and subsequent development approvals.</p> <p>Potential impact from increased urban development in the City Acres estate can also be managed through the development application process.</p>	<p>Amend the Draft LEP 2010 Land Zoning Map LZN-012 to include the requisite riparian buffer and rehabilitation area on alignment with Tucki Tucki Creek.</p> <p>Proceed with the proposed rezoning of the remainder of the site to R1 – General Residential.</p>
---	--	---	---



		<ul style="list-style-type: none"> <li>• A site specific DCP will be prepared and will outline infrastructure requirements for the site and how these are to be funded. A 66kV power line that traverses the site from north to south will be relocated to avoid the developable area.</li> </ul> <p>In response to submissions to the draft LEP, the site was assessed by an Ecologist engaged by Council. The following recommendations were provided:</p> <ul style="list-style-type: none"> <li>• The proposal needs to consider a 40m riparian conservation area (i.e public reserve) calculated from the top of the high bank of Tucki Tucki Ck and a wider creek rehabilitation area to maintain/improve the ecological integrity of the riparian zone of this 800m reach of Tucki Tucki Ck in accordance with the definition of 'waterfront land' under the <i>Water Management Act 2000</i>;</li> <li>• The assessment needs to demonstrate that the development can appropriately manage stormwater and cater for recreation without encroaching onto waterfront land;</li> <li>• Further assessment of the impact of the development on noteworthy threatened species of fauna should accompany the development proposal, including a survey and impact assessment on any local Platypus populations and amphibians (including rare or cryptic frogs). In addition, further assessment on the impact of removing stands of regenerating rainforest that may occur amongst Camphor laurel forest on threatened species of Flying Fox and rainforest pigeon is required under Part 5A of the EP&amp;A Act.</li> </ul>		
--	--	--	--	--

4.2 CITY ACRES REZONING				
4.2	<p><b>Object to rezoning to R1 for the following reasons:</b></p> <p><b>Loss of semi-rural amenity due to:</b></p> <ul style="list-style-type: none"> <li>• <b>Potential smaller lot sizes leading to loss of semi-rural lifestyle;</b></li> <li>• <b>Potential for an increase to medium density development;</b></li> <li>• <b>Increase in noise and pollution.</b></li> </ul> <p><b>Adverse impact on wildlife corridor and Tucki Tucki Creek, including the breeding ground of the Tusk Frog (<i>Adelotus Brevis</i>).</b></p> <p><b>Request made to include the creek corridors in an environmental protection zone rather than a recreation zone.</b></p> <p><b>Note that the submissions received in relation to the proposed rezoning of City Acres, raised similar issues with the rezoning of the Chilcotts Grass land release area.</b></p>	<p>While the zoning of City Acres is not classified as an Urban Release Area, submissions with respect to its zoning are included in this table due to its proximity to Chilcotts Grass.</p> <p>The site referred to as 'City Acres' is comprised of a rural residential subdivision bound by Rous Road to the south and the Chilcotts Grass urban land release area to the west. The City Acres estate is currently zoned 1(c) Rural Residential and is proposed to be zoned R1 General Residential due to:</p> <ul style="list-style-type: none"> <li>• The ability for the area to be connected to the sewerage system in the future;</li> <li>• Its proximity to existing and proposed urban residential areas;</li> <li>• Its location within the town and village growth boundary in the Far North Coast Regional Strategy;</li> <li>• The potential to maximise the use of land identified for urban development in the FNCRS by providing opportunities for increased infill development.</li> </ul> <p>The alignment of Tucki Tucki Creek on the southern boundary of City Acres is currently zoned 6(a) Recreation Zone and is proposed to be zoned RE1, which will extend into the Chilcotts Grass urban release area (see Issue 4.1 above).</p> <p>The proposed Development Control Plan for the Chilcotts Grass area could show how City Acres will connect with the new development area.</p>	<p><b>Option A</b> Discard rezoning of land as identified on DLEP 2010 Land Zoning Map LZN-012 and include the land in the R5 Large Lot Residential zone.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Partially addresses issues raised in the submissions by maintaining zoning or equivalent;</li> <li>• Does not allow for efficient utilisation of the land as highlighted with the FNCRS;</li> <li>• Does not reflect the pattern of urban development in the vicinity.</li> </ul> <p><b>Option B</b> Proceed with proposed rezoning of the land to R1 – General Residential in accordance with DLEP 2010 Land Zoning Map LZN-012.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Complies with objectives of the FNCRS and provides opportunities for infill development within the town growth boundaries;</li> <li>• Extends the boundary of existing current 6(a) Recreation zoned land to create a 40m riparian buffer along Tucki Tucki Creek alignment.</li> </ul>	<p><b>Option B</b> Proceed with proposed rezoning of the land to R1 – General Residential as shown on DLEP 2010 Land Zoning Map LZN-012.</p>

		<p>The proposed minimum lot size for subdivision is consistent with the rest of the R1 General Residential zone, that is, 400m<sup>2</sup>. Thus the proposed rezoning will potentially result in smaller lot sizes and increased housing over time. It may also result in other forms of housing such as units. It is noted that dual occupancy is possible under the existing 1(c) Rural Residential zone, subject to satisfying on-site waste water disposal requirements.</p> <p>The impact of the Chilcotts Grass rezoning on wildlife and the creek corridor can be managed through the Development Control Plan and subsequent development applications. Potential impact from increased urban development in the City Acres estate can also be managed through the development application process.</p>		
--	--	---	--	--

**4.3 CRAWFORD LAND/SCU LAND URBAN RELEASE AREA**

<p>4.3</p>	<p>Two (2) submissions were received on behalf of the SCU. The second submission (received 29 June 2011) updates the first one and reflects the ongoing discussions between Council staff and the SCU to prepare a DCP for the land, along with the revised location of the AFPI on the southern portion of the site. The original submission had envisaged the potential for bulky goods retailing on this part of the site. The submissions propose:</p> <ul style="list-style-type: none"> <li>• The B4 Mixed Use zone is an appropriate zone for the whole site, exclusive of the Environmental Protection zone, as opposed to part B4 part IN1 General Industry;</li> <li>• The B4 zone is consistent with the identification of the site as 'employment growth lands' in the FNCRS;</li> <li>• IN1 General Industrial zone is not compatible with mixed use zone to north, will conflict with residential areas, have adverse visual impacts, &amp; other industrial land has been approved on Wyrallah Road;</li> </ul>	<p>The site known as the 'Crawford land' is land owned by Southern Cross University (SCU). It comprises a number of lots bounded by Crawford Road, Military Road and Skyline Road, East Lismore. The site is currently zoned 5 Special Uses – Technology Park and 7(b) Environment Protection (Habitat).</p> <p>The draft LEP identifies the site as an Urban Release Area that is proposed to be included in the B4 Mixed Use zone (approx 37ha), the IN1 General Industry zone (approx 18ha) and the E3 Environmental Management zone under the draft LEP. The E3 zone generally reflects the current boundaries of the 7(b) zone.</p> <p>The part of the site proposed for industrial development was identified as such due to constraints such as the disused quarry, flooding etc. and regarded as potential for employment.</p> <p>The more detailed investigations that have occurred as part of the structure planning for the overall development of the site and the development application for the APFI have, to some extent, superseded the preliminary investigations undertaken for the draft LEP. It is accepted that this should inform the future zoning of the site. Therefore, it is considered that the B4 zone would be most appropriate.</p> <p>The more detailed work that has occurred also indicates the potential for a dwelling/s to be located in the area in the E3 zone, especially in the absence of any Council intent to acquire the land for bushland recreation purposes. Dwellings are permissible with Council consent in the E3 zone. The area of the E3 zone is approximately 15 ha.</p>	<p>As the only submission received was from the land owner and there is no equivalent zone in the Standard Template to the existing 5 zone, an examination of options did not occur.</p>	<ol style="list-style-type: none"> <li>1. Amend the zoning map LZN-012 to change the area in the IN1 zone to B4.</li> <li>2. Amend the lot size map LSZ-012 to change the minimum lot size for the area of the site in the E3 zone to 10ha and insert a new category of 10ha.</li> </ol>
------------	--	---	--	--

Lismore City Council



		<p>The minimum lot size for subdivision in the E3 zone is 40ha and clause 4.2A(2)(b) requires that dwellings may be approved in an E3 zone if the lot size is equal to or greater than the minimum lot size. Therefore, if a dwelling on this part of the site is to be permissible the minimum lot size map for the site should be amended.</p> <p>The environmental values of the land (including core koala habitat) can be conserved and managed through the preparation of the Development Control Plan and associated planning agreement.</p>		
--	--	---	--	--

	<ul style="list-style-type: none"> <li>• <b>The minimum lot size for the part of the site included in the E3 Environmental Management zone is amended from 40ha to 3ha to permit two (2) dwellings to be constructed. This minimum is identified in light of recent discussions with Council staff about the potential for the area around the former quarry to be used for recreation (walkways etc), which may reduce the area in the E3 zone. Further the DCP will identify areas of environmental significance and requisite rehabilitation works.</b></li> </ul>	<p>A minimum lot size of 3ha would enable the subdivision of the land into 5 parcels and the potential for five (5) dwellings. This is not the intention of SCU and site constraints would dictate that five (5) dwellings are not possible. However, allocating this minimum would provide the potential for it to occur and it is not clear at this stage that this is appropriate.</p> <p>Until the detailed investigations are finalised in relation to the DCP it is difficult to provide any certainty about the preferred future use of the E3 part of the site. However, there is sufficient information to suggest that the site is capable of accommodating at least one (1) dwelling. Therefore, it is recommended that a minimum lot size of 10 ha is nominated on the minimum lot size map. If, during the preparation of the development control plan, Council supports more than one dwelling on this part of the site, the LEP can be amended to reduce the minimum lot size. This can occur in conjunction with a development application.</p>		
<p><b>4.4 HOLLAND STREET URBAN RELEASE AREA</b></p>				
<p>4.4</p>	<p><b>No issue with the rezoning but major concerns with the future form of development, in particular:</b></p> <p><b>The impact of the road connection from Allambie Drive</b></p>	<p>The lot that comprises the 20 Holland Street Urban Release Area is approximately 5.7ha and is located to the north of Hepburn Park in Goonellabah and west of the Goonellabah industrial precinct. Tucki Tucki Creek defines the western and northern boundaries of the site. It is currently zoned 1(d) Investigation and 6(a) Public</p>	<p>The submissions did not oppose the rezoning of 20 Holland Street. However, they did express concern about the impact of development, in particular the proposed road link, on Tucki Tucki Creek and its associated flora and fauna. Therefore, the option</p>	<p>1. Amend the Draft LEP 2010 Land Zoning Map LZN-008 to include the requisite riparian buffer in the RE1 Public Recreation zone.</p>

<p>and the bridge/road crossing Tucki Tucki Creek on:</p> <ul style="list-style-type: none"> <li>• Platypus habitat within the riverbanks;</li> <li>• other wildlife;</li> <li>• bisecting of the park lands;</li> <li>• increase in through traffic and potential anti-social behaviour (speeding etc);</li> <li>• pedestrian safety.</li> </ul> <p>The impact of development on on wildlife and parklands including:</p> <ul style="list-style-type: none"> <li>• Platypus and bird life;</li> <li>• stormwater runoff into Tucki Tucki Creek;</li> <li>• riparian areas.</li> </ul> <p>The impact of through traffic on residents, pedestrian safety and the park amenity.</p> <p>The noise impact related to increased traffic and development generally along with the impact of adjoining industrial use and noise impacts across the site.</p>	<p>Recreation.</p> <p>The zones proposed for the site are R1 General Residential and RE1 Public Recreation, which comprises a reserve adjacent to Tucki Tucki Creek. The proposal would extend the area currently included in the 6(a) Recreation zone.</p> <p>A rezoning proposal was submitted with an assessment of the site's ability to accommodate residential development. This proposal indicates that a lot yield of 25 residential lots can be achieved. All lots exceed 800m<sup>2</sup> in area. The largest lots are located in the steeper parts of the site. The proposal includes an internal vehicle access road from Holland Street that, in the longer term would connect with Allambie Drive via a bridge or culvert over Tucki Tucki Creek.</p> <p><u>Ecology</u></p> <p>In response to ecological concerns raised in submissions, Council engaged an ecologist to undertake an ecological assessment of 20 Holland Street. In summary, the findings are as follows:</p> <ul style="list-style-type: none"> <li>• The ecological assessment completed as part of the SEE (NDC, Reference 03/438) is flawed. Additional assessment is required and should include:             <ol style="list-style-type: none"> <li>(1) Assessment of the proposal's potential impact on <i>Anthraxon hispidus</i> (Hairy-joint Grass) under Part 5A of the EP&amp;A Act. Proposed stormwater treatment areas and road/bridge construction will particularly impact on this species;</li> <li>(2) Consideration of a 40m riparian buffer calculated from the top of the high bank of Tucki Tucki Creek;</li> </ol> </li> </ul>	<p>to retain the land in a rural zone was not considered.</p> <p>The assessment undertaken by the ecologist and Council's Senior Strategic Engineer shows that the road link is not desirable and there is a need to increase the riparian buffer in some parts of the site, undertaking additional assessment of ecological issues during the preparation of the development control plan and ensuring that appropriate controls are included in the development control plan and subsequent development approvals.</p> <p>While the draft LEP does not include the road link it is recommended that this does not proceed and, as such, should not be included in the site specific DCP.</p>	<ol style="list-style-type: none"> <li>2. Proceed with the proposed rezoning of the remainder of the site to R1 General Residential.</li> <li>3. The proposed road link from Allambie Drive not proceed.</li> </ol>
---	--	--	---

		<p>(3) Demonstration that development can appropriately manage stormwater and cater for recreation without encroaching on the riparian buffer;</p> <ul style="list-style-type: none"> <li>• The proposed bridge is likely to have significant impacts on the aquatic and riparian habitat values of the waterway. The proposal’s impact, including that of the proposed bridge/road on species such as Platypus is not adequately addressed in the environmental assessment. In particular the risk of sedimentation and pollution from development and urban stormwater run-off affecting aquatic invertebrate populations that Platypus are reliant on, has not been identified in the assessment.</li> <li>• The above issues can be addressed through the development of the site specific DCP.</li> </ul> <p><u>Traffic &amp; Road Layout</u> Council’s Senior Strategic Engineer reviewed the proposal, in particular, the possible road link:</p> <ul style="list-style-type: none"> <li>• The concept location of the Link Road to Allambie Drive is in an environmentally sensitive area;</li> <li>• The link road may also allow “rat running” and, if constructed, should be carefully planned to correct this speed environment;</li> <li>• Once the link is trafficable, it is reasonable to assume that half to one-third of the 2,200vpd will access Holland St through the proposed development;</li> <li>• The submitted indicative allotment is not acceptable and an alternative position is highly recommended.</li> </ul>		
--	--	--	--	--

		<p><u>Stormwater</u>  Council's Strategic Engineer provided the following comment on stormwater:</p> <ul style="list-style-type: none"> <li>• The site falls to Tucki Tucki Ck, and Holland Street contains the catchment from the east;</li> <li>• The applicant will be required to comply with Lismore DCP Chapter 22 and Lismore Stormwater Management Plan;</li> <li>• If approved, conditions can be placed on the subdivision approval to ensure there is no net increase in discharge between the pre-developed rural site and fully developed site.</li> </ul> <p><u>Noise</u>  There are potential land use conflict issues given the site's proximity to existing industrial areas, including a commercial laundry, to the east. These areas are proposed to be included in the General Industry zone. Land to the north is also proposed to be included in the General Industry zone. These areas contain a mix of uses including storage sheds, a church, a vet, a funeral home, childcare centre, mechanic workshops, water tank supplier and timber/hardware operation. The commercial laundry appears to cause the most concern with respect to noise and other emissions.</p> <p>The rezoning submission identifies noise attenuation measures in the form of a 7.5 metre wide landscape buffer along the full length of the eastern boundary of the site. The buffer is proposed to contain a 2.6 metre high acoustic barrier comprising a mixture of landscaped earth mound and timber fencing to mitigate noise impacts from the industrial estate.</p>		
--	--	---	--	--

		<p>The most appropriate industrial zone for the area to the east and north is explored in further detail in Table 10. In summary, Table 10 recommends that the zone be changed to Light Industry to the east.</p> <p>With respect to increased noise from traffic and development generally, if the link road does not proceed there will be minimal noise impact on residential areas to the west (including Allambie Dve). The existing park between the site and this residential area will provide a buffer to any future housing.</p>		
<b>4.5 INVERCAULD ROAD URBAN RELEASE AREA</b>				
4.5	<p><b>Issues raised do not relate to the change of zone per se but to the potential impacts of future development specifically:</b></p> <ul style="list-style-type: none"> <li><b>Potential impacts on wildlife, in particular koala habitat and the wildlife corridor along the western boundary of the site;</b></li> <li><b>Traffic impacts as a result of increased density but more specifically impacts on Lot 17 DP788403 (229 Invercauld Road) as a result of proposed access arrangements through this allotment;</b></li> <li><b>Stormwater run-off in heavy rain events.</b></li> </ul>	<p>The Invercauld Road Urban Release Area is located at the southern end of Invercauld Road comprising Lot 1 in DP1103669 and Lot 103 in DP709070. It is 59.7 hectares in area and is bounded by an unnamed creek to the east and a minor escarpment to the west that separates the site from existing residential development in the Julie Crescent/Stevenson Street locality.</p> <p>The land is proposed to be included in the R1 General Residential Zone and the E3 Environmental Management Zone (along the eastern boundary).</p> <p>Along with all proposed urban release areas, a rezoning proposal was submitted with an assessment of the site's ability to accommodate residential development.</p> <p>A development control plan is required before any development occurs on the site. This will be facilitated by a 2 day structure planning exercise in mid August 2011.</p>	<p>Issues raised by submitters and technical assessments can be addressed through the more detailed site planning process involved in the preparation of the site specific DCP.</p> <p>With regard to the comment by the ecologist that a dwelling could be considered in the E3 zone, this needs further consideration through the DCP preparation process. If one or more dwellings is considered appropriate in this part of the site it will be necessary to amend the minimum lot size map to ensure this is possible.</p> <p>If the local planning and road strategy indicates future road access is desirable through Lot 17 DP788403 consultation with the landholder will occur.</p> <p>With respect to the extent of the E3</p>	<p>Amend the draft LEP 2010 Land Zoning Map to achieve consistency with the E3 zone boundaries proposed in the rezoning submission.</p>

		<p><u>Ecology</u>                  An ecologist was engaged by Council to assess the proposed rezoning and the submissions made to the draft LEP. The ecologist’s report concludes that the Flora and Fauna Assessment Report submitted with the rezoning application, <i>“satisfactorily assesses the ecological values of the site despite some minor errors and omissions. Key findings include identification of Lowland Rainforest on Floodplain EEC and core Koala habitat occurring on the site, in addition to observation of three species of flora and four species of fauna that are listed as threatened.</i></p> <p><i>‘Seven part tests’ for these and other threatened species recorded elsewhere in the locality demonstrate the proposed rezoning will not have a significant impact. This is based on the assumption that the forested and riparian areas of the site will be protected under proposed environmental protection zoning. The report concludes that Species Impact Statements and Commonwealth referral is therefore not warranted.</i></p> <p><i>A Vegetation Management Plan and Koala Management Plan have been also submitted in this regard, but an assessment of these ancillary documents should be undertaken by Council’s Ecologist prior to the future planning charette scheduled for this proposal. In particular, these ancillary planning documents should be considered in the context of protecting and enhancing key ecological features of the site including the waterway corridor, Lowland Rainforest on Floodplain EEC, Koala habitat and other threatened flora and fauna habitat identified</i></p>	<p>zone in the north-eastern part of the site, the Invercauld Road Charette held in August 2011 and including land owners, their specialist consultants and Council staff, confirmed that there would be little ecological merit in extending the E3 zone as recommended by the ecologist.</p> <p>The charette also revealed an anomaly in the publicly exhibited E3 zone in the south- eastern part of the site. It is therefore recommended that the boundaries of the E3 zone are revised to reflect the boundaries proposed in the rezoning application.</p>	
--	--	--	--	--

		<p><i>in the site.</i></p> <p><i>The main ecological issue concerned with the proposed rezoning is that the width of the proposed environmental protection zoning along the northern extent of the waterway (i.e. north-east corner of the site) is considered to be insufficient.'</i></p> <p>The ecologist has therefore recommended:</p> <ul style="list-style-type: none"> <li>▪ The proposed environmental protection zone in the north-eastern part of the site be widened to a minimum 100m to protect the site's ecological integrity, restoration capability and Aboriginal cultural heritage values.</li> <li>▪ The Vegetation Management Plan and Koala Management Plan be assessed by Council's ecologist prior to the future planning charette, with particular attention paid to protection and enhancement of the waterway corridor, Lowland Rainforest on Floodplain EEC, Koala habitat and other threatened flora and fauna habitat identified in the site.</li> <li>▪ Stormwater management and recreation areas be located outside the proposed environmental protection zone wherever possible, notwithstanding that low impact passive recreation opportunities could be provided in the creek corridor area such as walking tracks.</li> <li>▪ The impact of the proposed southern sewer trunk main be minimised by locating it outside of the proposed environmental protection zone, or alternatively designing, constructing and managing any infrastructure in the zone so that it does not involve significant clearing or conflict with restoration objectives of the</li> </ul>		
--	--	--	--	--



		<p>approved vegetation management plan.</p> <ul style="list-style-type: none"> <li>▪ Council consider keeping the proposed environmental protection zoning in private ownership with an appropriately located dwelling entitlement and explore 'public right of way' easements, where suitable, to construct walking track access along the creek.</li> <li>▪ Council consider entering into a planning agreement for the landowner to restore and manage the proposed environmental protection zoning area in accordance with an approved vegetation management plan.</li> </ul> <p>With respect to the part of the site along the western boundary that contains Koala habitat, the site specific DCP will incorporate measures to ensure it is conserved and protected. It is not considered necessary to include any of this land in an environmental protection zone.</p> <p>In relation to a dwelling in the area zoned E3, this raises a similar issue to the Crawford lan with respect to the minimum lot size.</p> <p><u>Traffic/Road works</u></p> <p>The rezoning submission proposes that vehicular access to the site will be initially provided from the southern end of Invercauld Road. The road network within the subdivision is proposed to ultimately link back to Invercauld Road in the north via an existing road reserve north of Stevenson Street. The Concept Plan identifies road access through Lot 17 DP788403. A submission from the owner of this land states that no consultation has been undertaken with regard to such access. This is a Concept Plan only.</p> <p>Other road works proposed in the rezoning submission are as follows:</p>		
--	--	--	--	--

		<ul style="list-style-type: none"> <li>• Invercauld Road to be upgraded from the development site to the intersection with Cynthia Wilson Drive;</li> <li>• Traffic lights to be provided at the intersection of Ballina St and Invercauld Rd;</li> <li>• Construction of Link Road 6 as outlined in the Lismore Contributions Plan 2004 (S94 Plan) to Skyline/Rous Rd after the creation of approximately 100 lots;</li> <li>• Construction of a two lane roundabout at the intersection of Cynthia Wilson Dr and Invercauld Rd.</li> </ul> <p>The site specific DCP to be prepared for the site will commence with the 'charette' planning day in mid-August 2011. This process will resolve issues such as road access, the location of wildlife corridors within the site, lot layout and stormwater management. If this process indicates the desirability of road access as indicated on the Concept Plan, the consent and involvement of the land owner will occur.</p>		
--	--	--	--	--

**4.6 SOUTH LISMORE URBAN RELEASE AREA**

	<p><b>Objection to the proposed rezoning due to:</b></p> <ul style="list-style-type: none"> <li>• <b>Contamination of extractive material and exposure of contaminated material on the site. EIS completed in 2007 found that bedrock basalt is contaminated.</b></li> <li>• <b>Adverse environmental / ecological impacts on Hollingsworth Creek, in</b></li> </ul>	<p>The South Lismore Industrial Rezoning relates to land located between the South Lismore flood levee and Hollingsworth Creek. The land is located on the eastern and western side of Caniaba Street and extends the area of industrial land from Wilson Street South to approximately the railway line. The area proposed to be zoned IN1 General Industrial and IN2 Light Industrial is currently zoned 1(r) Riverlands.</p> <p>A rezoning submission was prepared with respect to the following lots. The total area of these lands</p>	<p><b>Option A</b> Discard rezoning of the land as identified on LLEP 2010 Land Zoning Map LZN-007 <b>in the short term only</b>. Include the land in the equivalent zone to the current Lismore LEP, ie, RU1 Primary Production. Amend the LEP once the DCP is in draft form and a draft Planning Agreement has been signed by the land owners.</p> <p><b>Option A Comments</b></p>	<p><b>Option B</b> Proceed with rezoning of the land as publicly exhibited.</p>
--	--	---	--	---

	<p>particular, on endangered Flora Species including Sweet Myrtle and impact on native fauna habitat.</p> <ul style="list-style-type: none"> <li>• The impact of heavy vehicle movements on Caniaba Street and culvert over Hollingsworth Street sending shockwaves through a house on Caniaba Street;</li> <li>• Proposal will increase heavy vehicles, excavation, blasting and vibration damage;</li> <li>• Future flooding impact in particular:             <ul style="list-style-type: none"> <li>➢ filling the site will displace water to surrounding land, including residential properties that back onto Hollingsworth Creek;</li> <li>➢ there will be an adverse impact on existing floodways;</li> <li>➢ there will be adverse affects on surrounding properties during flood events.</li> </ul> </li> </ul> <p><b>Note: some submissions raised issues relating to the Reclassification/Rezoning of Community Land including Riverview Park. These have been addressed in Table 4.</b></p>	<p>is 51ha. The potential developable area is 25.3ha. The figure in brackets is the area of each lots that is potentially developable:</p> <p>Lot 2 DP596412 - 97 Caniaba Street and Council owned land (12.2 ha)          Lot 102 DP874261 - 114 Caniaba Street (1.5ha)          Lot 101 DP874261 - 122 Caniaba Street (6.9ha)          Lot 8 DP1135528 - 22 Wilson St South (4.7ha)</p> <p>Part of Lot 8 and Lot 101 are currently zoned 4(a) Industrial under the LEP 2000 and have an approval for filling and subsequent industrial developments.</p> <p>The land has been identified as potential industrial land in the Lismore Industrial Land Study 1995 and Lismore City Regional City Plan 2006 and as potential 'employment lands' in the FNCRS.</p> <p><i>The Town Planning Study for Proposed Rezoning of Certain Lands in South Lismore for Future Industrial Purposes</i> includes a Structure Plan, a copy of which is attached. The Structure Plan shows an indicative road layout, proposed landscaping areas and the proposed extent of fill. It also shows the area of the Airport Floodway Excavation.</p> <p>A site specific development control plan will be necessary and the structure plan may change, particularly with respect to the road links.</p> <p><u>Flooding</u></p> <ul style="list-style-type: none"> <li>• More detailed site specific hydraulic assessments will be required as part of any future development applications to determine</li> </ul>	<ul style="list-style-type: none"> <li>• Partially addresses issues raised in the submissions by maintaining zoning;</li> <li>• In the short term, does not meet with the objectives of the Lismore Industrial Land Study 1995, the Lismore Regional City Plan 2006 or the FNCRS;</li> <li>• Provides for a co-ordinated approach to the excavation of the airport floodway and filling of the industrial land;</li> <li>• Ensures the commitment and acceptance by land owners of the need for the excavation material to be taken from the Airport floodway excavation area.</li> </ul> <p><b>Option B</b>          Proceed with proposed rezoning of the land to IN1 and IN2 in accordance with LLEP 2010 Land Zoning Map LZN-007.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Complies with objectives of the Lismore Industrial Land Study 1995, Lismore City Regional City Plan 2006 and FNCRS;</li> <li>• From a strategic roading viewpoint Council has invested a significant amount of money into the upgrade of Caniaba Street, partly for ring road purposes (particularly to bypass the Hollingsworth Creek blockage at peak times). This upgrade will also facilitate a rezoning on the eastern and</li> </ul>	
--	--	--	---	--

		<p>the final line of fill;</p> <ul style="list-style-type: none"> <li>• The filling inside the levee can <b>only</b> be undertaken in conjunction with the approved airport floodway excavation. The net effect will be a slight improvement in flood level to the north and east of the site. There will be a slight increase of generally 0.01m to the north-west of the site, adjacent to the railway line and in the vicinity of where the levee abuts the creek.</li> <li>• The flood modelling indicates that the proposed filling and excavation of the floodway will have minimal impact to 30 Newbridge Street. There are indications that the flood level may actually be reduced. West of the levee the water will be directed by the levee through the excavated flood way. East of the levee the flood level is generally reduced.</li> <li>• Water will get away through the new floodway excavation. Water east of the levee will get away via Hollingsworth Creek.</li> <li>• Worley Parsons developed a predictive flood model to determine water level and water velocity. The model overlays the flood event on the terrain model. As different areas are filled or buildings constructed, the terrain model is adjusted and the model determines whether the changes between the pre and post development (or site filling) are acceptable.</li> </ul> <p><b>Note:</b> development consent 06/672 for the excavation of the airport floodway was issued in 2007. This consent approved the excavation of</p>	<p>western sides of Caniaba Street and maximize the benefits of this road corridor. Given the road's bypass function has been of limited use to date, the facilitative land use zoning becomes more important. Of note the standard of the Three Chain Road intersection with Bruxner and the road itself are highly suitable for industrial development in the area.</p> <ul style="list-style-type: none"> <li>• The site offers some large lots ideally suited to a range of industries, notably transport/distribution businesses, as evidenced by the presence of Star Track express and North Coast wholesale and distribution in Wilsons Street South. There is a distinct shortage of large lot industrial land in Lismore.</li> </ul> <p>While the structure plan indicates the potential for bridging Hollingsworth Creek at two points, further modelling is being undertaken for the roading strategy to ascertain the need for and desirability of these links in terms of the wider city network. This strategy does not need to be completed prior to the rezoning being resolved.</p> <p>The key issue for this rezoning relates to the need to ensure that the land is filled in conjunction with the proposed airport floodway excavation, to ensure</p>	
--	--	--	--	--

		<p>410,000m<sup>3</sup> of earth on 58 hectares of land at an average extraction rate of 49,000m<sup>3</sup> per annum. It is anticipated this could take more than ten (10) years to implement. The consent has not yet commenced.</p> <p><u>Land Contamination</u></p> <ul style="list-style-type: none"> <li>• The Study recommends that the dump of car and truck tyres west of the dairy bails on Lot 2 DP596412 should be removed and the area filled with material assessed as not contaminated.</li> <li>• It is not anticipated that bedrock will be encountered during the excavation of the airport floodway. Should contamination be encountered the area will be remediated and clay lined.</li> <li>• With respect to the location of the airport floodway excavation, there should be sufficient separation that infiltration from the treatment plant is not anticipated. Should contamination be encountered the area will be remediated and clay lined.</li> </ul> <p><u>Ecological considerations</u></p> <ul style="list-style-type: none"> <li>• Consideration should be given to including the riparian areas of Hollingsworth Creek adjoining the lands in an appropriate zone and progressively rehabilitating the area as a part of any compensatory off-set for the change in land use.</li> </ul>	<p>that the development does not result in any worsening of flood impacts. The management and staging of the excavation and filling will be addressed via the site specific DCP, subsequent conditions on development and a planning agreement. These documents will also address road layout and links, riparian rehabilitation and landscaping.</p> <p><b>Option C</b> Amend Draft LLEP 2010 Land Zoning Map LZN-007 to include an appropriately zoned 40m riparian buffer in alignment with the bank of Hollingsworth Creek. Proceed with rezoning of the remainder of the site in accordance with LLEP 2010 Land Zoning Map LZN-007.</p> <p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>• Complies with objectives of the Lismore Industrial Land Study 1995, Lismore City Regional City Plan 2006 and FNCRS;</li> <li>• Addresses ecological concerns raised in the submissions by including a riparian buffer in an appropriate zone along the banks of Hollingsworth Creek;</li> <li>• Does not address the limited utility of applying a zoned riparian buffer just to the subject site;</li> <li>• The Development Control Plan for the site can include measures to ensure minimal impact on Hollingsworth Creek;</li> </ul>	
--	--	--	--	--

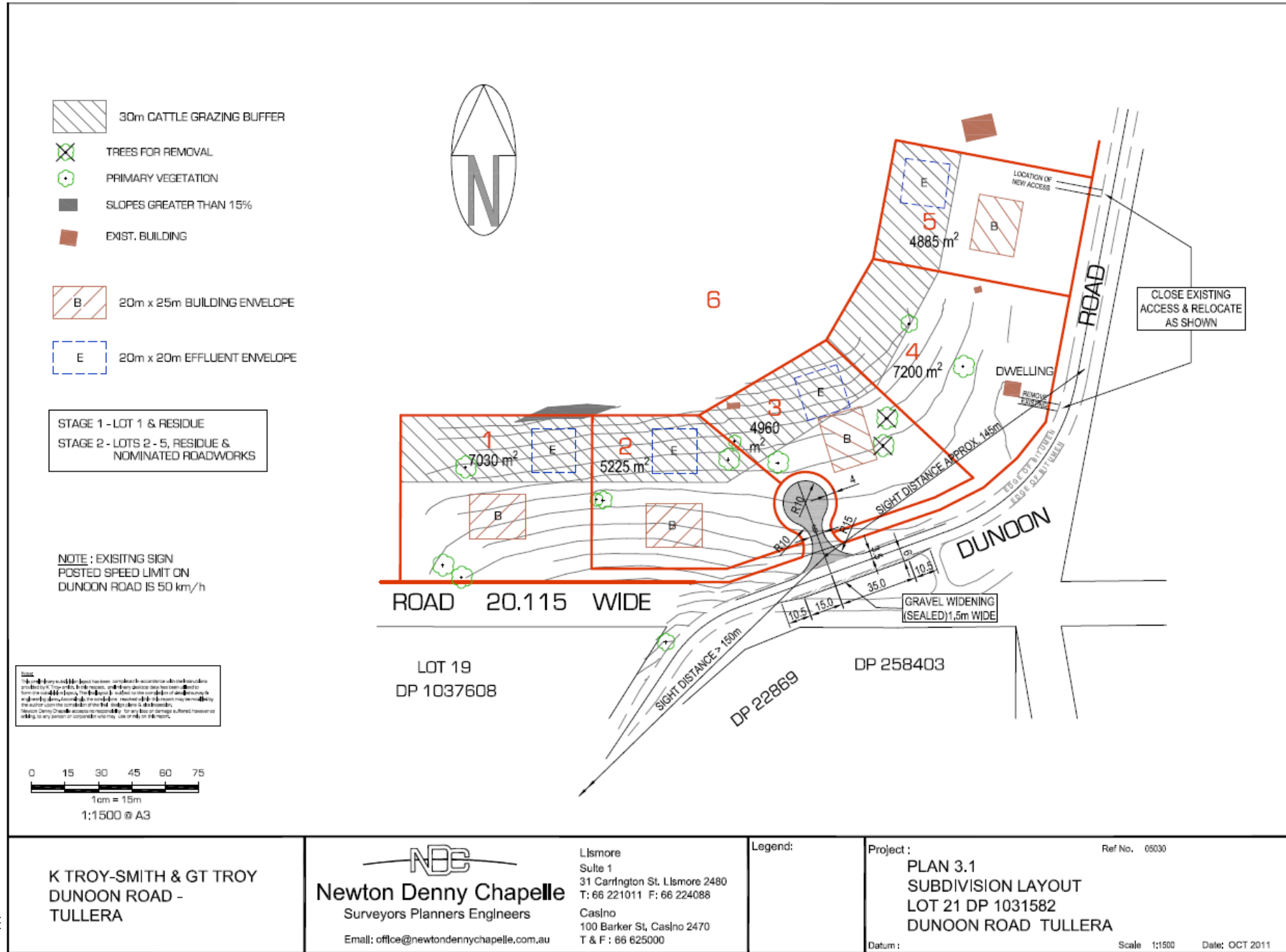
		<p><u>Traffic Movements &amp; Excavation Impacts</u></p> <ul style="list-style-type: none"> <li>• Caniaba Street currently forms part of the western bypass and has been acting as such for quite a few years. Although the development of industrial land will increase the number of heavy vehicles using Caniaba Street, it is impractical to speculate whether the increase in heavy vehicle movements would have detrimental affect on adjoining structures.</li> <li>• Caniaba Street also forms part of the link between Three Chain Road and the Nimbin Road. Whether the rezoning of further industrial land occurs or not it is anticipated that the traffic volume will generally increase. The excavation process will use standard earthmoving equipment, which may include off road trucks and excavators or scrapers. No evidence has been provided to date to suggest that rock will be encountered in the excavation. The soil type defined as a poor to moderate well drained quaternary alluvial Black Earth which is likely to be greater than 2 metres deep.</li> </ul> <p>Quarry rock is useful for armour plating erosion prone areas but the general fill material will come from the floodway excavation. Blasting at the quarry is beyond the scope of this rezoning.</p> <p><u>Report Inconsistencies</u></p> <ul style="list-style-type: none"> <li>• With respect to apparent inconsistencies in sections 2.5 and 4.5 of the rezoning submission, section 2.5 discusses the type of vegetation in the proposed area, while section 4.5 précis two Worley Parson reports, which are summary letters of the detailed modelling</li> </ul>	<ul style="list-style-type: none"> <li>• A range of industrial and residential uses currently back onto Hollingsworth Creek without a zoned buffer area;</li> <li>• Buffering can also be achieved without recourse to a specific zone (refer requirements of <i>Water Management Act 2000</i>).</li> </ul>	
--	--	--	---	--

		<p>results and the investigation into the extent of filling and excavation of the floodway. The results of the Worley Parson interrogation of the flood model adequately address the change in water level and velocity.</p> <ul style="list-style-type: none"> <li>The Worley Parson's analysis was conducted on the ARI 10, 20 and 100 year flood events as well as the PMF event. It is acknowledged that the PMF event will yield higher water levels than the ARI 100 event.</li> </ul>		
<p><b>4.7 TULLERA RURAL RESIDENTIAL 'RELEASE AREA'</b></p>				
<p>4.7</p>	<p><b>Objections to rezoning raised the following concerns:</b></p> <ul style="list-style-type: none"> <li><b>Appropriateness of continuing 'ribbon development' along Dunoon Road, access to Dunoon Road and the safety of providing additional access points along Dunoon Road, given some blind corners and school bus usage.</b></li> <li><b>Closure of 'paper road' between the proposed rural residential development site and the adjoining land to the south due to impact on existing rental agreement.</b></li> </ul>	<p>The site is located at 357 Dunoon Road, Tullera and is identified in Council's Rural Housing Strategy as appropriate for closer rural settlement. A rezoning application was submitted and assessed by staff. The proposed rezoning and minimum lot sizes would result in the creation of five (5) rural residential lots and one (1) residual rural lot. The proposed zones are R5 Large Lot Residential and RU1 Primary Production zone.</p> <p>In response to access issues raised by the submitters and the RTA, the applicants, Newton Denny Chapelle (NDC) proposed changes to the proposed subdivision that include:</p> <ul style="list-style-type: none"> <li>Access points to/from Dunoon Road reduced to 2 (not 4);</li> <li>Proposed Lots 1-4 would have direct access to proposed cul-de-sac turning area (Lots 1 and 4 via a battle axe handle to the cul-de-sac);</li> <li>Existing access point at Proposed Lot 4 (existing house) would be closed and access provided to Proposed Lot 5 at the northern</li> </ul>	<p>It is considered there is sufficient information that demonstrates that the future impact on Dunoon Road can be managed. The staging of the subdivision will assist in this regard. The Concept Plan provided by NDC will become part of the Planning Agreement that applies to the development. The Planning Agreement will need to be amended to ensure the road works required for the future subdivision of Lots 2-5 are completed prior to the release of the lots.</p> <p>It is noted that this Planning Agreement also requires vegetation rehabilitation/revegetation works.</p>	<p>1. No change to the draft LEP.</p> <p>2. Amend the draft Planning Agreement prior to the draft LEP being publicly exhibited to include reference to the revised Subdivision Layout Plan and the requirement to complete relevant road works prior to the release of Stage 2 lots and delete the requirement to close the road reserve.</p>

		<p>end;</p> <ul style="list-style-type: none"> <li>• Sight distances in easterly and westerly direction are approximately 150m;</li> <li>• Staging the subdivision to release Lot 1 only in the short term with access via a battle-axe handle. Stage 1 will include road widening on the eastern side of Dunoon Road and remaining works associated with the cul-de-sac to be completed prior to the release of the remaining lots.</li> </ul> <p>The proposed revised plans are included below this table.</p> <p>Council's Strategic Engineer has assessed the proposed rezoning and the above changes and advises that:</p> <ul style="list-style-type: none"> <li>• The proposed changes to access are a better alternative;</li> <li>• All access points will comply with Council Policy "Vehicle Access", DCP Chapter 6 and RTA/Austrroads requirements;</li> <li>• The road reserve need not be closed. It is the only practical access to Lot 98 DP755729. It is also a Crown Road reserve, closure of which is complex;</li> <li>• The proposed road widening on the eastern side of Dunoon Road can occur prior to Stage 2 lots being released;</li> <li>• A bus shelter will be required at Stage 2 along with two bus pullover areas.</li> </ul> <p>Despite the NDC Plan (Cul-de-sac – Stage 2) indicating the proposed closure of the 'paper road', this no longer appears necessary, given that Proposed Lot 1 will have access via a battle axe handle. The draft Planning Agreement will be</p>		
--	--	--	--	--



		<p>amended to reflect this, along with other changes including the completion of the required road works prior to release of Lots 2-5.</p> <p>It is noted that the rezoning of the subject land would complete the potential areas in Tullera in the Rural Housing Strategy.</p>		
--	--	--	--	--



Lismore Meeting and Re-E

K TROY-SMITH & GT TROY  
 DUNOON ROAD - TULLERA

**NDC**  
**Newton Denny Chapelle**  
 Surveyors Planners Engineers  
 Email: office@newtoddennychapelle.com.au

Lismore  
 Suite 1  
 31 Carrington St. Lismore 2480  
 T: 66 221011 F: 66 224088  
 Casino  
 100 Barker St, Casino 2470  
 T & F: 66 625000

Legend:

Project:

PLAN 3.1  
 SUBDIVISION LAYOUT  
 LOT 21 DP 1031582  
 DUNOON ROAD TULLERA

Ref No. 09030

Datum:

Scale 1:1500

Date: OCT 2011

# Dunoon Road Tullera Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Lismore City Council

Dunoon Road Tullera Landowner

Dated

## Planning Agreement

### Parties

Lismore City Council of 43 Oliver Avenue, Goonellabah, NSW 2480 (**Council**)

and

**Dunoon Road Tullera Landowner** (as defined in clause 1.1).

### Background

- A The Dunoon Road, Tullera Landowner has sought the Instrument Change to enable the Development to be carried out.
- B The Dunoon Road, Tullera Landowner is prepared to make Development Contributions in connection with the carrying out of the Development in accordance with this Agreement.
- C Until the Instrument Change takes effect, this Agreement constitutes the Dunoon Road, Tullera Landowner's offer to make Development Contributions in connection with the Development on the terms and conditions set out in this Agreement.

### Operative provisions

#### 1 Definitions & Interpretation

1.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Compliance Certificate** means a compliance certificate within the meaning of s109C(1)(a)(i) of the Act.

**Development** means the development specified or described in Schedule 2, and includes any part of that development.

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit.

**Development Subdivision Plan** means Plan 3.1 – Subdivision Layout Lot 21 DP 1031582 Dunoon Road Tullera numbered 05030 dated October 2011 prepared by Newton Denny Chapelle, copies of which are available at the offices of the Council.

**Dunoon Road, Tullera Landowner** means Persons specified in Column 3 of the Table to Schedule 1.

**Final Lot** means a lot intended for separate occupation and disposition not being:

- (a) a lot created by a subdivision of the Land that is to be dedicated or otherwise transferred to the Council, or
- (b) a lot created by a subdivision of the Land which may be further subdivided as part of the Development.

**First Defects Liability Period** means the period of 180 days on and from the date on which the Developer gives the Council a Compliance Certificate under clause 13 of this Agreement.

**GST** has the same meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

**Instrument Change** means Lismore Local Environmental Plan 2010.

**Land** means Lot 21 on DP1031582 Parish of North Lismore County of Rous and road reserves and includes any part of that land.

**Landowner** means the Dunoon Road Tullera Landowner, and includes the servants, agents and contractors of the Landowner.

**Party** means a party to this agreement, including their successors and assigns.

**Provision** means the Developer's provision under this Agreement.

**Public Facility** means a public amenity, a public service, a public facility, public land, public infrastructure, a public road, a public work, or any other act, matter or thing that meets a public purpose.

**Public Purpose** means any purpose that benefits the public or a section of the public, including but not limited to a purpose specified in s93F(2) of the Act.

**Rectification Certificate** means a compliance certificate within the meaning of s109C(1)(a)(v) of the Act to the effect that work the subject of a Rectification Notice has been completed in accordance with the Notice.

**Rectification Notice** means a notice in writing that identifies a defect in a work and requires rectification of the defect within a specified period of time.

**Registered Proprietor** has the same meaning as in the *Real Property Act 1900*.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Rezoning Submission** means the document titled 'Rezoning Submission With Respect to a Proposed Closer Settlement Subdivision at Dunoon Road, Tullera' prepared by Newton Denny Chapelle received by Lismore City Council January 2008.

**Second Defects Liability Period** means the period of 180 days on and from the date on which the Developer gives the Council a Rectification Certificate under clause 17 of this Agreement relating to a Rectification Notice given in the First Defects Liability Period.

**Subdivision Certificate** has the same meaning as in the Act.

**Work** means the physical result of any building, engineering or construction work in, on, over or under land required to be carried out by the Developer under this Agreement.

- 1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
  - 1.2.2 A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
  - 1.2.3 If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
  - 1.2.4 A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
  - 1.2.5 A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
  - 1.2.6 A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
  - 1.2.7 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
  - 1.2.8 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.

- 1.2.9 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.10 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.11 References to the word 'include' or 'including are to be construed without limitation.
- 1.2.12 A reference to this Agreement includes the agreement recorded in this Agreement.
- 1.2.13 A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- 1.2.14 Any schedules, appendices and attachments form part of this Agreement.

## **2 Operation of this Agreement**

- 2.1 This Agreement:
  - 2.1.1 commences when the Instrument Change takes effect, and
  - 2.1.2 applies to the carrying out of the Development on the Land.
- 2.2 A Landowner is not bound by the provisions of this Agreement requiring Development Contributions to be made unless:
  - 2.2.1 development consent has been granted to the carrying out of the Development on the Landowner's part of the Land, and
  - 2.2.2 the Landowner carries out the Development pursuant to that consent.

## **3 Making of development applications by Landowners**

- 3.1 In consideration of the Instrument Change taking effect, each Landowner agrees with the Council and with each other Landowner not to make a Development Application to carry out any part of the Development unless the development for which consent is sought is in accordance with the Rezoning Submission.
- 3.2 Each Landowner agrees with the Council and with each other Landowner not to make a Development Application to carry out any part of the Development unless that application is accompanied by:
  - 3.2.1 a copy of this Agreement, and
  - 3.2.2 an acknowledgment in favour of the Council that the Council may, to the extent permitted by law, take this Agreement into consideration in deciding whether to grant consent to the development the subject of that application, and

- 3.2.3 an offer to the Council to be bound by this Agreement in connection with the carrying out of that development pursuant to any Development Consent granted by the Council, whether or not that consent is subject to a condition to that effect.

#### **4 Further Agreements Relating to this Agreement**

- 4.1 The Parties are to enter into such further agreements as are expressly required to be entered by this Agreement.
- 4.2 The Parties may, at any time, enter into such other agreements relating to the subject-matter of this Agreement that they consider are necessary or desirable in order to give effect to this Agreement.
- 4.3 An agreement referred to in clause 4.1 or 4.2 is not to be inconsistent with this Agreement. In particular, such an agreement may not alter the kind of Public Facility or the Public Purpose for which it is to be provided.
- 4.4 Without limiting clause 4.1 or 4.2, an agreement may relate to:
- 4.4.1 the particulars of any Public Facility required by this Agreement to be made available for a Public Purpose,
  - 4.4.2 the location at which a Public Facility is to be provided and the time at which and the manner in which it will be made available,
  - 4.4.3 the particulars of any work required by this Agreement to be undertaken by the Developer, and
  - 4.4.4 the time at which and the manner in which a Work is to be handed over to the Council.

#### **5 Application of s94 and s94A of the Act to the Development**

- 5.1 This Agreement excludes the application of s94A of the Act to the Development.
- 5.2 This Agreement does not exclude the application of s94 of the Act to the Development.

#### **6 Provision of Development Contributions under this Agreement**

- 6.1 The Landowner is to make Development Contributions as provided for by this Agreement.
- 6.2 Except as otherwise provided by this Agreement, a Development Contribution made under this Agreement is made in full and final satisfaction of all costs and expenses required to be borne by the Landowner of and incidental to the Provision of the Public Facility to which it relates.

#### **7 Application of Development Contributions by the Council**



- 7.1 The Council must apply a Development Contribution made under this Agreement towards the Public Purpose for which it is made and at the locations, in the manner and to the standards required by or under this Agreement.

**8 Staged Roadworks**

- 8.1 The Landowner is not to apply for a subdivision certificate in respect to a Final Lot in the Development unless the roadworks nominated on the Development Subdivision Plan have been completed in accordance with Stages 1 and 2 as shown on the Development Subdivision Plan and in accordance with engineering plans approved by the Council.

**9 Bus Shelter and Pullover Area**

- 9.1 The Landowner is not to apply for a Subdivision Certificate in respect of the creation of a Final Lot in Stage 2 of the Development as shown on the Development Subdivision Plan unless the Landowner has constructed one (1) bus shelter in a location approved by the Council and two (2) bus pullover areas in locations approved by the Council.

**10 Environmental rehabilitation work**

- 10.1 The Landowner:

10.1.1 is to carry out and maintain rehabilitation work on the Land in accordance with the plan titled 'Tullera Management Zones' Drawing No SUB1737\_01a and the related documents detailing the environmental management measures for the management zones prepared by Place Environmental and dated 18/06/2008, subject to the requirements of any development consent relating to the Development, and

10.1.2 is not to apply for a Subdivision Certificate in respect of the creation of a Final Lot in the Development unless a bond in the amount of \$16,970 has been paid to the Council as security for the work referred to in clause 10.1.1 and clause 10.1.2.

- 10.2 The Council is to return 20% of the bond referred to in clause 10.1.2 to the Landowner upon completion of the rehabilitation works and the remaining amount of the bond is to be returned upon satisfactory establishment of the rehabilitation works three (3) years after completion.

**11 Monetary Contributions**

- 11.1 A Monetary Contribution is made for the purposes of this Agreement when cleared funds are deposited by means of electronic funds transfer into a bank account nominated by the Council or the Landowner to whom the contribution is required to be paid.

- 11.2 The amount of a Monetary Contribution required to be paid under this Agreement is the amount specified by this Agreement as adjusted before payment to reflect any increase in

the Sydney Construction Price Index (measured on 1 July in each year) between the date of this Agreement and the date the Monetary Contribution is required to be paid.

**12 Carrying Out & Hand-over of Work**

- 12.1 If the Landowner is required by this Agreement to make a Development Contribution comprising the carrying out of a Work, the Landowner is to carry out and complete the Work in accordance with:
- 12.1.1 this Agreement, and
  - 12.1.2 any design standards and technical specifications specified by the Council in relation to the Work.
- 12.2 A Development Contribution comprising the carrying out of a Work is made for the purposes of this Agreement when the Council accepts the hand-over of the Work in accordance with this clause.
- 12.3 Subject to this Agreement, when the Landowner considers that a Work relating to a Public Facility is complete, the Developer is to give to the Council a Compliance Certificate relating to the Work.
- 12.4 The Council is to accept the hand-over by the Landowner of a Work that is the subject of a Compliance Certificate within 28 days of the date on which the Landowner provides a copy of the Compliance Certificate to Council.
- 12.5 On hand-over of the Work, the Council accepts ownership, possession and control of the Work.

**13 Rectification of Defects**

- 13.1 During the First Defects Liability Period and the Second Defects Liability Period, the Council may give to the Landowner a Rectification Notice, which the Developer must comply with at its own cost according to the terms of the Notice.
- 13.2 When the Landowner considers that rectification is complete, the Landowner may give to the Council a Rectification Certificate relating to the Work the subject of the relevant Rectification Notice.
- 13.3 A Rectification Certificate discharges the Landowner from any further obligation to comply with a Rectification Notice.
- 13.4 If the Landowner does not comply with a Rectification Notice, then the Council may have the defect rectified and may recover its costs of so doing as a debt due in a court of competent jurisdiction.

**14 Security for Performance & Enforcement**

- 14.1 Prior to the Council entering into this agreement, the Landowner is to have provided the Council with a bank guarantee in an amount specified in Schedule 3 in relation to that Landowner.
- 14.2 The Council is not to call upon a bank guarantee provided under clause 14.1 unless the Landowner is in material or substantial breach of this Agreement in relation to the Work to which the bank guarantee relates and has failed to rectify the breach after having been given reasonable notice in writing to do so by the Council.
- 14.3 The Council is to release and return the bank guarantee to the Landowner upon the issuing of a Rectification Certificate or a Compliance Certificate, as the case requires, for the Work in accordance with this Agreement.
- 14.4 Without limiting any other remedies available to the Parties, this Agreement may be enforced by either Party in any court of competent jurisdiction.
- 14.5 For the avoidance of doubt, nothing in this Agreement prevents:
  - 14.5.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,
  - 14.5.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

**15 No Registration of this Agreement**

- 15.1 The Parties agree not to register this Agreement under s93H of the Act.

**16 Sale of the Land**

- 16.1 The Landowner agrees not to sell the Land or part of the Land, other than a Final Lot created pursuant to the any consent granted to the Development Application, unless:
  - 16.1.1 it has, at no cost to the Council, first procured the execution by the person with whom it is dealing of a Deed in favour of the Council in the form set out in Schedule 4,
  - 16.1.2 the Council, by notice in writing to the Landowner, has stated that evidence satisfactory to the Council has been produced by the Landowner to show that the purchaser of the Land or part is reasonably capable of performing its obligations under the Deed set out in Schedule 4, and
  - 16.1.3 the Landowner is not in breach of this Agreement.

16.2 The Landowner is not obliged to procure the agreement referred to in clause 16.1.1 if that part of the Land being sold is a Final Lot.

16.3 Anything done or not done by a person to whom the Land or part of the Land is sold in breach of 16.1 and 16.2 that would have been a breach of this Agreement by the Landowner if the Land or the part of the Land had not been sold is taken to have been done or not done by the Landowner in breach of this Agreement.

## **17 Review of this Agreement**

17.1 The Parties, acting in good faith and using their best endeavours, agree to review this Agreement if either party is of the opinion that any change of circumstance has occurred that materially affects the operation of this Agreement.

17.2 For the purposes of clause 17.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.

17.3 A failure by a Party to agree to participate in, or to take action requested by the other Party as a consequence of, a review under clause 17.1 is taken to be a dispute for the purposes of clause 18.

## **18 Dispute Resolution**

18.1 Should a dispute arise under this Agreement, the Parties shall firstly meet in an attempt to resolve the dispute.

18.2 If the dispute is not resolved within 28 days of the date that a Party first raises the issue about which there is a dispute, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales as set out in Schedule 4 or such amended or other Rules that are current at the time the dispute is mediated, and must request the President of the Law Society, or the President's nominee, to select a mediator.

18.3 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

## **19 Authorisation of servants, agents and contractors**

19.1 A Landowner is not to suffer or permit their servants, agents or contractors to do or refrain from doing anything which this Agreement prohibits the Landowner from doing or requires the Landowner to do (as the case may be).

**20 Notices**

20.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

20.1.1 delivered or posted to that Party at its address set out in Schedule 6.

20.1.2 faxed to that Party at its fax number set out in Schedule 6.

20.1.3 emailed to that Party at its email address set out in Schedule 6.

20.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

20.3 Any notice, consent, information, application or request is to be treated as given or made if it is:

20.3.1 delivered, when it is left at the relevant address.

20.3.2 sent by post, 2 business days after it is posted.

20.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

20.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**21 Approvals and Consent**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**22 Costs**

The Landowners, jointly and severally, agree to bear the Council's costs of and incidental to entering into this Agreement.

**23 Entire Agreement**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or

by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

**24 Further Acts**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

**25 Governing Law and Jurisdiction**

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**26 Joint and Individual Liability and Benefits**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

**27 No Fetter**

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**28 Representations and Warranties**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

**29 Severability**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

**30 Modification**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

**31 Waiver**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

## **32 GST Provisions**

32.1 In this clause:

**Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.

**GST Amount** means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

**GST Law** has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

**Taxable Supply** has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

32.2 Subject to clause 32.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

32.3 Clause 32.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

32.4 No additional amount shall be payable by the Council under clause 31.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

32.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:

32.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;

32.5.2 that any amounts payable by the Parties in accordance with clause 32.2 (as limited by clause 32.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

32.6 No payment of any amount pursuant to this clause 32, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.

32.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.

32.8 This clause continues to apply after expiration or termination of this Agreement.

**33 Explanatory Note Relating to this Agreement**

33.1 The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.

33.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Agreement.



Schedule 1

(Clause 1.1)

**The Land & the Dunoon Road Tullera Landowner**

**Table**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Subject Land</b>	<b>Title Reference</b>	<b>Registered Proprietor</b>
Lot 21 DP1031582	Folio Identifier 21/1031582	Mr Graeme Thomas Troy

Schedule 2

(Clause 1.1)

**The Development**

The subdivision of the Land being Lot 21 DP1031582, Dunoon Road, Tullera to create:

- not more than five rural residential lots, and
- one residue lot.

Schedule 3

(Clause 14)

**Provision of Security**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Subject Land</b>	<b>Registered Proprietor</b>	<b>Amount of Security</b>
Lot 21 DP1031582	Mr Graeme Thomas Troy	\$16,970

**Schedule 4**

(Clause 16)

**Deed of Adoption and Acknowledgment**

**Parties**

Lismore City Council of [Address], New South Wales, [postcode] (**Council**)

## of ## (**Landowner**)

## of ## (**Purchaser**)

**Recitals**

- A The Landowner and the Council are parties to the agreement, under which the Landowner is not to sell any of the land the subject of the agreement without entering and procuring the purchaser to enter into a deed in this form.
- B The Landowner wishes to sell to the purchaser the Sale Land.

**Operative Provisions**

1 In this Deed the following definitions apply:

**Planning Agreement** means the planning agreement dated ## 2008 between the Landowner and the Council made pursuant to s93F of the *Environmental Planning and Assessment Act 1979*.

**Sale Land** means the land described in the first schedule to this deed.

- 2 In the interpretation of this deed, the following provisions apply unless the context otherwise requires:
- (a) Words or expressions defined in the agreement bear the same meaning in this deed.
  - (b) Words importing the singular include the plural and vice versa.
  - (c) Words importing a gender include the other gender.
- 3 The Purchaser has read the Planning Agreement and agrees to be bound by it in so far as it applies to the Sale Land as if the Purchaser were named as a party to it in the place of the Landowner.

**SCHEDULE**

**The Sale Land**

##

**Executed as a Deed**

[Drafting Note Schedule 4. Insert execution clauses of Parties]

**Schedule 5**

(Clause 18)

**Law Society of NSW – Mediation Rules**

**Functions of the Mediator**

1. The mediator will assist the parties to explore options for and, if possible, to achieve the expeditious resolution of their dispute (“the Dispute”) by agreement between them.
2. The mediator will not make decisions for a party or impose a solution on the parties.
3. The mediator will not, unless the parties agree in writing to the contrary, obtain from any independent person advice or an opinion as to any aspect of the Dispute and then only from such person or persons and upon such terms as are agreed by the parties.

**Conflicts of Interest**

4. The mediator must disclose to the parties to the best of the mediator’s knowledge any prior dealings the mediator has had with either of them and any interest the mediator has in the Dispute.
5. If in the course of the mediation the mediator becomes aware of any circumstances that might reasonably be considered to affect the mediator’s capacity to act impartially the mediator will immediately inform the parties of those circumstances. The parties will then confer and if agreed continue with the mediation before the mediator.

**Co-operation in the Mediation**

6. The parties must co-operate with the mediator and each other during the mediation to achieve a mutually satisfying outcome to their dispute.
7. Each party must use its best endeavours to comply with reasonable requests made by the mediator to promote the efficient and expeditious resolution of the Dispute.

**Authority and Representation**

8. If a party is a natural person, the party must attend the mediation conference. If a party is not a natural person it must be represented at the mediation conference by a person with full authority to make agreements binding on it settling the Dispute.
9. Each party may also appoint one or more other persons including legally qualified persons to assist and advise the party in the mediation and to perform such roles in the mediation as the party requires.

**Conduct of the Mediation**

10. Subject to Rule 21, the mediation, including all preliminary steps, will be conducted in such manner as the mediator considers appropriate having due regard to the nature and circumstances of the Dispute, the agreed goal of an efficient and expeditious resolution of the Dispute and the view of each party as to the conduct of the mediation.
11. The mediation conference shall be held within fourteen (14) days of the selection of the mediator or within such other period as the parties may agree.
12. Without limiting the mediator's powers under Rule 10 the mediator may give directions as to:
  - 12.1 Preliminary conferences prior to the mediation conference.
  - 12.2 The exchange of experts' reports, the meeting of experts and the subsequent preparation of a joint experts' report with a view to identifying areas of agreement, narrowing the area of disagreement and clarifying briefly the reasons for disagreement.
  - 12.3 The exchange of brief written outlines of the issues involved.
  - 12.4 Service on the mediator prior to the mediation conference of any such reports and outlines.

**Communication between the Mediator and a Party**

13. The mediator may meet as frequently as the mediator deems appropriate with the parties together or with a party alone and in the latter case the mediator need not disclose the meeting to the other party.
14. The mediator may communicate with any party orally and/or in writing.
15. Subject to Rule 16, any document relied upon by a party and provided to the mediator must immediately be served by the party on the other party.
16. Information, whether oral or written, disclosed to the mediator by a party in the absence of the other party may not be disclosed by the mediator to the other party unless the disclosing party permits the mediator to do so.

**Confidential Information**

17. A party may prove objective facts, whether or not confidential, by direct evidence in any proceedings in respect of the Dispute. Subject to that, all confidential information disclosed during the mediation, including the preliminary steps:

17.1 may not be disclosed except to a party or a representative of that party participating in the mediation or if compelled by law to do so; and

17.2 may not be used for a purpose other than the mediation.

### **Privilege**

18. Subject to Rule 25, the following will be privileged and will not be disclosed in or relied upon or be the subject of a subpoena to give evidence or to produce documents in any arbitral or judicial proceedings in respect of the Dispute:

18.1 Any settlement proposal, whether made by a party or the mediator.

18.2 The willingness of a party to consider any such proposal.

18.3 Any admission or concession or other statement or document made by a party.

18.4 Any statement or document made by the mediator.

### **Subsequent Proceedings**

19. The mediator will not accept appointment as an arbitrator in or act as an advocate in or provide advice to a party to any arbitral or judicial proceeding relating to the Dispute.

20. Neither party will take action to cause the mediator to breach Rule 19.

### **Termination**

21. A party may terminate the mediation immediately by giving written notice to each other party and to the mediator at any time during or after the mediation conference.

22. The mediator may immediately terminate the engagement as mediator by giving written notice to the parties of that termination, if, after consultation with the parties, the mediator forms the view that the mediator will be unable to assist the parties to achieve resolution of the Dispute. The mediation will not be terminated in that event unless a party gives notice to that effect to each other party. The parties must appoint another mediator, where the mediation is not terminated.

23. The mediation will be terminated automatically upon execution of a settlement agreement in respect of the Dispute.

### **Settlement**

24. If settlement is reached at the mediation conference, the terms of the settlement must be written down and signed by the parties and the mediator before any of the participants leave the mediation conference.



**Enforcement**

25. In the event that part or all of the Dispute is settled either party will be at liberty:
- 25.1 To enforce the terms of the settlement by judicial proceedings.
  - 25.2 In such proceedings to adduce evidence of and incidental to the settlement agreement including from the mediator and any other person engaged in the mediation.

**Exclusion of Liability and Indemnity**

26. The mediator will not be liable to a party except in the case of fraud by the mediator for any act or omission by the mediator in the performance or purported performance of the mediator's obligations in the mediation.
27. The parties shall jointly and severally indemnify the mediator against all claims, except in the case of fraud by the mediator, arising out of or in any way referable to any act or omission by the mediator in the performance or purported performance of the mediator's obligations in the mediation.

**Costs**

28. The parties will share equally and will be jointly and severally liable to the mediator for the mediator's fees for the mediation. The mediator may, at any time and from time to time, require each party to deposit with the mediator such sum as the mediator considers appropriate to meet the mediator's anticipated fees and disbursements. The mediator may decline to embark upon or continue the mediation until all such deposits are made.
29. If the mediation does not result in an agreement to resolve the Dispute, the costs of the mediation will be costs in the cause.

**Schedule 6**

(Clause 20)

**Contact for Notices**

**Council**

Attention: The General Manager  
Address: PO Box 23A Goonellabah NSW 2480  
Fax Number: (02) 66250500  
Email: council@lismore.nsw.gov.au

**Mr Graeme Thomas Troy**

Attention: Graeme Thomas Troy  
Address: 357A Dunoon Road, Tullera NSW 2480  
Email:

**Execution**

**Dated:**

**Executed as an Agreement:**

**On behalf of Lismore City Council:**

\_\_\_\_\_  
Signature of **Mayor**

\_\_\_\_\_  
Signature of **General Manager**

**On behalf of Graeme Thomas Troy**

\_\_\_\_\_  
Signature of **G T Troy**

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Name of witness (print)

**Appendix**

(Clause 33)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

**Explanatory Note**

**Planning Agreement**

Under s93F of the Environmental Planning and Assessment Act 1979

**Parties**

Lismore City Council of 43 Oliver Avenue, Goonellabah, NSW 2480 (**Council**)

and

**Dunoon Road Tullera Landowner** (as defined in clause 1.1 of the Planning Agreement), being:

Mr Graeme Thomas Troy
-----------------------

**1 Description of Subject Land**

Lot 21 in DP 1031582 Parish of North Lismore County of Rous, 357 Dunoon Road Tullera

**2 Description of Proposed Change to Environmental Planning Instrument/Development Application**

Lismore Local Environmental Plan 2011 will permit the development of the subject land for rural residential purposes.

**3 Summary of Objectives, Nature and Effect of the Planning Agreement**

The Planning Agreement will ensure that new development permitted by Lismore Local Environmental Plan 2011 will be undertaken in a manner that is consistent with the concept subdivision plan included in the rezoning submission. Furthermore it will ensure that new development will contribute to environmental rehabilitation works to enhance the development and the environment.

**4 Assessment of the Merits of the Planning Agreement**

**4.1 The Planning Purposes Served by the Planning Agreement**

The planning purposes served by the Planning Agreement are to ensure that:

- any future development application for subdivision of the subject land is generally consistent with the concept that has been publicly exhibited with the rezoning proposal;
- public infrastructure is provided or upgraded to a standard necessary to service the proposed development; and
- environmental rehabilitation works are undertaken to enhance the development and the environment.

**4.2 How the Planning Agreement Promotes the Public Interest and one or more Objects of the EP&A Act.**

The Planning Agreement promotes the public interest by requiring new development to meet the full costs of providing the necessary infrastructure required to service the development.

The Planning Agreement also promotes the following objects of the EP&A Act:

It promotes co-ordination of the orderly and economic use and development of the land.

It provides for the protection of the environment, including the protection and conservation of native animals and plants, through a requirement for rehabilitation and revegetation of nominated areas.

It allows for the provision of community services and facilities by requiring the provision of a bus shelter.

**4.3 For Planning Authorities:**

**4.1.1 Development Corporations - How the Planning Agreement Promotes its Statutory Responsibilities**

N/A

**4.1.2 Other Public Authorities – How the Planning Agreement Promotes the Objects (if any) of the Act under Which it is Constituted**

N/A

**4.1.3 Councils – How the Planning Agreement Promotes the Elements of the Council's Charter**

The Planning Agreement promotes Council's Charter through the enhancement and conservation of the environment in a manner that is consistent with and promotes the principles of ecologically sustainable development.

**4.1.4 All Planning Authorities – Whether the Planning Agreement Conforms with the Authority's Capital Works Program**

Not in Council's current Capital Works Program.

Dated:

**On behalf of Lismore City Council:**

\_\_\_\_\_  
Signature of **Mayor**

\_\_\_\_\_  
Signature of **General Manager**

**On behalf of Graeme Thomas Troy**

\_\_\_\_\_  
Signature of **G T Troy**

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Name of witness (print)

## ATTACHMENT 5: DRAFT LEP2010 SUBMISSION TO COUNCIL LAND RECLASSIFICATION ~ ISSUES &amp; RESPONSES

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
<b>5.1 Riverview Park</b>				
5.1	<p><b>Objection to reclassification of Council owned land from 'community' to 'operational' and objection to including part of the land in the IN1 General Industry zone for the following reasons:</b></p> <ol style="list-style-type: none"> <li><b>1. Lack of compliance with existing consent conditions and lawful use of the site within designated boundaries;</b></li> <li><b>2. Current encroachment onto community land and alleged breach of consent conditions is unlawful;</b></li> <li><b>3. The reclassification and rezoning of the land adjoining Taylor St and the Hernes Transport site "rewards" or legitimises an illegal practice. Council has responsibilities for enforcement of the law.</b></li> <li><b>4. General objection to</b></li> </ol>	<p>The Draft Lismore LEP proposes to reclassify seventy-four (74) parcels of Council-owned land from "community to "operational" under the Local Government Act 1993. At Riverview Park, part of the land is also proposed to be included in the General Industrial zone.</p> <p>As required under the <i>Local Government Act 1993</i> a public hearing into Council land reclassification was held on 22 September 2010. Further detail about the report into the public hearing is provided in the next row in this table.</p> <p><u>Submissions to Public Hearing</u> Of the 74 parcels of land, no submissions to the public hearing were made in respect of 63 parcels. Seven members of the public made submissions relating to the remaining 11 parcels.</p> <p>The Public Hearing Explanatory Report (27 October 2010) contained a number of recommendations and conclusions. These have been considered in the compilation of options and recommendations.</p> <p><u>Compliance Issues</u> The proposed reclassification and rezoning of land in Taylor Street (Riverview Park) is not aimed at 'rewarding' any particular landowner, nor is it aimed at absolving any landowner from the need to comply with conditions of any development consent.</p> <p>Resolving the status of the land at Riverview Park, including the zoning of the land on which an industrial use is partially located, will assist in finding a</p>	<p><b>Option A</b> Discard reclassification of land and Lismore Draft LEP IN1 zoning of part of Lot 1 DP122285. Maintain Lismore LEP 2000 recreation and industrial zone boundaries (in equivalent zones) across the site. Revisit the issue when/if the current tenancy arrangement ceases. This part of the site could be used as a public car parking area.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• Partially addresses issues raised in the submissions by maintaining community classification;</li> <li>• Maintains an unlawful situation;</li> <li>• Cannot rectify building encroachment without dismantling existing structures;</li> <li>• Does not allow Council to address the legal issues surrounding the approved use of its land for the truck depot;</li> <li>• Does not result in improvement of site in terms of access (pedestrian or otherwise) or environmental issues;</li> <li>• Would require significant infrastructure to access the main area of Riverview Park (across Holingsworth Creek) at substantial cost;</li> <li>• If the area was instead used as a car park a footbridge or similar access point across Hollingsworth Creek would be required along with formalisation of the proposed car parking area to meet Council Guidelines</li> </ul>	<p><b>Option D</b> Proceed with a partial reclassification of Lot 1 DP122285, only reclassifying from 'operational' to 'community' the land currently proposed as IN1.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>the reclassification of community land.</p> <p>5. Suitability of the site (near Riverview Park) for industrial use that could lead to land use conflict and impact on environment.</p> <p>6. Impact of Industrial development within 40m of a waterway and erosion of riverbank.</p> <p>7. Endangered Gossia fragrantissima will come under threat.</p> <p>8. There are alternative uses of the land east of Hollingsworth Creek for community benefit, in particular, for public car parking and/ or for pedestrian access.</p> <p>9. Inconsistency with the minimum lot size of 1500m<sup>2</sup> as stated in the industrial zone fact sheet. Objection to reclassification of this land as it is required for car parking at Riverview Park.</p>	<p>resolution to the compliance issues. As stated in the Public Hearing Report, it will enable Council to require development consent and/or include conditions in a lease or license that can require fencing to delineate the area, landscaping to screen visual impact, limiting the terms of agreement to facilitate the orderly relocation of a business that outgrows the lease area etc.</p> <p>In this way, resolving the zoning and tenure issues, provides Council with more options to address compliance than is currently possible.</p> <p><u>Loss of Community Land</u> It is proposed that the land will be reclassified to 'operational' for the purposes of rectifying an existing boundary encroachment and land use anomaly that has occurred historically on the site. Once the boundaries have been adjusted, the land will be reclassified as 'community' land along the zoning boundaries proposed on draft LEP Land Zoning Map LZN - 007. That is land zoned RE1 will remain 'community' land and land zoned IN1 will be classified 'operational'.</p> <p>However, it is accepted (and was raised in the Public Hearing) that in the interim period, Riverview Park would be 'operational' land and could be leased or sold by Council without further community consultation, despite how unlikely this may be.</p> <p>Recent enquiry with the DP&amp;I suggests that partial reclassification of an allotment is possible, whereby the part to be reclassified is mapped either by cadastral boundary or hatching (or the like), although it is not clear how this is able to be referenced in the Department's Standard LEP Template, especially with</p>	<p>Chapter 7 of Part A Lismore DCP). This is not feasible in the short term and the Sports &amp; Recreation Strategy has not identified any particular need for this to support the use of Riverview Park;</p> <ul style="list-style-type: none"> <li>Amendment of the proposed reclassification from community to operational land, and amendment of proposed zoning boundaries is not considered appropriate purely on the bases of possible non-compliance issues.</li> </ul> <p><b>Option B</b> Maintain the proposed reclassification and rezoning as per the publicly notified draft LEP.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>Does not adequately respond to community concerns about the loss of community classified land and pedestrian access from the end of Taylor Street to Riverview Park;</li> <li>The historic use of the land indicates limited community use of the area;</li> <li>Will reflect the historic use of the land;</li> <li>Will enable the encroachment of existing structures to be rectified;</li> <li>Will provide Council with more options, including leasing the land appropriately and addressing current alleged non-compliance issues;</li> <li>Lease conditions can require fencing and landscaping of the boundary of the industrial zoned land and Hollingsworth Creek and can also require riparian rehabilitation works;</li> </ul>	



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>respect to the part of Riverview Park on the western side of Hollingworth Creek. However, for the part on the eastern side it is possible and this type of change in response to public submissions would not require further public notification.</p> <p><u>Suitability of site for industrial use</u> The area to the north of Riverview Park is currently zoned Industrial, and proposed to be zoned IN1 General Industrial under the Draft LEP.</p> <p>While there are a number of land uses (being residential, recreational and industrial) all located within close proximity at this location, as noted within the Public Hearing Report, the long term use of the area is likely to remain largely industrial.</p> <p>As owner of the land, Council has the opportunity to impose conditions on any lease to mitigate potential impacts, including pollution of nearby waterways.</p> <p>This does not preclude the requirement for investigation into options for the rehabilitation of Hollingsworth Creek at this location and need for the physical and visual separation between the Industrial zone located east of Hollingsworth Creek and Riverview Park.</p> <p><u>Impact on Ecology</u> In response to concerns raised about impact on threatened species, Council engaged an Ecologist to undertake a site inspection. The ecologist advised that:</p> <p><i>The site contains approximately a 170m stretch of the lower reach of Hollingworth Creek above its</i></p>	<ul style="list-style-type: none"> <li>• Satisfies issues raised by the DP&amp;I with respect to the most appropriate zone for land that is and has been used for industrial purposes for some time.</li> </ul> <p><b>Option C</b></p> <ul style="list-style-type: none"> <li>• Modify reclassification of land, such that only the part of the site that is proposed to be rezoned IN1, is reclassified as 'operational' land. This would leave the remainder as unchanged 'community' land and allay community concerns about the potential risk of the land being leased or sold; and</li> <li>• Amend the Lismore Draft LEP zoning of part of Lot 1 DP122285 to incorporate appropriate riparian buffer areas and pathway in the Recreation Zone along with limits to the extent of the industrial zoning on the eastern side of Hollingsworth Ck.</li> </ul> <p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>• Partially addresses issues raised in the submissions by maintaining 'community' classification without risk;</li> <li>• Allows for the encroachment of existing structures onto community land to be rectified;</li> <li>• Provides Council with more options to address compliance issues such as consent conditions and licensing;</li> <li>• Is not consistent with the proposed future cycleway/footpath network prepared as part of the draft Sport and Recreation Strategy;</li> <li>• Allows for a more strategic approach to</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>confluence with the Wilsons River in South Lismore. It includes a 220m length of the western bank of the Wilsons River including a flood gate associated with the levy bank to the south-east.</i></p> <p><i>The site is highly degraded and is largely a mown area of open space along the eastern bank of the creek adjoining a fill pad to the east used by Hernes Transport for the parking of heavy vehicles and associated activities.</i></p> <p><i>The main exception is a small clump (approx. 200m<sup>2</sup>) of remnant/regrowth low closed forest located approximately 30m south of the Taylor Street road reserve that contains Thorny Pea (Desmodium acanthocladum) in the understorey, listed as vulnerable and protected under the TSC Act (NSW) and EPBC Act (C'wealth). Existing mowing practices and weed invasion are a threat to Thorny Pea and its adjoining habitat, with slashing in particular occurring right up to specimens of Thorny Pea. This remnant provides a seed source of native flora including Thorny Pea and has the potential for edge migration and buffer planting under an ongoing bush regeneration program.</i></p> <p><i>Vegetation adjoining the site is variable. Modified open grassland (i.e. rank grass) adjoins the site to the west on the other side of Hollingsworth Creek in Riverview Park (DP772523 lot 1). Upstream to the north-west of the site, the creek contains riparian closed forest characterised by Silky Oak and River Oak emergents and a dense understorey dominated by Narrow Leaf Privet. In this riparian vegetation upstream of the site is a record of the threatened species of flora Southern Ochrosia (Ochrosia moorei) and Fragrant Myrtle (Austromyrtus fragrantissima) is also known to occur in this vegetation node. Two</i></p>	<p>development of the site and future planning, e.g. rehabilitation of Hollingsworth Creek;</p> <ul style="list-style-type: none"> <li>• Ensures future options for a pathway up onto the levee are not limited;</li> <li>• Provides opportunity for long term management of waterways adjacent to an industrial zone;</li> <li>• Commits Council to formalising pathway access to an area on which there is little evidence of broader public use.</li> </ul> <p><b>Option D</b></p> <ol style="list-style-type: none"> <li>1. Modify reclassification of land, such that only the part of the site that is proposed to be rezoned IN1, is reclassified as 'operational' land. This would leave the remainder as unchanged 'community' land and allay community concerns about the potential risk of the land being leased or sold.</li> <li>2. Proceed with the rezoning of the land to IN1 as exhibited in the draft LEP.</li> </ol> <p><b>Option D Comments</b></p> <ul style="list-style-type: none"> <li>• Partially addresses issues raised in the submissions by maintaining 'community' classification without risk;</li> <li>• Allows for the encroachment of existing structures onto community land to be rectified;</li> <li>• Provides Council with more options to address compliance issues such as consent conditions and licensing;</li> <li>• Is consistent with the proposed future cycleway/footpath network prepared as part</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>species of endangered orchid have also been recorded in the adjoining Riverside Park to the south (Yellow-flowered King of the Fairies; Brown Butterfly Orchid), likely to be associated with river bank vegetation.</i></p> <p><i>The modified grassland communities of the site currently under a mowing regime are of low ecological value. However, this grassland provides a soil stabilisation and stormwater polishing function along the floodplain of Hollingworth Creek.</i></p> <p><i>The site mainly provides habitat for common avifauna, invertebrates and reptiles. The waterway itself provides brackish water habitat for a range of aquatic invertebrates, common native and introduced fish, eel, turtle and water/ wetland birds. Habitat suitable for threatened fauna known to occur in the region is limited to rank grassland providing low quality habitat for threatened birds such as Bush-hen and Black Bittern.</i></p> <p><i>Small clumps and isolated individuals of Cockspur Coral Tree, an invasive woody riparian weed, occur on the eastern banks of Hollingsworth Creek in the site. Other invasive environmental weeds occurring on the north-western boundary of the site and immediately upstream include Small Leaf Privet, Umbrella Tree, Coastal Morning Glory and Madeira Vine. The potential of these weeds to migrate downstream into the site is high, particularly if the site is unmanaged for any period of time.</i></p> <p><i>Any approval of the proposed rezoning should consider the control of these weeds as part of an overall riparian regeneration of this reach of</i></p>	<p>of the draft Sport and Recreation Strategy;</p> <ul style="list-style-type: none"> <li>• Does not commit Council to formalising pathway access to an area on which there is little evidence of broader public use;</li> <li>• The management of the waterway can occur without the land being included in a non-industrial zone. Any lease associated with the land can incorporate conditions that require riparian rehabilitation works.</li> </ul>	

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>Hollingsworth Creek.</i></p> <p><i>The intent of the Water Management Act 2000 is to protect waterfront land that includes the bed and banks of a river, lake or estuary, being a prescribed distance of 40m. Any development within waterfront land including filling requires a 'Controlled Activity Permit' from the NSW government unless exempt under the Water Management Regulation 2004. Waterfront land associated with Hollingsworth Creek and the Wilsons River will need to be protected for any use or development of the site.</i></p> <p><i>In summary, the riparian and waterway component of the site associated with Hollingsworth Creek and Wilsons River has high intrinsic ecological value due to potential for riparian rehabilitation and stormwater quality improvement opportunities despite high levels of degradation. The area of compacted fill used for parking by Hernes Transport is of low ecological value but should be managed to protect adjacent waterways.</i></p> <p><u>Ecologist Recommendations</u></p> <p><i>1. The proposed Industrial rezoning should only apply to the existing parking footprint of Hernes Transport providing a min. 40m wide riparian buffer along Hollingsworth Creek and the Wilsons River can be actively managed as a conservation zone. This should exclude infrastructure associated with the flood levee.</i></p> <p><i>2. That Council's Parks Dept. reassess management of this area including leaving a min. 10m wide buffer along the low bank of the creek and around the remnant containing Thorny Pea located approx. 30m</i></p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>south of the Taylor St road reserve. The buffer for the latter area should be managed by bushland regenerators to control invasive weeds and to encourage edge migration and seedling recruitment of native species in this remnant. Targeted control of Cockspur Coral Tree in the site is also recommended whilst this species is in low abundance and can be easily controlled before dispersing further.</i></p> <p><i>3. That endeavours be made to obtain grant funding to plan, assess and implement a catchment management plan for Hollingworth Creek or at the least a riparian regeneration and stormwater management plan for the lower reach of the creek in Council controlled lands including the site.</i></p> <p><u>Pedestrian Access &amp; Public Car Parking</u> As noted in the Public Hearing Report, access to the north-eastern corner of Riverview Park is convoluted and indirect, (particularly with regard to vehicular access) given the sporting fields and club areas are located at the southern end of the park, and the main access point is located off Union Street.</p> <p>There is an informal pathway from Taylor Street, past the Hernes Transport site and up onto the levee. This is hampered by the informal nature of the path and lack of delineation between the edge of the industrial site and the recreation land.</p> <p>Constructed road access to the north-eastern portion of Riverview Park is via Hollingsworth Street. As noted at the Public Hearing, the area proposed to be reclassified would take up this road frontage.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Therefore, formalised access to proposed RE1 land could be considered to allow public foot/bike traffic to access land east of Hollingsworth Creek, should reclassification and rezoning of the land proceed.</p> <p>However, the proposed future cycleway/footpath network prepared as part of the Sport and Recreation Strategy, does not include formalised access to this part of Riverview Park. It is therefore considered more appropriate for the existing informal access to be retained.</p> <p>With respect to the suitability of the area east of Hollingsworth Creek for a car park to support the use of Riverview Park, this would also require a bridge to allow access to the main part of the park.</p> <p><u>Vehicle Access to the Pump Station</u>                      Access to the Richmond River County Council pumping station is currently achieved via Hollingsworth Street. This will need to be maintained under any future leasing arrangements.</p> <p><u>Minimum Lot Size</u>                      The standard template includes 7 maps to support the provisions of the LEP. These are prescribed maps. The minimum lot size map provides the minimum lot sizes that can be created from the subdivision of any land. The map relates to clause 4.1 of the draft LEP. The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land. There may be variations in the minimum lot size between zones and also within zones. The proposed minimum lot size for the land proposed to be zoned General Industrial in this area is 1500m<sup>2</sup>.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
-----	-------	------------	---------	----------------

**Report into Public Hearing**

As required by the *Local Government Act 1993* Council held a public hearing into the proposed reclassification of Council-owned land by a person independent of the Council. This was held on 22 September, 2010 and presided at by Pamela Westing. The report into the public hearing was made publicly available following its receipt by Council. The purpose of the report is to present the views of the public who participated in the hearing for consideration by Council in its decision-making. Council must consider these views along with many other factors. It is not the purpose of the report into the public hearing to consider all the issues and make recommendations to Council on whether or not to proceed with the proposed reclassifications.

Of the 74 parcels of land proposed to be reclassified from ‘community’ to ‘operational’, no submissions requesting to be heard at the public hearing were made in respect of 63 parcels. Seven members of the public made submissions and requested to be heard in respect of the remaining 11 parcels. The report into the public hearing summarised these submissions. Two written submissions were provided by persons who did not attend the public hearing, and these are contained in Appendix B of the report. All of these submissions relate to land in the vicinity of Taylor Street, Hollingsworth Street, Wardell Street and Union Street, South Lismore. The land of concern includes the formal recreational area of Riverview Park, and land to the east, some of which is part of the Riverview Park Reserve, but not formally developed for recreational uses.

The report into the public hearing made the following recommendations:

1. That Council note no submissions were made to the Public Hearing in respect of 63 parcels of land proposed for reclassification from “community” to “operational” in Draft Lismore Local Environmental Plan 2010.
2. That Council note submissions were made to the Public Hearing in respect of the 11 parcels of land proposed for reclassification from “community” to “operational” in Draft Lismore Local Environmental Plan 2010. These are listed in the report.
3. That Council note no specific objections were made to the Public Hearing in respect of the proposed reclassification of two (2) parcels of land from “community” to “operational” so that they may be dedicated as public road providing access to Riverview Park.
4. That Council take into consideration the community views presented to the public hearing in making its decision whether or not to proceed to reclassify the remaining land parcels:
  - a) land east of Hollingsworth Creek – 2 in support to regularise current industrial use, 5 opposed in whole or in part:
  - b) land west of Hollingsworth Creek – 4 opposed, specifically or generally to any reclassification of Riverview Park:
5. That Council consider, as an alternative to reclassification of the whole of the parcels, reclassifying parts of Park to regularise current usage by adjoining owners and/or to rectify boundary anomalies only:
6. That if Council resolves to reclassify and rezone part of Parcel 54, Lot 1 DP 122285, 16 Taylor Street, South Lismore, that Council also consider the need to retain public, practical and legal access to the remainder of the land, potentially being Parcel 48, Lot 2 Sec 7 DP 4372, 14 Taylor Street, South Lismore.
7. That if Council resolves to reclassify only part of Riverview Park (Parcels 55 and 57) to rectify boundary adjustments, Council also consider adjusting the zoning of the road reserve that forms part of the Park to part B6 and part RE1 to maintain consistency between the land classification and the zoning of the land.
8. That Council note community views that there is the potential to provide public access and car parking at “Riverview Park East” to support recreational use of Riverview Park, and that there is potentially significant vegetation on parts of that land and adjoining land, which may need further assessment prior to decisions to sell or lease the land.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
5.2	<b>Nimbin Peace Park should be reclassified from operational to community.</b>	The existing classification of Nimbin Peace Park as operational is appropriate until such time as the skate park is constructed. The reclassification of this land to 'community' can be undertaken via a Council resolution and does not require an amendment of the LEP.	Not applicable.	No change to the draft LEP.
5.3	<b>Community land is for the use of all residents and should not be reclassified as operational.</b>	The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The latter generally applies to infrastructure such as sewer pump stations, which by their nature precludes the use by all residents. The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, lease or some other means.	Not applicable.	No change to the draft LEP.



This page is intentionally left blank

**Table No. 1: The Lands Proposed to be Reclassified from 'Operational' to 'Community'**

**Note: the number in the left hand column refers to the number allocated to each property contained in the Explanatory Report (and the Appendices) on the Reclassification of Council owned land**

No.	Real Prop. Description	Street Address	Land Area
1	Lot 41 DP 1018780	626 Caniaba Road, Caniaba	421 m <sup>2</sup>
2	Lot 43 DP 1018780	25 Sandalwood Drive, Caniaba	5876 m <sup>2</sup>
3	Lot 42 DP 1018780	147 Fredericks Road Caniaba	578.4 m <sup>2</sup>
4	Lot 1 DP 261784	33 Allambie Drive, Goonellabah	758 m <sup>2</sup>
5	Lot 1 DP 827005	22A Cullen Street, Nimbin	4,464 m <sup>2</sup>
6	Lot 231 DP 830171	4 West Road, Nimbin	2.558 ha
7	Lot 21 DP 853496	68A Dawson Street, Lismore	912.2 m <sup>2</sup>
8	Lot 1 DP 121499	10 Gerard Street, East Lismore	263 m <sup>2</sup>
9	Lot 2 DP 122283	12 Gerard Street, East Lismore	262.4 m <sup>2</sup>
10	Lot 13 DP 707243	74 Victoria Street, East Lismore	373.1 m <sup>2</sup>
11	Lot 10 DP 1088977	12A Heather Avenue, Goonellabah	306.5 m <sup>2</sup>
12	Lot 19 DP 1066242	35 Kadina Street, Goonellabah	50360m <sup>2</sup>
13	Lot 5 DP 882373	34A Millar Street, Lismore Heights	424 m <sup>2</sup>
14	Lot 21 DP 187062	14B Molesworth Street, Lismore	96 m <sup>2</sup>
15	Lot 28 DP 854771	34 Palmvale Drive, Goonellabah	12620 m <sup>2</sup>
16	Lot 1 DP 122295	147 Three Chain Road, South Lismore	1.005 ha
17	Lot 31 DP 880280	715 Blue Knob Road, Blue Knob	519.2 m <sup>2</sup>
18	Lot 1 DP 860193	34 Mulvena Road, Larnook	441 m <sup>2</sup>
19	Lot 31 DP 878692	27 North Woodburn Lane, Woodburn	272 m <sup>2</sup>
20	Lot 1 DP 864350	34 Standing Street, The Channon	179.8 m <sup>2</sup>
21	Lot 1 DP 530873	72A High Street, Lismore Heights	50.6 m <sup>2</sup>
22	Lot 31 DP 246781	25 Sunrise Crescent, Goonellabah	535 m <sup>2</sup>
23	Lot 7 DP 556100	21A Gaggin Lane, Lismore	61.3 m <sup>2</sup>
24	Lot 2 DP 545483	23A Gaggin Lane, Lismore	132.8 m <sup>2</sup>
25	Lot 5 DP 233507	1A Conte Street, East Lismore	56.9 m <sup>2</sup>
26	Lot 96 DP 263169	69 Cynthia Wilson Drive, Goonellabah	13210 m <sup>2</sup>
27	Lot 42 DP 249486	1A Chilcott Drive, Goonellabah	158 m <sup>2</sup>
28	Lot 43 DP 249486	2A Chilcott Drive, Goonellbah	151 m <sup>2</sup>
29	Lot 38 DP 246195	1 Figtree Drive, Goonellabah	269 m <sup>2</sup>
30	Lot 39 DP 246195	2 Figtree Drive, Goonellabah	148 m <sup>2</sup>
31	Lot 19 DP 246560	99 Invercauld Road, Goonellabah	188 m <sup>2</sup>
32	Lot 35 DP 248490	1A Westview Drive, Goonellabah	157 m <sup>2</sup>
33	Lot 34 DP 248490	2A Westview Drive, Goonellabah	424 m <sup>2</sup>
34	Lot 220 DP 800502	20 Airforce Road, East Lismore	1787 m <sup>2</sup>

35	Lot 1 DP 845473	184 Keerrong Road, Blakebrook	3.203 ha
36	Lot 1 DP 537452	5 King Street, Lismore	6.3 m <sup>2</sup>
37	Lot 2 DP 326163	203 Coraki Road, South Gundurimba	2,023.4 m <sup>2</sup>
38	Lot 1 DP 439845	205 Coraki Road, South Gundurimba	1,011.7 m <sup>2</sup>
39	Lot 1 DP 711795	23 Glasgow Lane, Lismore	444 m <sup>2</sup>
40	Lot 11 DP 1093668	41 Krauss Avenue, South Lismore	4,018 m <sup>2</sup>
41	Lot 12 DP 1093668	57 Krauss Avenue, South Lismore	4,028 m <sup>2</sup>
42	Lot 1 DP 772948	11 Ballina Road, East Lismore	714 m <sup>2</sup>
43	Lot 1 DP 957358	13 Exton Street, North Lismore	344 m <sup>2</sup>
44	Lot 11 DP 549608	627 Skyline Road, Goonellabah	2.023 ha
45	Lot 3 DP 1008469	308 James Gibson Road, Clunes	36 ha
46	Lot 1 DP 997501	30 Dawson Street, Lismore	3.441 ha
47	Lot 1 DP 568127	161 Military Road, East Lismore	5.483 ha
48	Lot 2 Sec 7 DP 4372	14 Taylor Street, South Lismore	455m <sup>2</sup>
49	Lot 2 DP 127281	7 Hollingsworth Street, South Lismore	234 m <sup>2</sup>
50	Lot 1 DP 124271	7 Wardell Street, South Lismore	234 m <sup>2</sup>
51	Lot 1 Sec 7 DP 4372	1 Wardell Street, South Lismore	455m <sup>2</sup>
52	Lot 1 DP 127280	5 Wardell Street, South Lismore	223 m <sup>2</sup>
53	Lot 2 DP 127280	5A Wardell Street, South Lismore	223 m <sup>2</sup>
54	Lot 1 DP 122285	16 Taylor Street, South Lismore	2.6305ha
55	Lot 1 DP 772523	182A Union Street, South Lismore	6.089 ha
56	Lot 26 Sec 4 DP 5237	208 Union Street, South Lismore	689m <sup>2</sup>
57	Lot 6 Sec 2 DP 1691	208B Union Street, South Lismore	2820 m <sup>2</sup>
58	Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore	689m <sup>2</sup>
59	Lot 7 DP 942	123 Tweed Street, North Lismore	708m <sup>2</sup>
60	Lot 6 DP 942	121 Tweed Street, North Lismore	632m <sup>2</sup>
61	Lot 5 DP 942	119 Tweed Street, North Lismore	708m <sup>2</sup>
62	Lot 4 DP 942	117 Tweed Street, North Lismore	581m <sup>2</sup>
63	Lot 3 DP 942	115 Tweed Street, North Lismore	708m <sup>2</sup>
64	Lot 2 DP 942	113 Tweed Street, North Lismore	632m <sup>2</sup>
65	Lot 1 DP 942	111 Tweed Street, North Lismore	708m <sup>2</sup>
66	Lot 34 Sec 3 DP 975080	107 Tweed Street, North Lismore	759m <sup>2</sup>
67	Lot 33 Sec 3 DP 975080	105 Tweed Street, North Lismore	506m <sup>2</sup>
68	Lot 35 Sec 3 DP 975080	184 Lake Street, North Lismore	759m <sup>2</sup>
69	Lot 2 DP 197047	97 Tweed Street, North Lismore	474 m <sup>2</sup>
70	Lot 1 DP 197047	91 Tweed Street, North Lismore	885.2 m <sup>2</sup>
71	Lot 1 DP 795770	77 Tweed Street, North Lismore	1,119 m <sup>2</sup>
72	Lot 2 DP 212718	36A O'Flynn Street, Lismore Heights	6.3m <sup>2</sup>

73	Lot 2 DP 122976	28A Cathcart Street, Lismore	187 m <sup>2</sup>
74	Lot 1 DP 815940	603 Ballina Road, Goonellabah	1000 m <sup>2</sup>

**Report of the Public Hearing of Submissions to  
Lismore City Council on the Proposed  
Reclassification of Certain Parcels of Council-  
Owned Land from “Community” to  
“Operational” by way of Draft Lismore Local  
Environmental Plan 2010**

**Held 22 September 2010**

**27 October 2010**

**Prepared by Pamela Westing, MCP, BA, FPIA  
Pamela Westing and Associates Pty Ltd.  
15 Wedgetail Court  
Dulguigan NSW 2484**

**Table of Contents**

	<b>Page</b>
<b>1.0 Executive Summary.....</b>	<b>2</b>
<b>2.0 Recommendations.....</b>	<b>4</b>
<b>3.0 Background.....</b>	<b>6</b>
<b>4.0 Public Hearing.....</b>	<b>6</b>
<b>5.0 The Lands.....</b>	<b>9</b>
<b>6.0 Submissions to the Public Hearing.....</b>	<b>13</b>
<b>7.0 Discussion – “Riverview Park East” and Adjacent Small Lots.....</b>	<b>15</b>
<b>8.0 Discussion – Riverview Park and Adjacent Lots.....</b>	<b>17</b>
<b>9.0 Discussion - Partial Reclassification.....</b>	<b>18</b>
<b>10.0 Conclusions.....</b>	<b>18</b>
<b>Appendix A – Statutory Requirements for a Public Hearing Into the Reclassification of Public Land .....</b>	<b>20</b>
<b>Appendix B – Written Submissions to the Public Hearing.....</b>	<b>22</b>

## **1.0 Executive Summary**

Lismore City Council is preparing a new Council-wide Local Environmental Plan (LEP), in accordance with the NSW Government's planning reform's requirements to standardise LEPs throughout the State. The new draft LEP, called the draft Lismore Local Environmental Plan 2010, also proposes to reclassify seventy-four (74) parcels of Council-owned land from "community" to "operational" under the Local Government Act 1993.

The Local Government Act 1993 requires that Council hold a public hearing into proposed reclassification of Council-owned land, presided at by a person independent of the Council. This public hearing was held on 22 September 2010, presided at by Ms Pamela Westing, who meets the independence criteria of the Act. This is the report of the public hearing.

It is not the purpose of this report to consider all the issues and make recommendations to Council on whether or not to proceed with the proposed reclassifications. This report presents the views of the public who participated in the hearing for consideration by Council in its decision-making. Council must consider these views along with many other factors.

Of the 74 parcels of land, no submissions requesting to be heard at the public hearing were made in respect of 63 parcels. Seven members of the public made submissions and requested to be heard in respect of the remaining 11 parcels in total. These submissions are summarised in this report. In addition, two written submissions were provided by persons who did not attend the public hearing. See Appendix B. All of these submissions relate to land which is in the vicinity of Taylor Street, Hollingsworth Street, Wardell Street and Union Street, South Lismore. The land of concern includes the formal recreational area of Riverview Park, and land to the east, some of which is part of the Riverview Park Reserve, but not formally developed for recreational uses. (See Diagram at Page 11.)

For the purposes of this report, the land is discussed in two sections: land to the east of Hollingsworth Creek, and land to the west of Hollingsworth Creek (Riverview Park).

### Land East of Hollingsworth Creek

As noted in the report to Council of 8 September 2009, part of the community land east of Hollingsworth Creek has historically been used by the owner of adjoining industrial premises. In addition to the land reclassification, the Draft Lismore LEP 2010 proposes to rezone part of the community land from 6(a) Public Recreation to IN1 General Industrial, in order to facilitate resolution of the land use anomalies. The submissions reflect this situation, and address both the existing use of the land and the potential for sale or leasing after reclassification and zoning of the land. Although such issues are to some extent independent, they are also inter-related; i.e. reclassification and rezoning are a prerequisite to sale or long-term leasing of the land.

Some submissions raised general objections about the proposed reclassification and the potential loss of any community land. Others were quite specific.

Generally, 3 of the submissions related to concerns about:

- The need to retain the land for community use for recreation, parking, and/or access to adjoining community land at Riverview Park;
- The environmental sensitivity of the land – flora, proximity to waterways, and flooding.

- The unsuitability of the land for industrial uses due to its proximity to environmentally sensitive areas, waterways, residential and recreational uses;
- Allegations of historical unauthorised use of part of the community land by a private party and/or allegations of historical lack of compliance with development consent conditions and other environmental standards;
- The potential for the future change of ownership if the land were to be reclassified to "operational", facilitating continuation of the alleged inappropriate industrial activity.

Two submissions were in support of the reclassification. One was from the operator of the adjoining business. He detailed the history of the use of the community land, the benefits to the Council historically with the informal arrangements, and the benefit to the community of the success of the business.

The second was from a person with a long association with the industrial uses in the area and generally supported the submission mentioned above, plus provided some information about flooding on the land.

#### Land West of Hollingsworth Creek (Riverview Park)

Two submissions objected specifically to the proposed reclassification of Riverview Park, fearing that it put the future of the Park at risk of sale or private lease in the future. One submission addressed the boundary encroachment issues and urged Council to find another solution that did not require reclassification of the Park. The importance of Riverview Park as a highly valued recreational facility for the community was mentioned in a number of submissions.

Two submissions objected generally to the proposed reclassification.

#### Partial Reclassification of the Land

An option available to Council is to reclassify only those parts of the public land from community to operational that are actually required for sale, lease or land swap with adjoining owners to rectify boundary encroachment issues or to regularise private use of the land. It is recommended that Council consider this option in relation to certain of the parcels.

#### Recommendations

The recommendations of this report are contained in Section 2.0.



**2.0 Recommendations:**

1. That Council note no submissions were made to the Public Hearing in respect of 63 parcels of land proposed for reclassification from “community” to “operational” in Draft Lismore Local Environmental Plan 2010.
2. That Council note submissions were made to the Public Hearing in respect of the following 11 parcels of land proposed for reclassification from “community” to “operational” in Draft Lismore Local Environmental Plan 2010:

No.	Real Property Description	Street Address	Land Area
48	Lot 2 Sec 7 DP 4372	14 Taylor Street, South Lismore	455 m <sup>2</sup>
49	Lot 2 DP 127281 7	Hollingsworth Street, South Lismore	224 m <sup>2</sup>
50	Lot 1 DP 127281	7 Wardell Street, South Lismore	234 m <sup>2</sup>
51	Lot 1 Sec 7 DP 4372	1 Wardell Street, South Lismore	455 m <sup>2</sup>
52	Lot 1 DP 127280	5 Wardell Street, South Lismore	223 m <sup>2</sup>
53	Lot 2 DP 127280	5A Wardell Street, South Lismore	223 m <sup>2</sup>
54	Lot 1 DP 122285	16 Taylor Street, South Lismore	26305 m <sup>2</sup>
55	Lot 1 DP 772523	182A Union Street, South Lismore	60890 m <sup>2</sup>
56/58	Lot 26 Sec 4 DP 5237	208 Union Street, South Lismore	689 m <sup>2</sup>
57	Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore	689 m <sup>2</sup>
58/56	Lot 6 Sec 2 DP 1691	200B Union Street, South Lismore	2820 m <sup>2</sup>

3. That Council note no specific objections were made to the Public Hearing in respect of the proposed reclassification of the following 2 parcels of land from “community” to “operational” so that they may be dedicated as public road providing access to Riverview Park:

No.	Real Property Description	Street Address	Land Area
56/58	Lot 26 Sec 4 DP 5237	208 Union Street, South Lismore	689 m <sup>2</sup>
57	Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore	689 m <sup>2</sup>

4. That Council take into consideration the community views presented to the public hearing in making its decision whether or not to proceed to reclassify the remaining land parcels:

(a) land east of Hollingsworth Creek – 2 in support to regularise current industrial use, 5 opposed in whole or in part:

No.	Real Property Description	Street Address	Land Area
48	Lot 2 Sec 7 DP 4372	14 Taylor Street, South Lismore	455 m <sup>2</sup>
49	Lot 2 DP 127281 7	Hollingsworth Street, South Lismore	224 m <sup>2</sup>

*Report to Lismore City Council of Public Hearing into Proposed Reclassification of Public Land - Draft Lismore LEP 2010 Page 4*

50	Lot 1 DP 127281	7 Wardell Street, South Lismore	234 m <sup>2</sup>
51	Lot 1 Sec 7 DP 4372	1 Wardell Street, South Lismore	455 m <sup>2</sup>
52	Lot 1 DP 127280	5 Wardell Street, South Lismore	223 m <sup>2</sup>
53	Lot 2 DP 127280	5A Wardell Street, South Lismore	223 m <sup>2</sup>
54	Lot 1 DP 122285	16 Taylor Street, South Lismore	26305 m <sup>2</sup>

**(b) land west of Hollingsworth Creek – 4 opposed, specifically or generally to any reclassification of Riverview Park:**

No.	Real Property Description	Street Address	Land Area
55	Lot 1 DP 772523	182A Union Street, South Lismore	60890 m <sup>2</sup>
58/56	Lot 6 Sec 2 DP 1691	200B Union Street, South Lismore	2820 m <sup>2</sup>

**5. That Council consider, as an alternative to reclassification of the whole of the parcels, reclassifying parts of the following lots to regularise current usage by adjoining owners and/or to rectify boundary anomalies only:**

No.	Real Property Description	Street Address	Land Area
54	Lot 1 DP 122285	16 Taylor Street, South Lismore	26305 m <sup>2</sup>
55	Lot 1 DP 772523	182A Union Street, South Lismore	60890 m <sup>2</sup>
57	Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore	689 m <sup>2</sup>

**6. That if Council resolves to reclassify and rezone part of Parcel 54, Lot 1 DP 122285, 16 Taylor Street, South Lismore, that Council also consider the need to retain public, practical and legal access to the remainder of the land, potentially being Parcel 48, Lot 2 Sec 7 DP 4372, 14 Taylor Street, South Lismore.**

**7. That if Council resolves to reclassify only part of Riverview Park (Parcels 55 and 57) to rectify boundary adjustments, Council also consider adjusting the zoning of the road reserve that forms part of the Park to part B6 and part RE1 to maintain consistency between the land classification and the zoning of the land.**

**8. That Council note community views that there is the potential to provide public access and car parking at “Riverview Park East” to support recreational use of Riverview Park, and that there is potentially significant vegetation on parts of that land and adjoining land, which may need further assessment prior to decisions to sell or lease the land.**

### 3.0 Background

Lismore City Council is preparing a new Council-wide Local Environmental Plan (LEP), in accordance with the NSW Government's planning reform's requirements to standardise LEPs throughout the State. The new draft LEP, called the draft Lismore Local Environmental Plan 2010, also proposes to reclassify seventy-four (74) parcels of Council-owned land from "community" to "operational" under the Local Government Act 1993.

Draft Lismore Local Environmental Plan 2010 was publicly exhibited from 29 April 2010 to 30 August 2010, and community consultation was carried out in accordance with a Community Engagement Plan adopted by Council on 13 April 2010. Consultation included exhibition of the draft LEP and supporting information at Council's Administration Centre at Goonellabah, the CBD Office in Lismore, and on Council's web site.

The background to the proposed reclassifications and the land parcels are described in a report entitled: *Explanatory Report - Public Exhibition of Draft Lismore Local Environmental Plan 2010- Reclassification of Public Lands from "Community" to "Operational"*, dated April 2010 by Lismore City Council. The *Explanatory Report* included comprehensive information on the reclassification process, extracts of relevant parts of the Draft Lismore LEP 2010, and a checklist for each parcel of land addressing the information required by the NSW Department of Planning's relevant Practice Note [PN09-03] "*Classification and Reclassification of Public Land through a Local Environmental Plan.*" The *Explanatory Report* was exhibited with the draft Local Environmental Plan. The information in the *Explanatory Report* has not been duplicated here, and therefore, for a full understanding of the background to the proposed land reclassifications, this report should be read in conjunction with the *Explanatory Report*, available from Lismore City Council.

The purpose of this report is to assist Council by informing Council of the views presented by members of the public at a public hearing into the proposed reclassifications. The views of the community are important and Council must take them into consideration in making the decision whether or not to reclassify public land. However, community views are not the only consideration for Council. This report does not aim to fully assess the merits of the proposed reclassifications or to recommend to Council whether or not to proceed with the proposed reclassifications.

### 4.0 Public Hearing

The statutory requirements for a public hearing are outlined at Appendix A. Among other things, the Local Government Act 1993 [S47G(2)] requires that a person presiding at a public hearing be independent of the Council. Such a person must not be:

- (a) a councillor or employee of the council holding the public hearing, or
- (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.

Lismore City Council commissioned Pamela Westing, MCP, BA, FPIA to preside at the public hearing and thus complied with the statutory requirements above.

At the public hearing, Ms Westing advised that a close relative had been a contract employee of an organisation making a submission relating to the subject lands at the time the submission was made to Council. The relative was employed at the Sydney office of the Environmental Defender's Office, not the Lismore office, and had not been involved in the preparation of the submission or discussed it at any time with Ms Westing. The relative is no longer employed by

---

*Report to Lismore City Council of Public Hearing into Proposed Reclassification of Public Land - Draft Lismore LEP 2010 Page 6*

the Environmental Defender's Office. Ms Westing advised the Council of this situation prior to the public hearing. She does not consider that there is any conflict of interest or that this situation affects her ability to preside at the public hearing impartially.

The public hearing was held on 22 September 2010 commencing at 5:03 p.m. and concluding at 6.04 p.m. at the Lismore City Council Chambers, Goonellabah, NSW. There were no formal minutes made of the public hearing. It was tape recorded with the agreement of participants.

Prior to the hearing commencing, Ms Westing inspected the subject lands, in the company of Paula Newman and Rob O'Brien from Lismore City Council.

Twenty-nine people attended the Public Hearing, including five Councillors.

Councillors in attendance at the Public Hearing from Lismore City Council were:

Mayor Jenny Dowell  
Cr Simon Clough  
Cr Gianpiero Battista  
Cr Vanessa Ekins (arrived during the hearing)  
Cr David Yarnall (arrived during the hearing)

Apologies were received from:

Cr Graeme Meineke  
Cr Peter Graham

Mayor Jenny Dowell opened the proceedings and introduced the Chair of the Public Hearing.

Staff attending from Lismore City Council were:

- Brent McAlister, Director Sustainable Development (and Acting General Manager)
- Scott Turner, Manager, Assets and Support Services
- Paula Newman, Coordinator, Strategic Planner
- Rob O'Brien, Senior Strategic Planner

An attendance list was circulated among the members of the public present for Council's records.

The people who spoke at the hearing were:

- Amanda Morris (on behalf of herself, and then on behalf of "SLAP" - the South Lismore Action Partnership)
- Stuart Herne
- Derek Goodwin
- Arlene Davies
- Mark Harrison (on behalf of Mr Alan Hoskins)
- Steve Beddoes
- Daisy Aczel-Morris

A written submission received by Council was lodged at the hearing at the request of the author, Ms Angela George. A written submission from Mr Gary Georgeson was provided at the hearing by Ms Amanda Morris. See Appendix B for more detail on the matters raised in these submissions.

Written copies of the verbal submissions were provided by some of the speakers and assisted in the compilation of this report. Most of those who spoke had also made written submissions to Council during the exhibition period of the Draft LEP, and those submissions were also used to assist in the compilation of this report.

All the submissions to the public hearing related to 11 parcels of land in and around, and including, Riverview Park, South Lismore.

There were no requests to be heard at the public hearing in relation to the remaining 63 parcels of the 74 parcels being proposed for reclassification in the Draft Lismore LEP 2010.

The next section describes the parcels of land that were the subject of the public hearing.

**5.0 The Lands**

The land parcels proposed for reclassification to Operational in draft Lismore Local Environmental Plan 2010 that were the subject of the public hearing are listed in Table No. 1 below. A general description of the land and its location is provided in an Extract from a Report to Lismore City Council to its meeting of 8 September 2008 [page 20], which follows.

**Table No. 1 The lands the subject of the Public Hearing on 22/9/10**

<b>No.</b>	<b>Real Property Description</b>	<b>Street Address</b>	<b>Land Area</b>
48	Lot 2 Sec 7 DP 4372	14 Taylor Street, South Lismore	455 m <sup>2</sup>
49	Lot 2 DP 127281 7	Hollingsworth Street, South Lismore	224 m <sup>2</sup>
50	Lot 1 DP 127281	7 Wardell Street, South Lismore	234 m <sup>2</sup>
51	Lot 1 Sec 7 DP 4372	1 Wardell Street, South Lismore	455 m <sup>2</sup>
52	Lot 1 DP 127280	5 Wardell Street, South Lismore	223 m <sup>2</sup>
53	Lot 2 DP 127280	5A Wardell Street, South Lismore	223 m <sup>2</sup>
54	Lot 1 DP 122285	16 Taylor Street, South Lismore	26305 m <sup>2</sup>
55	Lot 1 DP 772523	182A Union Street, South Lismore	60890 m <sup>2</sup>
56	Lot 26 Sec 4 DP 5237	208 Union Street, South Lismore	689 m <sup>2</sup>
57	Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore	689 m <sup>2</sup>
58	Lot 6 Sec 2 DP 1691	200B Union Street, South Lismore	2820 m <sup>2</sup>

Source: *Public Exhibition Report – Draft Lismore Local Environmental Plan 2010 (Reclassification of Public Lands)* Lismore City Council, 2010

**Summary of Lands Subject to Submissions to the Public Hearing**

- 48. Lot 2 Sec 7 DP 4372 – 14 Taylor Street, South Lismore**  
**49. Lot 2 DP 127281 – 7 Hollingsworth Street, South Lismore**  
**50. Lot 1 Sec 7 DP 4372 – 1 Wardell Street, South Lismore**  
**51. Lot 1 DP 127280 – 5 Wardell Street, South Lismore**  
**52. Lot 2 DP 127280 – 5A Wardell Street, South Lismore**  
**53. Lot 1 DP 127281 – 7 Wardell Street, South Lismore**

*These six lots form part of an area which has historically been licensed for grazing. The zoning of these lots is proposed to be changed from Recreation to General Industrial in the draft LEP. Reclassification will permit future leasing, which will reduce maintenance costs and better utilise the land.*

**54. Lot 1 DP 122285 – 16 Taylor Street, South Lismore – Riverview Park Reserve**  
*Historically, part of this lot has been licensed by a transport company. The lot is affected by building encroachments. Reclassification will allow this issue to be resolved by:*

- (a) subdividing the portion of the land on which there are building encroachments followed by its sale to the adjoining landowner; and*
- (b) leasing the area utilised for parking and manoeuvring of trucks.*

*The estimated area affected by the above is indicated in broken lines on the map on the next page. This area is also proposed to be included in the General Industrial Zone under the draft LEP. Once the subdivision process is complete, the remainder of the lot will be reclassified back to community land.*

*Council sought to resolve this matter in 2007 through LEP Amendment No. 33. However, following the adoption of the amendment the Department of Planning advised that the reclassification would not be supported unless the land was included in the appropriate zone, rather than simply reclassifying the land and leasing it for industrial purposes. The reclassification and rezoning will reflect the historical use of this part of the land and, given that this area is not able to be used for park purposes, will not effectively result in a loss of park land.*

**55. Lot 1 DP 772523 – 182A Union Street, South Lismore**

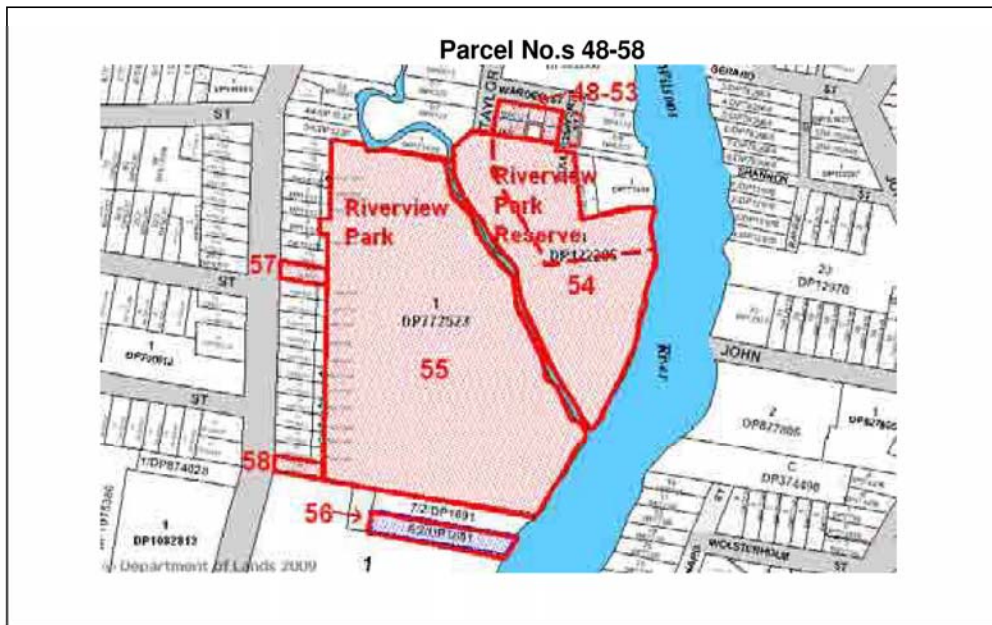
**56. Lot 6 Sec 2 DP 1691 – 208B Union Street, South Lismore**

*The boundary fencing has not been erected in the correct location. Privately owned land is utilised for Riverview Park and vice versa. A storage shed has recently been inadvertently constructed on private land. A boundary adjustment is required. Reclassification of the land is required to allow this process to be completed.*

**57. Lot 14 Sec 4 DP 5237 – 184 Union Street, South Lismore**

**58. Lot 26 Sec 4 DP 5237 – 208 Union Street, South Lismore**

*Both lots are currently used as access to Riverview Park. Prior to dedication as road the land is required to be classified as operational land. [continued....]*



**Source:** Report to Lismore City Council 8 September 2009 – Reclassification of Council Properties (As shown at Appendix 2 to the Public Exhibition Report to Draft Lismore LEP 2010 – Pg 20)

Land West of Hollingsworth Creek (Riverview Park)

As can be seen from the diagram above, there are a number of parcels that make up Riverview Park. The developed Riverview Park to the west of Hollingsworth Creek comprises the following parcels being proposed for reclassification:

Parcel No	Street Address	Area
55	182A Union Street, South Lismore	60,890 m2
58/56*	208 Union Street, South Lismore (Lot 26 Sec 4 DP 5237)	689 m2
57	184 Union Street, South Lismore	689 m2
56/58*	208B Union Street, South Lismore (Lot 6 Sec 2 DP1691)	2,820 m2

**\*Note:** In the report to Council (8/9/09) including in the diagram above, 208 Union Street (Lot 26 Sec 4 DP 5237)(689 m2) is shown as Parcel No. 58, and 208B Union Street (Lot 6 Sec 2 DP1691) (2,820 m2) is shown as Parcel No. 56. In the Public Exhibition Report exhibited with the Draft LEP, including the “Summary of Information on the Lands” at Appendix 1 and the individual parcel checklists at Appendix 7, these two parcels were numbered in reverse: i.e. in the exhibition material, Parcel No 56 is 208 Union Street, and Parcel No.58 is 208B Union Street.

This report will use the numbering from the Exhibition Report: i.e.

Parcel No	Street Address	Area
56	208 Union Street, South Lismore (Lot 26 Sec 4 DP 5237)	689 m2
58	208B Union Street, South Lismore (Lot 6 Sec 2 DP1691)	2,820 m2



Land East of Hollingsworth Creek

To the east of Hollingsworth Creek, the main parcel (No. 54) also comprises part of the Riverview Park Reserve. It is currently zoned 6(a) Recreation, but is not currently developed for recreational purposes and is subject to an industrial use by an adjoining private owner. This report will refer to this parcel (No. 54) as "Riverview Park East."

In addition, to the east of Hollingsworth Creek, there are six smaller parcels (No.'s 48-53) adjoining or adjacent to the Riverside Park Reserve, which are not legally part of the Reserve, despite currently being zoned 6(a) Recreation. They are also not developed for recreational use.

The land parcels east of Hollingsworth Creek being proposed for reclassification comprise:

<b>Parcel No</b>	<b>Street Address</b>	<b>Area</b>
48	14 Taylor Street, South Lismore	455 m2
49	7 Hollingsworth Street, South Lismore	234 m2
50	7 Wardell Street, South Lismore	234 m2
51	1 Wardell Street, South Lismore	455 m2
52	5 Wardell Street, South Lismore	223 m2
53	5A Wardell Street, South Lismore	223 m2
54	16 Taylor Street, South Lismore ("Riverview Park East"*)	26,305 m2

\*for the purposes of this report this parcel is referred to as "Riverview Park East" in the pages that follow, to distinguish it from the adjoining parcels that are not part of the Riverview Park Reserve, and to distinguish it from the western area of the Riverview Park reserve that is developed for recreational purposes.

## 6.0 Submissions to the Public Hearing

### Ms Amanda Morris (speaking for herself)

Ms Morris is a resident at 9-13 Taylor Street, South Lismore. She addressed mainly the issues relating to "Riverview Park East" – i.e. Parcel No. 54, objecting to the proposed reclassification and potential sale or lease as a means of resolving the identified industrial encroachment issues to the benefit (in her view) of the adjoining private landowner.

She indicated that the loss of community land would not be in the public interest, and disputed the Council report that stated the land was not able to be used for park purposes and would not effectively result in the loss of park land. She maintained that the reclassification of the land would result in loss of pedestrian access [through the current truck parking area and along the base of the levee bank] to the developed part of Riverview Park.

She raised a number of issues relating to the suitability of the current industrial-type use, including alleged land and water contamination, impact on endangered vegetation (Sweet Myrtle located just to the south of the Taylor Street road reserve), bank erosion issues, and alleged conflicts with nearby residential and recreational uses. She also raised concerns about alleged inappropriate past actions by Council in dealing with encroachment and compliance issues.

### Ms Amanda Morris (on behalf of "South Lismore Action Partnership" [SLAP])

On behalf of "SLAP" Ms Morris raised issues in relation to the smaller parcels adjoining "Riverview Park East" (Parcels 48-53), objecting to the proposal to rezone and reclassify these small properties. She considered that a general industrial zone in such close proximity to Riverview Park was inappropriate due to the schools holding major sporting events in the Park, plus the issues of potential pollution to adjoining waterways, being Hollingsworth Creek and Wilsons River. She considered that the proposed changes would leave no space for buffer zones to these waterways and raised a number of environmental issues relating to the land.

She also raised issues relating specifically to 14 and 16 Taylor Street (Parcels 48 and 54, respectively – 54 being the main parcel "Riverview Park East"). She advised that there was no practical access to 16 Taylor Street via Taylor Street. Taylor Street has not been constructed south of the intersection with Wardell Street, which is where the legal access to 16 Taylor Street is located, but also where there is a steep bank to Hollingsworth Creek, and sensitive and endangered vegetation. She suggested that 14 Taylor Street provided the opportunity to provide an alternative, practical access to 16 Taylor Street ("Riverview Park East"), and that it should be retained for community use. She pointed out that the community has not previously had the opportunity to use the small parcels of land, because they have been fenced and leased for grazing.

Ms Morris also referred to further information available on the SLAP website: [www.southlismoreactionpartnership.webs.com](http://www.southlismoreactionpartnership.webs.com). The author of this report perused this website after the Public Hearing.

### Mr Stuart Herne

Mr Stuart Herne is the Managing Director of Hernes Freight Service, located in Hollingsworth Street, and which utilises part of "Riverview Park East" (16 Taylor Street - Parcel 54) for truck parking and related activities. Mr Herne outlined the history of industrial use of his site for approximately 30 years, and the history of his company's use of the adjoining public land, with Council permission (formal or informal), since 1986. He stated that he had cleaned up what was a dumping site, cleared coral trees from the creek and that his company now maintains

the roads to his site all at no cost to Council. He pointed out that the area, including the residence of some objectors at the hearing, is zoned Industrial [4(a)], that complaints about the company's activities had started only relatively recently, and that the nearest neighbours to the site had not objected to the industrial activities.

He outlined the benefits of his company employing 75 local people, and asked for Council's support to resolve the issues at the current site. In response to a question from the Chair, Mr Herne advised that a pedestrian access along the bank of Hollingsworth Creek to the levee bank, and hence to the developed area of Riverview Park, could be accommodated without disrupting his operations.

**Mr Derek Goodwin**

Mr Goodwin resides at 178 Union Street, South Lismore. He objected to any alienation of community land, as it would be impossible to replace. He also felt that the industrial use currently on "Riverview Park East" (16 Taylor Street - Parcel 54) was not suitable due to potential conflicts with the recreational activities at Riverview Park.

He stated that "Riverview Park East" had been used for recreational uses at one time, and cited the ornamental gates that were in place when he first moved to the area in 1972.

Mr Goodwin was concerned about the shortage of parking at Riverview Park, especially when sporting carnivals and other activities are held. This affects him and his neighbours in Union Street, who can find the access to their properties obstructed by desperate parkers attending sporting events. Mr Goodwin urges that the community land at "Riverview Park East" be retained for car parking to support activities at Riverview Park.

He also explained that he and his neighbours contribute to the maintenance of and amenity of Riverview Park where it adjoins the rear of their properties in Union Street.

**Ms Arlene Davies**

Ms Davies objected to the proposal to reclassify Riverview Park from Community to Operational, and wants Council to keep community land for the community. She does not want any sportsground land to become industrial. She also raised concerns about sensitive vegetation on the land to the east of Hollingsworth Creek, in particular Thorny Pea and Sweet Myrtle.

**Mr Mark Harrison for Mr Alan Hoskins**

Mr Harrison was speaking on behalf of Mr Alan Hoskins who could not attend the Public Hearing. Mr Hoskins has resided in the Lismore area for approximately 40 years, and manages the Norco factory. He described the long industrial history of the area in question, and described the activities of Hernes Freight Service in cleaning up the one-time dumping ground at their cost. He also described the flooding characteristics affecting the site. He supports the on-going industrial use of the site at 16 Taylor Street (Parcel 54 or "Riverview Park East") and the proposed reclassification and rezoning of the land.

**Mr Steve Beddoes**

Mr Beddoes is a resident of the area. He disputed some of the flooding information provided by Mr Harrison, and felt the land at 16 Taylor Street ("Riverview Park East" – Parcel 54) was not suitable for industrial uses due to flooding. He described the alleged unauthorised expansion of the Hernes Freight Service since it began operations on the site, and raised a number of issues relating to [alleged] non-compliance with environmental requirements by the

operator, [alleged] failure to act by Council on alleged water and ground pollution, and the unsuitability of the site for industrial use due to its proximity to the recreational activities at Riverview Park. A number of the issues he raised related to compliance (e.g. alleged dust, noise, road damage, air and water pollution), rather than the classification of the land, as such. However, he was concerned that Council would be less likely to ensure compliance by the operator if the land was reclassified and leased or sold to it. He maintained that the area of community land occupied by Hernes already exceeds the proposed area to be rezoned.

He wants Council to restrict the operations of Hernes Freight Service to the development consent, and enforce compliance with it, rather than reclassifying the community land and formalising the current industrial use of part of 16 Taylor Street (Parcel 54 – “Riverview Park East”).

**Ms Daisy Aczel-Morris**

Ms Aczel-Morris spoke about the proposed reclassification of Riverview Park, describing the extensive community recreational use of it. She was concerned that reclassifying the Park to operational, even though ostensibly a temporary measure to rectify boundary encroachments, would open the door to loss of the Park to the community, either through sale or leasing of the recreational area of Riverview Park to a private operator. She was concerned that the current Council could not guarantee that a future Council would not seek to sell or lease Riverview Park, once it was classified Operational. She did not want the future of Riverview Park left to chance, and suggested alternatives to rectifying the boundary issues: e.g. a small boundary adjustment or a temporary operational classification. She wants to preserve Riverview Park as “Community” and Recreation 6(a).

**7.0 Discussion – “Riverview Park East” and Adjacent Small Lots**

History of the area: It seems likely, from the information in Council’s exhibition material, written submissions to Council, information presented at the Hearing and the fact that “Riverview Park East” is part of the Riverview Park Public Reserve, that “Riverview Park East” probably was actively used for recreational purposes at one time. I accept that it is still used informally by pedestrians. However, part of it has been used for the parking of trucks and related activities by the operators of Herne Freight Services for at least 20 years. The area approved by Council for these activities was not specifically defined. It seems likely that as the business has been successful and grown, the area used has also grown over time, either with Council’s agreement, albeit sometimes verbal, or without Council taking action to restrict the expansion.

Council has sought to rectify this situation in the past, specifically through LEP Amendment No. 33 in 2007.

Compliance Issues: A number of the submissions referred to alleged compliance issues relating to the operation of the Hernes Freight Service. This report is not intended to form a view on the alleged compliance issues. Council has responsibilities for enforcement of the law, regardless of the ownership, leasing status, zoning or classification of land. However, resolution of the status of the land can facilitate resolution of many issues, e.g., by enabling Council to require development consent, and/or include conditions in a lease or license that require fencing to delineate the area covered by the lease or license, requiring landscaping to screen visual impacts, limiting the term of the agreement to facilitate orderly relocation of a business that outgrows the lease area, etc. Resolving the zoning and tenure issues on the site provides more options for Council to address compliance issues than is possible in the current situation.

Suitability of the Site for Industrial Use: A number of the submissions allege that the land proposed to be rezoned and reclassified for sale or lease is not suitable for industrial

development, mainly by reason of its proximity to waterways, recreational uses, and residential uses. Many of these submissions referred to the alleged compliance and/or pollution issues noted above in support of their argument. As explained above, these alleged issues need to be resolved regardless of the Council's decision on the classification and zoning of the land.

In respect of the suitability of the parcels for industrial uses, the area generally to the North is currently zoned Industrial 4(a), and submissions at the Hearing described the long-term industrial activities in the general area, including the Hernes site. The area to the North is proposed to be zoned IN1 General Industrial in the draft LEP 2010. Although there are some residences within the industrial zone, it is to be expected that in the long term, these uses will gradually transition to industrial uses in accordance with the zoning. The Hernes' privately owned land is likely to remain in industrial use in the long term, regardless of Council's decision on the reclassification and zoning change to part of "Riverview Park East", and regardless of the future of that particular business. Any industrial use of that private land is likely to also raise issues that will need to be managed from time to time.

It is not my view that the land proposed for reclassification and industrial zoning is unsuitable for industrial use, or that there are any industrial-use issues that could not be managed to mitigate land use conflicts or alleged pollution of adjoining waterways. As owner of the land, Council has the opportunity to impose conditions on any lease to mitigate potential impacts.

Alternative Uses of the Land: A number of submissions suggested that "Riverview Park East" should be used for car parking and pedestrian access to support the recreational activities on the developed part of Riverview Park, a very popular and successful community sporting facility. One submission felt that this use would alleviate parking issues affecting the residents of Union Street.

This proposal would require careful consideration by Council, as the following issues are evident:

- Access for vehicles to "Riverview Park East" via the road network is somewhat convoluted and unlikely to be the first choice of anyone attending activities at the Park.
- Once on site at "Riverview Park East", pedestrian access from a car park to the recreational facilities is also problematic, due to the size and location of Hollingsworth Creek separating the area from the recreational facilities. A pedestrian footbridge would probably be quite expensive due to the width of the creek and its flooding behaviour. A pedestrian path might be possible either up onto the levee bank and back down, or lower down, closer to the pumping station. Either of these options would likely raise issues of disability access, and if feasible, would still have the disadvantage of delivering pedestrians to the rear of the recreational area, farthest from the existing club buildings.

It is beyond the scope of this report to address whether additional car parking for Riverview Park is a high priority issue for Council, the options available to Council to address it, or indeed whether or not Council has already considered the possibility of using "Riverview Park East" for car parking to support the activities at Riverview Park. Council should thoroughly consider the likely long-term needs of the community prior to making any decision to actually lease or especially to dispose of "Riverview Park East".

Adjoining Small Lots and Future Use of "Riverview Park East": Apart from the submissions requesting that "Riverview Park East" be used for parking and pedestrian access, as outlined above, one of the submissions suggested that one of the small adjoining lots (14 Taylor Street – Parcel 48), is needed to provide practical access to "Riverview Park East" (16 Taylor Street), because Taylor Street is not constructed to the frontage of the land, and construction would be

problematic because of the topography and sensitive vegetation where 16 Taylor Street fronts Taylor Street.

This submission makes an important point. At present, the constructed access to "Riverview Park East" is via Hollingsworth Street, and the area proposed to be reclassified, rezoned and leased, would take up this road frontage. If Council leases or sells the part of "Riverview Park East" that fronts Hollingsworth Street, an alternative legal and practical access will be needed to enable the public to access the remainder of the site and Council to access its pumping station.

General objections were raised to the proposed reclassification of the remaining small lots (Parcels 49-53) on the grounds of no alienation of community land, or sensitive vegetation on some of the small lots.

Council should satisfy itself that no sensitive vegetation is likely to be adversely affected prior to any decision to develop or dispose of the land.

### **8.0 Discussion – Riverview Park and Adjacent Lots**

The area to the west of Hollingsworth Creek includes the developed area of Riverview Park (Parcel 55), and 3 smaller parcels (Parcels 56-58). Of these smaller parcels, two are proposed for reclassification to allow them to be dedicated as public roads providing access to the Park. None of the submissions expressed specific concerns about the proposed reclassification of these two parcels (184 Union Street and 208 Union Street).

One submission at the Public Hearing recognised the stated reasons for the proposed land reclassification of Riverview Park; i.e. the land is proposed to be reclassified "operational" to enable some boundary adjustments to rectify mutual encroachments with adjoining privately owned land. However, the submission raised concerns about the potential loss of the Park to the community via sale or lease, despite the stated intentions of the current Council. It correctly points out that the current Council is unable to guarantee the actions of a future Council. It made some suggestions for alternatives to resolve the issues without reclassification; however, these are not feasible under the Local Government Act 1993. It also suggested the land be retained as 6(a) Public Recreation. However, the proposed change of zoning to (in this case) RE1 Public Recreation is a requirement of the NSW Government's standard LEP template. Retaining the 6(a) zone is not possible. However, the two zones are generally equivalent, and the zoning is therefore not a significant issue.

Other submissions objected more generally to any proposed reclassification of Riverview Park, fearing the potential loss of this important recreational facility to the public.

Proposed Reclassification: The concern expressed in the submission about loss of "community" status for Riverview Park is understandable. Approximately 6 ha of park is proposed to be reclassified "operational" in order to rectify some minor boundary encroachments, and then the Park (with the correct boundaries) is proposed to be reclassified back to "community." In the interim period, however, the Park would be operational land, and could be legally sold or leased out by Council without further community consultation. This situation would persist until it is reclassified. Any unforeseen delay in the reclassification back to community could leave the land potentially at risk for an extended period.

In practice, it would be a courageous (in the Sir Humphrey Appleby "Yes Minister" sense) Council that would seek to sell or lease Riverview Park. However, the submissions are correct to say that it would be possible.

### **9.0 Discussion - Partial Reclassification**

An option to address some of the community concerns relating to both areas raised at the hearing is partial reclassification of the land. Council is currently proposing to reclassify whole parcels "operational" in order to carry out minor boundary adjustments or to lease part of the parcel, and then in future Council intends to reclassify the residue back to "community". As an alternative, Council could reclassify only those parts of the parcel genuinely required for operational purposes to "operational", leaving the balance of the community land unchanged: it would remain "community" throughout the process so there would be no risk of a future Council selling or leasing (for example) Riverview Park. Both the NSW Department of Local Government and the NSW Department of Planning have advised that partial reclassification is possible.

There may be some technical issues about how the parts of lots are described or shown in the Draft LEP to comply with the standard instrument template. This needs further discussion between Council staff (if Council supports this approach) and Department of Planning staff. It is likely that a survey would be necessary to identify the land actually proposed to be transferred or leased to the adjoining landowners.

### **10.0 Conclusions**

Seven members of the public made submissions at the public hearing in respect of 11 of the 74 parcels of land being proposed for reclassification from "community" to "operational" in Draft Lismore Local Environmental Plan 2010. In addition, two written submissions were provided at the hearing. There were no representations to the public hearing in respect of the remaining 63 parcels of land.

All the land of concern is in the vicinity of Riverview Park, South Lismore, and for the purposes of this report it is generally discussed in two sections: the land east of Hollingsworth Creek; and the land west of Hollingsworth Creek, which includes the developed recreational facilities at Riverview Park.

#### Land East of Hollingsworth Creek

Two of the submissions relating to the land east of Hollingsworth Creek supported the proposed rezoning and reclassification to enable the current occupation of part of the land by a transport company to be formalised and to continue. The remainder of the submissions relating to this area opposed the rezoning and/or the reclassification. In general, the opposing submissions do not want the industrial use of the land to continue for a number of reasons. Some of these relate to the perceived need to use the land for community purposes, including for car parking and pedestrian access to Riverview Park. It is beyond the scope of this report to examine the merits of the proposed community uses, or the accuracy of the statements about sensitive flora on the site. However, in making its decision on the future of this land, Council should consider:

- The option of rezoning and reclassifying only that part of "Riverview Park East" (16 Taylor Street, Parcel 54) that is intended to be leased or sold to the adjoining landowner; i.e. a partial reclassification. The land to be reclassified "operational" and the land to be zoned IN1 General Industrial zone should coincide;
- The need to retain or provide practical public access to the remainder of "Riverview Park East" including to Council's pump station. The land at 14 Taylor Street (Parcel 49) may be particularly important in this regard;
- The need to consider the environmental significance of vegetation on the land prior to any development or disposal of it;

- The long-term needs of the community for recreational land in the vicinity, especially given the popularity of Riverview Park.

Land West of Hollingsworth Creek (Riverview Park)

Riverview Park is comprised of a number of separate parcels of land, some of which are affected by boundary encroachments (in both directions) with adjoining land. Two of the parcels proposed for reclassification to "operational" are being reclassified so that they may be dedicated as public roads formalising access to the park. Apart from general objections to reclassification, there were no specific objections relating to these two parcels.

Other submissions were concerned about the potential loss of community land and the fact that an "operational" classification would legally enable the Council to sell or lease Riverview Park. Although the Council reports state the intention to reclassify the Park back to "community" once the boundary issues have been resolved, the current Council cannot guarantee that will happen or when it will happen. It would help allay community fears if Council pursued a partial reclassification of Riverview Park, so that only those areas proposed to be sold or swapped with the adjoining landowner were classified "operational". The major area of Riverview Park would remain "community."

Part of Riverview Park is comprised of part of an unformed road reserve that is proposed to be zoned B6 Enterprise Corridor, the same as the zoning of the private land it adjoins. However, part of the road reserve is within the developed recreational area of Riverview Park. If the whole of this road reserve is rezoned B6, the part of the land within the Park will have an anomalous zoning that will need to be addressed in future. If the partial reclassification option is pursued, Council should consider adjusting the proposed zoning of the road reserve to part RE1 Public Recreation, and part B6 Enterprise Corridor, to maintain consistency between the land classification and the zoning.

In summary, in respect of this area, Council should consider:

- Reclassifying only those parts of the land to "operational" that are to be transferred to a private owner;
- Seeking to zone the unformed road reserve to zones appropriate to its uses after it is reclassified (i.e. part RE1 and part B6).

Council staff will need to further discuss with the Department of Planning how partial reclassifications are made compatible with the standard LEP template.

**The Recommendations of this Report are contained in Section 2.0.**



## APPENDIX A

### Statutory Requirements for a Public Hearing into the Reclassification of Public Land

#### Local Government Act 1993 No 30

##### 29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 68 of the *Environmental Planning and Assessment Act 1979* in respect of a proposal in a draft local environmental plan to reclassify community land as operational land as if it had received and decided to deal with a submission as referred to in that section that the land be so reclassified.
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.

*[Note: S32 relates to land dedicated to Council to satisfy to a condition imposed on a development consent pursuant to S94 of the EPA Act 1979. According to the information provided, none of the subject land was so dedicated, and therefore this section is not relevant.]*

##### 47G Public hearings

- (1) In this section, public hearing means any public hearing required to be arranged under this Part.
- (2) The person presiding at a public hearing must not be:
  - (a) a councillor or employee of the council holding the public hearing, or
  - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

#### Environmental Planning and Assessment Act 1979 No 203

##### 68 Consideration of submissions

- (1) Where:
  - (a) a person making a submission so requests, and
  - (b) the council considers that the issues raised in a submission are of such significance that they should be the subject of a hearing before the council decides whether and, if so, what alterations should be made,the council shall, in the prescribed manner, arrange a public hearing in respect of the submission.
- (2) A report of the public hearing shall be furnished to the council and the council shall make public the report.
- (3) The council shall consider the submission and the report furnished pursuant to subsection (2) and may make any alterations it considers are necessary to the draft local environmental plan arising from its consideration of submissions or matters raised at any public hearing.

## **Environmental Planning and Assessment Regulation 2000**

### **14 How is notice of a public hearing to be given?**

- (1) A council that decides that a public hearing is to be held under section 68 of the Act must give notice of that fact:
  - (a) in a local newspaper, and
  - (b) in a letter sent to each of the persons who requested a public hearing when making a submission about the draft local environmental plan.
- (2) The notice must contain details of the arrangements for the public hearing and must be sent or published, as the case requires, at least 21 days before the start of the public hearing.

**APPENDIX B**

**Written Submissions to the Public Hearing**

**Angela George re 14 Taylor Street and 7 Hollingsworth Street**

By e-mail 22 September 2010 1:45 p.m.

Attention Rob O'Brien  
Submission to the Chairperson of Public Hearing of Proposed Reclassification of Public Land  
22/9/2010

Re lot 2, 14 Taylor St and lot 2, 7 Hollingsworth St.

I question the wisdom of reclassifying these from community to operational and changing the zoning from recreational to general industrial.  
Not having been used as recreational areas is not sufficient reason to rezone as general industrial. This area is very close to two waterways. More industry in this area between Wilsons River and Hollingsworth Creek is likely to cause more pollution run-off into these waters. Perhaps present business use along Taylor and Hollingsworth Streets is causing too much pollution run-off. There has been a recent claim that pollution from Taylor Street was higher than the recommended level. Council tell me that they will test there for pollution. Dense native vegetation on these lots would be a good useage. Wildlife areas are necessary for cities and areas near waterways are ideal for this purpose.  
Submitted by Angela George 70 Borton Road Tullera

**Gary Georgeson re 16 Taylor Street.**

Mr Georgeson of 9,11 & 13 Talor Street South Lismore objected to the proposed reclassification 16 Taylor Street on the grounds that industrial use is unsuitable and the land is required for wildlife and community use. It also made a number of detailed allegations about compliance issues. This submission has been referred to Council to address the alleged compliance issues.

## ATTACHMENT 6: DRAFT LEP 2010 SUBMISSIONS ON HERITAGE ~ DRAFT LEP 2010 ISSUES &amp; RESPONSES

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
6.1	<p><b>Support heritage conservation area for Eltham village but concerned that Eltham railway cottage not listed as an individual heritage item:</b></p> <ul style="list-style-type: none"> <li>• <b>Bridge beside the cottage is listed and in reality they form a group that represents the last vestiges of Railway history extant in the village. The cottage from 1894 is the last railway building to survive.</b></li> <li>• <b>Community is very supportive.</b></li> <li>• <b>Council's heritage advisor recommended it be listed separately.</b></li> <li>• <b>Development adjoining the conservation area will not have to consider any impact it might have.</b></li> </ul>	<ul style="list-style-type: none"> <li>• The support for the Eltham Heritage Conservation Area is noted. The Eltham railway cottage is included in the Conservation Area.</li> <li>• The railway bridge is included as a Heritage Item in the current Lismore LEP 2000.</li> <li>• The Heritage Adviser has recommended in the past that the cottage is worthy of including as a Heritage Item although he has also acknowledged that the cottage is in a state of disrepair.</li> <li>• The LES states that, <i>'as options for moving the cottage are being considered, inclusion of both current and proposed sites within the proposed Eltham Heritage Conservation Area will maximise flexibility.'</i></li> <li>• Clause 5.10 of the LEP requires the consent of Council (or other consent authority) for the demolition, removal, alteration, subdivision and erection of buildings within a Heritage Conservation Area. Further to this, Council can require a heritage impact statement and heritage conservation management plan. The submission of a heritage impact statement extends to</li> </ul>	<p><b>Option A</b> Retain Schedule 5 as publicly exhibited, ie, exclude the railway cottage as a Heritage Item.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• The ARTC was not in agreement with the inclusion of the cottage as a heritage item and further consultation would be required;</li> <li>• The SEPP (Infrastructure) 2007 gives the public authority the ability to demolish a building, regardless of its heritage status. The cottage's inclusion in the Eltham Conservation Area will ensure that Council is consulted if this is proposed.</li> <li>• The impact of any development adjoining a Heritage Conservation Area is required under clause 5.10.</li> </ul> <p><b>Option B</b> Amend Schedule 5 to include the railway cottage as a Heritage Item.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• The public re-exhibition of the Draft LEP will provide further opportunity for consultation with the ARTC;</li> <li>• The inclusion of the Railway Cottage as a Heritage Item in the LEP will identify and acknowledge the</li> </ul>	<ol style="list-style-type: none"> <li>1. Include the Eltham Railway Cottage Schedule 5 Environmental heritage – Part 1 Heritage Items as an item of local significance</li> <li>2. Amend the Draft LEP Heritage Map to identify the Cottage as a Heritage Item.</li> </ol>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>development on land in the vicinity of a Heritage Conservation Area.</p> <ul style="list-style-type: none"> <li>• The Australian Rail Track Corporation has objected to the inclusion of the cottage as a Heritage Item and, in the past, has attempted to have it demolished.</li> <li>• The State Environmental Planning Policy (Infrastructure) 2007 allows the ARTC to demolish a building regardless of its heritage status. This is permitted without consent although, in undertaking any such demolition, the SEPP does require: <ul style="list-style-type: none"> <li>➤ the authority to prepare an assessment of the impact of the development; and</li> <li>➤ notify Council and provide a copy of the impact assessment; and</li> <li>➤ take into consideration any response from the Council.</li> </ul> </li> </ul>	<p>significance of the Cottage to the community.</p>	
6.2	<p><b>Tree grove in Eltham worthy of listing as it is a WW1 Memorial Grove.</b></p>	<ul style="list-style-type: none"> <li>• Council's Heritage Advisor has recommended in the past that the grove is worthy of listing as a WW1 memorial avenue. He has also noted that original trees are missing or in senescence and that a recording is reasonable.</li> <li>• Council's Parks Coordinator advised that: <ul style="list-style-type: none"> <li>➤ the remaining pine tree is difficult to identify but is in a satisfactory condition and would be considered for retention in</li> </ul> </li> </ul>	<p><b>Option A</b> Include the tree grove as an item in Schedule 5 Part 1 of the LEP.</p> <p><b>Option A Comments</b> The listing of the tree grove was considered by Council's Heritage Advisor and Parks Coordinator as part of the preparation of the draft LEP. The reasons for not including the grove as an item are still valid.</p> <p><b>Option B</b></p>	<p>1. No change to the draft LEP. 2. Consider establishing a Significant Tree Register for the Lismore LGA.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>any future development;</p> <ul style="list-style-type: none"> <li>➤ semi-mature and mature 'Weed' camphor laurels along the road and fence line makes identifying the memorial camphor laurels difficult to identify;</li> <li>➤ the structure of each camphor laurel is poor, making them poor examples of their species;</li> <li>➤ Camphor laurels are declared Noxious Weeds in this LGA;</li> <li>➤ thought should be given to the preparation of a Significant Tree Register that could include trees with historical significance.</li> </ul> <ul style="list-style-type: none"> <li>• Further to the advice from the Heritage Adviser and the Parks Coordinator, the grove was not separately listed but is included in the proposed Conservation Area. This is considered to offer sufficient protection.</li> <li>• Clause 5.10 of the LEP specifies that development consent is required for the demolition or moving of a building, work, relic or tree within a heritage conservation area.</li> </ul>	<p>Retain the proposed Eltham Heritage Conservation Area, which includes the tree grove. Do not include the grove as a Heritage Item.</p> <p><b>Option B Comments</b> The inclusion of the grove as a separate item is not supported due to the condition of some of the trees and the difficulty of identifying the memorial trees. The significance of the grove is recognised by its inclusion in the Heritage Conservation Area. Clause 5.10 requires development consent for the removal of any tree in the Area and this will ensure sufficient protection is provided.</p> <p>The recommendation of the Parks Coordinator to consider the preparation of a Significant Tree Register is supported as it would allow further work to be undertaken to record and identify protect the original 'memorial' trees.</p>	
6.3	<b>Development adjoining the Eltham Conservation</b>	<ul style="list-style-type: none"> <li>• Clause 5.10 (5) of the LEP provides that, before granting</li> </ul>	Not applicable. The concerns are noted; however it is considered that the clause	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>Area should consider its impact on heritage. Concerned about implementation of clause.</p>	<p>consent to any development on land within the vicinity of a heritage conservation area, the consent authority (generally Council) may require a heritage impact assessment of the extent to which the development would affect the heritage significance of the heritage conservation area.</p> <ul style="list-style-type: none"> <li>• Further to the above, section 79C of the EP&amp;A Act, requires an assessment of the likely impact of any development on the built and natural environments. This extends to impact on heritage significance.</li> <li>• The existing Lismore LEP 2000 contains a similar provision to Clause 5.10.</li> </ul>	<p>of the LEP will be implemented to ensure that the significance of the Eltham Heritage Conservation Area is not adversely affected by development in the vicinity. It is also noted that most of the land in the vicinity of Eltham is in the RU1 Primary Production zone, in which the dominant land use is agriculture.</p>	
6.4	<p>Proposal by land owners for heritage listing of Dry Stone Wall on the boundary between 312 and 356 Ridgewood Road, Rosebank.</p>	<ul style="list-style-type: none"> <li>• The current Lismore LEP includes a Dry Stonewall at 312 Ridgewood Rd, Rosebank. However, the Local Environmental Study states that it was not transferred into the draft LEP as the wall has never been located and is not described in the City Wide Heritage Study. It appears that the wall is now located.</li> <li>• The wall is approximately 500m long and runs from the bank of Coopers Creek to more than half way up the boundary fence. It is approx 2m wide at the base and in good condition. Is still in original state, apart from a 'scrub area' where it is not visible.</li> <li>• The wall was built in the early 20th</li> </ul>	<p>The options are to either include the Dry Stone Wall as a Heritage Item or not include. The inclusion of the Dry Stone Wall as a Heritage Item of local significance is supported on the basis of its heritage significance and the willingness of the land owners.</p>	<ol style="list-style-type: none"> <li>1. Include the Dry Stone Wall located on the boundary between 312 and 356 Ridgewood Road, Rosebank in Schedule 5 Environmental heritage – Part 1 Heritage Items as an item of local significance.</li> <li>2. Amend the Draft LEP Heritage Map to identify the Dry Stone Wall as a Heritage Item.</li> </ol>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>century, probably by gangs of stonemasons who built the walls for about half a guinea a chain (ten shillings and six pence).</p> <ul style="list-style-type: none"> <li>• The farm "Willow Vale" was selected by the proponents' grandfather William Anderson in 1882.</li>   <li>• Including the wall as a separate heritage item will provide protection from future development that is permissible with consent, but will also make repairs to the item eligible for financial assistance. Such repairs may include the removal of weeds that currently impact on its integrity.</li>   <li>• Council's Heritage Adviser, Ken Young, inspected the dry stone wall accompanied by the current owner (passed down to her from her grandfather through her father) and the neighbour J Rankin. Ken has advised that, <i>'the wall is certainly worthy of listing from the oral history I heard on site from the neighbour and the information about the owners grandfather'</i>.</li> </ul>		
6.5	<b>Concern that the draft LEP might be made before items of</b>	The LES outlines the work that has occurred to date with regard to Aboriginal cultural heritage (p168). In	Not applicable.	1. No change to the Draft LEP. 2. Consider the identification of



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>Aboriginal cultural heritage are given appropriate protection under the LEP.</b></p>	<p>summary, there are still a number of issues that need to be resolved. Due to the sensitive nature of some of the information, and the potential need for lengthy negotiations with land owners, it is more appropriate that identification of Aboriginal cultural sites proceeds separately to the preparation of the LEP.</p> <p>Following final agreed identification of Aboriginal cultural heritage sites, a separate LEP amendment can be undertaken.</p>		<p>Aboriginal cultural heritage items as a project in a future Delivery Plan.</p>
<p><b>6.6</b></p>	<p><b>Potential items of heritage significance in Bexhill that should be listed include the open air cathedral and Uniting Church.</b></p>	<ul style="list-style-type: none"> <li>• Council's Heritage Adviser has advised that the open-air Cathedral and the Uniting Church are worthy of protection as Heritage Items. The open-air Cathedral has a strong sense of place as a probable important Aboriginal special place, similar to the Tucki Tucki Bora Ring.</li> <li>• For the reasons outlined in 6.5 above, further work is required before the open air cathedral can be identified as a place of significance.</li> <li>• With respect to the Uniting Church at 2 Gibson Lane, this is an item of low local heritage significance. The property owners were contacted by Council in 2007, along with all owners of items of low significance, to explain the reasons for and benefits of heritage 'listing'.</li> </ul>	<p>The options are to either include the open air cathedral and the Uniting Church as Heritage Items or not include them as Items. The inclusion of the open air cathedral and the Uniting Church is not supported as:</p> <ul style="list-style-type: none"> <li>i) further work and consultation is required with respect to the open air cathedral and its significance as Aboriginal cultural heritage; and</li> <li>ii) the Uniting Church has previously objected to the inclusion of the Church as a Heritage Item and have not had the opportunity for further consideration and comment in relation to the submission to the draft LEP.</li> </ul>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Property owners were also requested to respond to the proposal to include their item in the LEP. The Uniting Church, along with many other property owners, objected to the Church being included as a heritage item. It was decided that such properties would not be included in the LEP.</p> <ul style="list-style-type: none"> <li>• Further consultation with the Uniting Church would be required before the Church is considered by Council for inclusion as a Heritage Item.</li> </ul>		

**Building Inspection – Eltham Railway Cottage 14 September 2011**

In summary, the cottage is in reasonably sound condition considering the age of the building, and the lack of maintenance over an extended period of time.

Matters of concern are the evidence of white ant activity in the north wall studs and the roof joists in the front south-west room ceiling. It is not a major task to eradicate the white ants and replace the affected timbers.

Following is a condition report –

**Foundations**

Bearers on north side have 200mm clearance. Bearer on west side on ground. Bearer on south side needs replacing. Bearers 150mm off ground on east side.

**Exterior of Cottage**

- **Roof** – most corrugated iron okay. Screws rusty. Ridgecap rusty. South and East Gables – lots of gaps (light)
- **Weatherboards** – Northern side cedar weatherboards all good condition, but meet ground in places. Western side weatherboards are rotten, all to be replaced. Southern side – lower weatherboards rotted out. Upper boards not too bad. Eastern side – no weatherboards or framework rotten or gone. Weatherboards are down to the ground on north, west and east sides.
- **Verandah (west)**  
West corner post is rotten. Northern beam and fascia are rotten. Southern beam and fascia are rotten. Front door to be replaced.
- **Windows**  
Window on west needs 2 glass panes.  
South window frame okay – needs glass.

**Interior of Cottage**

- **Bedrooms**  
Interior lining missing throughout.  
Bedroom 2 - 1200mm floorboards to be replaced full width of building (7.569m). All other floorboards good condition.
- **Ceilings**  
Some fibro, some ? asbestos, and some VJ pine. All ceilings to be replaced.  
Joists in bedroom 2 – a number will need to be replaced. White ant evidence.

- **Washroom/Kitchen**

Floor dropped in SE corner. No wall on North side. Dirt up to building. North wall (stud) white ants active.

- **Lounge**

South window – top sash broken. Bottom sash okay. All glass missing. Floor dropped in south-east corner. All other floorboards good condition.

**Plumbing and Electrical** – complete fit-out of both required.

**Materials required to get to lock-up**

Weatherboards - 250 lineal metres	\$1,237.00
Framing - 200 lineal metres	\$550.00
Ceiling Joists – 140 x 45CCA	\$114.00
Ridgecapping – 7.6m length	\$80.00
T&G Flooring – 100mm – 1.2m x 7.6m	\$880.00
Hwd Posts 100 x 100 – 2/2.7?	\$324.00
Glass Payns	\$300.00
Windows (Replacement sash, repairs etc)	\$2,815.00
Facia, doors, timber etc	\$3,100.00
Supervision and labour	\$4,600.00
Contingencies (Timber, piers, door hardware etc)	<u>\$3,000.00</u>
<b>Estimate</b>	<b>\$17,000.00</b>

This estimate is for the cottage to be refurbished to lock-up only.  
Plumbing, electrical and interior linings not costed.

**ATTACHMENT 7: SUBMISSIONS FROM GOVERNMENT & NON-GOVERNMENT AGENCIES, ADJOINING COUNCILS AND PAGS  
~ DRAFT LEP 2010 ISSUES & RESPONSES**

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
7.1	<p><b>Land use zones along the boundary between the Lismore LGA and Kyogle and Ballina LGAs.</b></p> <p><b>Kyogle and Ballina Shire Councils made submissions that included reference to zones along their boundaries with Lismore, in particular highlighting disparities.</b></p>	<ul style="list-style-type: none"> <li>• The draft Lismore LEP2010 includes the land adjoining Kyogle LGA in the RU2 Rural Landscape zone or, where it is a waterway, the W1 Natural Waterways zone. The Lismore zones adjoin rural, environmental protection, public recreation and waterways zones in the Kyogle Shire. This is consistent with the different characteristics of the land and the different methodology adopted by the Councils.</li> <li>• The draft Lismore LEP2010 includes the land adjoining Ballina LGA in a number of different zones. Most of these are complementary eg RU1/RU2 but in some areas Lismore proposes a rural zone and Ballina proposes an environmental protection zone.</li> <li>• Strategic planning staff from Ballina SC have advised that their LEP will not be finalised for some time as there will be a re-exhibition of the draft LEP. However, they do not envisage any substantial changes to the 'boundary zones'. With respect to the W1 zone, Ballina SC only applied it to the lower reaches of the Shire's primary waterways (generally considering tidal limits and cadastral distinction of the waterway). The Lismore draft LEP proposes the W1 zone is applied to all waterways in the LGA, with the exception of waterways within the urban area.</li> <li>• The area of Lismore adjoining Ballina Shire Council in McLeans Ridges is included in the Rural Landscape zone. In Ballina, the area around McLeans Ridges is identified as E3 as it falls within a drinking water catchment area - i.e. Marom Creek catchment. This area is currently zoned 7(c) water catchment in the BLEP 1987. The E zones further south reflect historic scenic environmental protection zones or high conservation vegetation values.</li> <li>• In the adjoining area in Lismore LGA, the current zone is a</li> </ul>	<p>As the different zones adjoining Ballina and Kyogle Shire Council areas reflect different issues and different policy approaches by each Council, it was considered that no change was necessary.</p>	<p>No change.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>rural zone and it is proposed the area remains rural. To assist in protecting the water catchment the Water Supply Protection Map is proposed.</p> <ul style="list-style-type: none"> <li>It is not proposed to align the zones adjoining Ballina or Kyogle Shire Council areas as they reflect different issues and different policy approaches by the Council.</li> </ul>		
7.2	<p><b>Richmond River County Council submits that:</b></p> <ul style="list-style-type: none"> <li><b>The zoning of residential land in north and south Lismore to R2 Low Density Residential appears exclusive to the flood affected areas of Lismore; however this does not clearly state that the land is subject to 1 in 100 year floods and a 5-6m in a PMF. In a PMF these areas would be completely inundated. Council has a duty of care to ensure residents in the floodplain are aware of the risks.</b></li> <li><b>"Group housing" may not be appropriate in the above locations as encouraging vulnerable people to live in high flood risk areas is likely to exacerbate rescue efforts.</b></li> <li><b>Commercial/ light industry areas are better than decaying 1950s style houses and beneficial to gradually allow the flood affected residential areas to convert</b></li> </ul>	<ul style="list-style-type: none"> <li>The Standard Instrument does not include a 'flood zone' that is able to be applied to flood affected areas. These areas of Lismore are currently residential in nature and the proposed zoning, that is, R2 Low Density Residential, reflects that.</li> <li>The DP&amp;I has advised that a 'flood zone' will not be supported. The Department considers that, if a land use is not appropriate, it should be prohibited in a particular zone. However, this does not recognise the reality of areas that have historically been residential and should be maintained as such. It is not valid to simply rezone these areas to industrial or commercial. However, it is valid to restrict the types and density of housing that are permissible.</li> <li>The R2 Low Density Residential envisages very little increase in housing in the areas in which it is proposed. However, the flood planning clause in the draft LEP will allow, in combination with the DCP, an assessment of risk to be undertaken in any development application for a new dwelling.</li> <li>It is agreed that 'group homes' are not appropriate in high risk flood areas. Group homes accommodate some of the most vulnerable people in the community and it is highly undesirable for such homes to be permissible without consent in the highest flood risk areas in Lismore. This would put unacceptable stress on residents and those who manage such homes, along with the SES if evacuation is necessary. The draft LEP does not include Group home as a permissible use in the Low Density Residential Zone. However, the Standard Instrument</li> </ul>	Not applicable.	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>to business or industrial areas, which will reduce the number of people living in flood prone areas.</p> <ul style="list-style-type: none"> <li>• The LEP limits house re-stumping heights. If approved it would need to be 500mm above the 1 in 100 year flood planning level. If this puts a house floor level above 3 or 3.5m above natural ground care is needed.</li> <li>• Planning for a 1 in 100 year flood plus 500mm freeboard is sound.</li> <li>• The rezoning proposal for South Lismore covers land that is outside of the levee and is part of the airport floodway. The development of industrial land (Lot 2 DP 596412) is inside the levee and has considerable merit provided the fill comes from the airport floodway.</li> <li>• The draft LEP uses an old Flood plan. It is suggested that the new proposed plan be attached to the LEP.</li> <li>• The draft LEP does not show proposed or possible future arterial roads, some are likely to cross floodways or</li> </ul>	<p>issued in February 2011, which will replace the draft LEP makes it compulsory to include Group home and boarding houses as uses permitted with consent in the Low Density Residential zone.</p> <ul style="list-style-type: none"> <li>• The Affordable Rental Housing SEPP makes Group homes permissible without consent in low hazard flood areas if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority.</li> <li>• With respect to housing versus commercial/light industry in flood affected areas, it is not appropriate to zone all high risk flood prone areas for commercial/light industry uses. There are parts of South and North Lismore that contain intact housing precincts with good residential amenity in close proximity to the CBD, shops &amp; services. These areas also provide good quality and affordable housing. However, it is appropriate to limit the density of housing that is permissible, which is the intention of using the Low Density Residential zone in parts of North and South Lismore. Appropriate controls for residential development, with respect to floor heights and structural adequacy, are included in the DCP.</li> <li>• The LEP does not limit house re-stumping heights. However, it specifies the height that will constitute exempt development.</li> <li>• Heritage listing of a building in the LEP does not prohibit demolition; it simply means that consent is required. The demolition of the 1970s addition to the Lismore Club has been approved. The remainder of the building has heritage significance and it is not proposed to remove it from the LEP as a heritage item.</li> <li>• The South Lismore rezoning proposal does not include land outside the levee. Lot 2 DP596412 is proposed to be</li> </ul>		



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>high flood risk areas.</p> <ul style="list-style-type: none"> <li>• If any changes to the heritage conditions relating to the old Lismore Club building make it easier to reconstruct the levee while still keeping the heritage aspect of the building intact would be appreciated.</li> <li>• Caravan parks should not be permitted on land below the flood design level i.e. 1 in 100 year plus 500mm. They should also not be located on land that can be isolated during floods with no effective routes to higher ground for occupants.</li> </ul>	<p>zoned part General Industrial and part Primary Production. The part in the General Industrial zone is inside the levee. The filling of land in this area is proposed to be from the Airport floodway excavation area.</p> <ul style="list-style-type: none"> <li>• Council is in the process of reviewing its floodplain risk management plan. The revised plan will include a revised flood risk category map and consideration of possible climate change impacts. The revised flood risk category map will inform the Flood Planning Area map in the LEP.</li> <li>• The draft LEP is not required to show proposed or possible arterial roads. The location of such roads would take into consideration flood hazard.</li> <li>• Land within the extent of the 1 in 100 year ARI flood event is categorised according to risk in the Lismore Floodplain Risk Management Plan. The LEP zones land according to a number of factors, including flood risk. The draft LEP proposes that caravan parks are permitted with consent in the Public Recreation zone, which is proposed to apply to land on which the Lismore Tourist Caravan Park is located. It is agreed that caravan parks should not be permitted in these areas; however, it is difficult to prohibit them on specific sites within a zone such as RE1. The flooding clause within the draft LEP should provide adequate provisions to ensure any future development application for a caravan park in a high hazard flood area will be refused. In addition provisions in the DCP will support the refusal.</li> </ul>		
7.3	<p><b>The Northern Rivers Catchment Management Authority submits that:</b></p> <ul style="list-style-type: none"> <li>• Only very small areas</li> </ul>	<ul style="list-style-type: none"> <li>• In response to the CMA's comments about the extent of environmental protection zones, this matter will be addressed through the Biodiversity Management Strategy following the mapping and assessment of the LGA's</li> </ul>	Refer to Attachment 2 for options on the environmental protection zones and related	Refer to Attachment 2 for options on the environmental protection zones and

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>identified as wildlife corridors or habitat by the Natural Resources Sensitivity / Biodiversity are proposed to be protected under the E2 and E3 zones;</p> <ul style="list-style-type: none"> <li>• Council consider vastly increasing the amount of land with high conservation value vegetation and wildlife corridors that are protected under E2 and E3 zoning;</li> <li>• A definition of environmental assets has been developed for the Northern Rivers region for use in planning instruments;</li> <li>• Any future rezoning from rural to industrial or urban would result in land being "excluded land" under the NV Act. As such the CMA and DECCW would not have a legislative role in relation to native vegetation removal. It is suggested that similar provisions be associated with excluded land that underpin the NV Act for assessing development proposals.</li> <li>• Aboriginal cultural landscapes be included in the definition of areas and key areas of Aboriginal heritage. This would</li> </ul>	<p>vegetation. Attachment 2 addresses environmental protection issues in greater detail.</p> <ul style="list-style-type: none"> <li>• The definition of environmental assets would need to be part of the Standard Instrument or a 'proforma' local provision agreed to by the Department of Planning &amp; Infrastructure (DP&amp;I). The CMA should pursue this with the DP&amp;I.</li> <li>• The Standard Instrument Amendments issued in February 2011 contain provisions relating to the Native Vegetation Act and tree protection. Further discussion on this issue is contained in Attachment 2.</li> <li>• Rezoning applications are required to consider the removal of vegetation and impact on the environment.</li> <li>• Council's tree preservation DCP (Chapter 14) applies to the removal of specified vegetation on land zoned residential, commercial and industrial. The DCP, along with all DCPs, will require amending to ensure it reflects the new zones and clause 5.9.</li> <li>• Council has not included any Aboriginal cultural heritage landscapes in the draft LEP, as the research has not been completed to substantiate this occurring. It is considered that further work on the identification of items with Aboriginal cultural heritage significance should proceed separately to the draft LEP.</li> </ul>	<p>measures.</p>	<p>related measures.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>contribute towards CAP management targets.</p>			
7.4	<p>Rous Water submits that:</p> <ul style="list-style-type: none"> <li>• The water catchment areas of Rocky Creek Dam should be treated the same as the other catchment areas &amp; included on the Water Supply Catchment map;</li> <li>• Rocky Creek Dam water supply area owned by Rous Water be zoned SP2 Water Supply purposes.</li> <li>• The "Dunoon Dam Catchment" &amp; "Dunoon Dam Inundation Area" need to be corrected.</li> <li>• The maps do not include mapping of the Nimbin water supply.</li> <li>• If Lismore Water makes any use of groundwater sources similar protection should be provided as to the surface water catchments to prevent inappropriate development.</li> <li>• Intensive plant and intensive livestock agriculture should require consent and be subject to clause 7.6</li> <li>• The Rocky Creek catchment consists mainly of Whian Whian State Conservation Area, which should be zoned E1 National Parks and Nature Reserves as its</li> </ul>	<ul style="list-style-type: none"> <li>• The mapping of the water catchment areas is considered in Attachment 2. In summary it is proposed that: Rocky Creek Dam is included in the SP2 zone and the water catchment area is included on the Water Supply Protection map; the Dunoon Dam Catchment &amp; Inundation Areas will be corrected; and the Nimbin water supply catchment will be included on the Water Supply Protection map.</li> <li>• Lismore Water no longer exists as an entity. There are a number of registered bores in the Local Government Area, generally in rural areas. Intensification of development in rural areas, such as through rural residential planning proposals, is subject to a process that allows for the impacts on groundwater sources to be identified and minimised. It is not considered necessary to introduce controls specific to groundwater sources.</li> <li>• Intensive livestock agriculture requires consent in both rural zones and would therefore be subject to an assessment under clause 7.6. Intensive plant agriculture, apart from turf farming, does not require consent. This is consistent with the existing LEP. It is not considered necessary to require a development application for intensive plant agriculture, such as macadamia plantations, purely to assess their potential impact on the water supply catchment. It is not the role of the LEP to address all catchment management issues.</li> <li>• The Whian Whian State Conservation Area is proposed to be included in the E1 zone in response to this submission and submissions from the DPI &amp; the Office of Environment</li> </ul>	<p>Refer to Attachment 2 for options on the environmental protection zones and related measures.</p>	<p>Refer to Attachment 2 for recommendations with respect to environmental protection zones and related measures.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>status has changed from State Forest.</p> <ul style="list-style-type: none"> <li>• Clause 7.6 subclause 4(a) is too subjective. It is not clear how it is decided that an impact will be significant. There is no objective measure as to what is acceptable. Suggest, "would have a neutral or beneficial effect on surface water and ground water quality" and define "neutral or beneficial effect on water quality".</li> <li>• Clause 7.6 should require any coastal, estuary, river or catchment action plan that applies to the subject land to be considered by the consent authority. The submission includes a revised draft clause 7.6.</li> <li>• The above draft clause is based on a previous draft, which has been approved by Dept of Planning (unless a state-wide clause is drafted to replace it).</li> <li>• It is supportive of draft clause 7.8 for riparian areas in water supply catchment areas.</li> <li>• It is supportive of Clause 7.9, which provides protection of identified areas of environmental significance.</li> </ul>	<p>&amp; Heritage.</p> <ul style="list-style-type: none"> <li>• Attachment 2 addresses Clause 7.6 in more detail.</li> <li>• Support for clauses 7.8 and 7.9 is noted.</li> <li>• The detailed design for stormwater management for the South Lismore industrial area is more appropriately addressed at the DCP preparation and development application stages, if the rezoning proceeds.</li> <li>• The DP&amp;I advised Council during the LEP drafting process that the LEP cannot establish linkages between the LEP and non-statutory documents.</li> <li>• Refer to Office of Environment &amp; Heritage Issue 7.13 for recommendation regarding Clause 7.6 (1).</li> <li>• The use of the terms 'neutral' or 'beneficial effect' is unrealistic in a developed catchment. The draft LEP clause 7.6 uses the terms 'minimal impact' and 'adversely effect'. These are considered appropriate. Additionally, the new Chapter 22 of the DCP, Water Sensitive Design, compliments the publicly exhibited clause 7.6.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• With regard to the South Lismore Industrial rezoning, a neutral or beneficial effect on water quality should be demonstrated. The proposal has potential to do this. Suggest a more detailed design for stormwater management be required before the zone is changed.</li> <li>• It has no objection to proposed changes relating to Rous Water sites.</li> </ul>			
7.5	<p>The Land &amp; Property Management Authority State Property Authority (SPA) submits that:</p> <ul style="list-style-type: none"> <li>• It is responsible for the allocation and management of Crown Land in NSW;</li> <li>• Tourism and visitor accommodation should be permissible with consent in the RE1 zone to reflect existing and/or potential recreational and tourism use of Crown land.</li> <li>• Uses authorised under the Crown Lands Act 1989" should be permissible without consent in the RE1 zone (related to recreation). Although SEPP (Infrastructure) 2007 permits this, it is suggested this be included to provide certainty</li> </ul>	<ul style="list-style-type: none"> <li>• 365 parcels of publicly owned land were audited and information recorded on land area, existing use of the land and type of facilities provided (if any). Each land parcel was categorised as either Regional /City Wide Park, Sporting Field, Neighbourhood Park, Urban Bushland or Floodplain Management Reserve depending on its size, existing land use and nature of existing facilities and other improvements. Those categorised as regional/city wide parks, sporting fields and neighbourhood parks are proposed to be included in the RE1 Public Recreation Zone. The RE1 zone is predominantly a public open space and recreation zone; it is not intended to be tourism focussed. It is therefore not considered appropriate to include an objective specific to tourism.</li> <li>• Caravan parks are a permissible use in the RE1 zone. However, tourist and visitor accommodation is prohibited. Tourist and visitor accommodation means <i>a building or place that provides temporary or short-term accommodation on a commercial basis, and includes backpackers', bed and breakfast, farm stay and hotel or motel accommodation and serviced apartments but does not include camping grounds, caravan parks, or eco-tourist facilities.</i></li> </ul>	Not applicable.	<ol style="list-style-type: none"> <li>1. Amend zone map LZN-007 to include Lot 1 DP930931 and Lot 1 DP189297 in the RE1 Public Recreation zone.</li> <li>2. Amend the land use table for the RE1 Public Recreation zone to include 'entertainment facility' and 'function centre' as a use permissible with consent.</li> </ol>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>for activities that may be independent of the SEPP.</p> <ul style="list-style-type: none"> <li>• The following zone objective is included in the RE1 zone: "To provide for a range of tourism related uses that support the recreational use of the area."</li> <li>• "Function centre" and "entertainment facility" be permissible uses in the RE1 zone to allow the holding of events.</li> <li>• "Dwelling house" be included in the RE1 zone as permissible to facilitate caretakers dwellings with supporting zone objective;</li> <li>• "Camping ground" should be permissible with consent in RU1, RU2, R2, RE1, E2 and E3.</li> </ul> <ul style="list-style-type: none"> <li>• The following objective should be added in the RU1 and RU2 zone: "To provide for a range of rural recreational uses that are consistent with reserve uses authorised under the Crown Lands Act 1989".</li> <li>• A number of heritage items are identified on Crown land and LPMA request that Council review the listings</li> </ul>	<ul style="list-style-type: none"> <li>• It is not appropriate for tourist and visitor accommodation generally to be permissible in these areas as they permit many uses that would not be appropriate for a public recreation zone, especially those located in or close to floodprone or environmentally sensitive areas.</li> <li>• An 'entertainment facility' is defined as a <i>theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.</i></li> <li>• A 'function centre' means a <i>building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.</i></li> <li>• Considering the main functions of the RE1 zone, which are to enable land to be used for public open space or recreational purposes and provide a range of recreational settings and activities and compatible land uses, and the current permissible uses in the open space zone, it is considered that an "entertainment facility" and a "function centre" would be consistent uses.</li> </ul> <ul style="list-style-type: none"> <li>• A caretaker's residence would be ancillary to a permissible use in the RE1 zone. It is not necessary to list "dwelling" as a separate use. If it was, dwellings would be permissible and that is not an appropriate use of land in that zone.</li> <li>• It is not necessary to specify the uses referenced by the <i>Crown Lands Act 1989</i>; the DP&amp;I Practice Note 10-001 advises that anything covered by SEPP (Infrastructure) 2007 is not required to be included in an LEP.</li> <li>• Amendments to the Standard Instrument include "camping ground" as a separately defined use. It is appropriate that it be permissible with consent in the following zones: RU2,</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>and consult with LPMA to reevaluate each listing and provide new listings where appropriate. Inappropriate listings can limit development potential of LPMA land and assets.</p> <ul style="list-style-type: none"> <li>• Minimum Subdivision Lot Size clause will constrain the option of residue lots being created on subdivision and gifted to Council or the Crown - this has implications for strategic open space planning.</li> <li>• Lismore Showground proposed RE2 Private Recreation zone does not reflect the legal status of the land, which in part is Crown Land dedicated for Showground. The status of the showground is currently being investigated by the LPMA, along with the future management of the showground. In the interim request that the dedicated Crown land as shown on map be zoned RE1 Public Recreation.</li> <li>• With regard to properties at 608 Ballina Road, Goonellabah, 7 Lancaster Drive, Goonellabah and 120 Dalley Street, SPA does not</li> </ul>	<p>RU5, RE1 and E3.</p> <ul style="list-style-type: none"> <li>• It is not appropriate to include 'camping ground' as a permissible use in the E2 zone in the Lismore LGA as the zone is very restricted in extent and does not apply to whole properties. Therefore, it would be difficult to support a development application in these zones.</li> <li>• It is not necessary to include a specific objective relative to the <i>Crown Lands Act 1989</i> uses as this is managed under SEPP (Infrastructure) 2007.</li> <li>• The heritage items in the draft LEP were reviewed as part of the LEP drafting process to confirm their heritage conservation significance. In the absence of details from the LPMA it is not proposed to review any heritage items at this stage. If the LPMA identifies particular items it considers should be removed from the Schedule, this can occur as part of a future planning proposal to amend the LEP.</li> <li>• Further to the above, the listing of buildings or places as 'heritage items' or 'conservation areas' imposes heritage planning controls as a tool for managing change to that building or place, and it ensures that an assessment is undertaken when considering alteration or removal of the item. Heritage listing in an LEP is part of the development assessment process and even with listing, a consent authority may still grant consent to the demolition, removal or significant alteration of an item.</li> <li>• Heritage planning controls do not require maintenance or management of the item.</li> <li>• With respect to the Minimum Subdivision Lot Size clause, this concern is noted. Clause 4.1 of the Standard Instrument provides that <i>'the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land'</i>. It also does not enable the creation of residual lots or split zone lots where the lot</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>support zoning being applied without due regard to each property so that the existing uses will not be permissible or the nature of the existing improvements are not reflected. For example office buildings being zoned RE1, SP1 or SP2.</p> <ul style="list-style-type: none"> <li>• Recommends SP1 and SP2 zonings are avoided as they provide minimal security for future development of government property and detrimental to any future disposal. This specifically relates to special uses, conservation or public reserve zoned land.</li> <li>• Objects to zoning remaining equivalent but more restrictive through overlays such as FSR and height limits, which could affect government property future development or sale.</li> </ul>	<p>area is not at least 90% of the minimum standard. This may be significant in new urban areas where it is standard practice to excise the balance of a farm after urban or rural residential subdivision, include environmental protection zoned land in urban lots or separate areas with environmental values in urban subdivision areas, which cannot occur unless the lots are at least 36ha in area (90% of 40ha). While the DoP&amp;I has advised that the Lot Size Map can identify varied lot sizes to reflect the subdivision layout, this will need to occur at rezoning stage or through an amendment to the LEP. This is only realistic if sufficient detail occurs at the planning proposal stage.</p> <ul style="list-style-type: none"> <li>• This is also an issue with the Standard Template and should be discussed with the DP&amp;I &amp; Infrastructure.</li> <li>• The showground is zoned 6(b) Private Recreation in the current LEP2000. Its inclusion in the RE2 Private Recreation zone is a translation of the zoning. The site is comprised of six (6) lots, two (2) of which are Crown land dedicated for showground. The DP&amp;I LEP practice note PN11-002 states that the Public Recreation zone <i>'is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space.'</i> The Private Recreation zone <i>'is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted eg to registered members only. Private recreation may include racecourses, golf clubs, bowling clubs, rifle ranges, speedways, tennis complexes and other sporting or recreational facilities which may be on significant parcels of privately owned land, or on land leased from councils or State authorities.'</i> The LPMA's proposal to include the part of site dedicated for showground in the RE1 zone is consistent with this practice note.</li> </ul>		



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<ul style="list-style-type: none"> <li>• Land at 608 Ballina Road is proposed to be included in the R1 General Residential zone, consistent with the surrounding zone. The North Coast Region administration centre of the Department of Education is located on the site. Office premises is a prohibited use in the R1 zone, which means any future expansion would need to rely on existing use rights. To satisfy part of the LPMA's request, it appears that the most appropriate zone for this use would be the SP2 zone. However, this is contrary to the DP&amp;I practice notes and the LPMA's comment that the SP2 zone may be too restrictive. If the LPMA no longer required the land to be used for offices, the most appropriate use of the land would be for housing. It is therefore recommended that the R1 zone remain.</li> <li>• Land at 7 Lancaster Drive is proposed to be included in the IN1 General Industrial zone, consistent with the surrounding zone. The Richmond Tweed SES has an office building on the site. Emergency services facility is permissible with consent in the IN1 zone and this zone is recognised as a 'prescribed zone' under the SEPP Infrastructure. No change is considered necessary to accommodate this use.</li> <li>• Land at 120 Dalley Street is proposed to be in the SP2 Infrastructure zone, which is consistent with the proposed adjoining zone. It is located on the corner of Military Road and Dalley Street next to Lismore High School and to the south of SCU. The North Coast Regional Public Works office is approved on the site. Issue 7.8 of this table recommends that the High School site is included in the R1 zone. The other adjoining zone is the SP2 zone for the SCU. Table 10 recommends including this site in the SP2 Infrastructure – Public Works Department. This is a prescribed zone under the SEPP Infrastructure.</li> <li>• Council has followed practice notes issued by DoP&amp;I, including PN10-001, with respect to the application of the SP zones.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<ul style="list-style-type: none"> <li>The Floor Space Ratio (FSR) and Building Height maps do provide additional controls on development. The FSR map only applies to land in the B3 Commercial Core zone. The height limits map applies to land in the residential and commercial zones. The DP&amp;I advised that it is mandatory to include FSR controls in the B3 zone as Lismore is a regional centre. Building Height controls are appropriate to give guidance to development and indicate to the community the accepted height limit for development in particular areas of the LGA.</li> </ul>		
7.6	<p><b>The Department of Industry &amp; Investment submits that:</b></p> <ul style="list-style-type: none"> <li>It supports the aims in principle subject to inclusion of additional specific goals relating to the importance of primary industries and protecting the primary production values of the rural lands in the Shire.</li> <li>Council consider expanding the extent of the RU1 zoned land to include additional lands suited to grazing and farming.</li> <li>RU2 land suited for beef cattle grazing and agriculture should be rezoned to RU1 unless there is a superior zone for specific localities or areas due to the presence of other environmental attributes.</li> <li>Grazing be permissible without consent in the E3 zone.</li> </ul>	<p><u>Aims, Rural Zones &amp; Minimum Lot Size</u></p> <ul style="list-style-type: none"> <li>The issues raised with respect to the goals, rural zones and minimum lot sizes are discussed in Attachment 1.</li> <li>Support for minimum lot size change is noted.</li> <li>The permissibility of grazing in the E3 zone is discussed in Attachment 2.</li> <li>The zoning of the Whian Whian State Conservation Area is addressed in Attachment 2.</li> </ul> <p><u>Extractive Industry</u></p> <ul style="list-style-type: none"> <li>The land use tables for the industry zones should be amended for consistency with the SEPP (Mining Petroleum Production and Extractive Industries) 2007 with respect to extractive industries.</li> </ul> <p><u>Waterway &amp; Riparian Buffer Zones</u></p> <ul style="list-style-type: none"> <li>The LGAs through which the Richmond River runs have taken different approaches to the zoning of waterways. The Lismore draft LEP proposes the W1 Natural Waterways zone is applied to all major waterways in the LGA, with the exception of waterways within the urban area. The W1 zone is intended for waterways that are to be protected due to their ecological and scenic values. A limited number of low impact uses that will not have an adverse impact on the natural value of the waterway are permissible in this zone. The zone will allow a range of uses, but the environmental values of the waterway will be a primary consideration. This approach reflects advice</li> </ul>	<p>Refer to Attachments 1 and 2 for options with respect to rural zones and permissible uses in the E3 zone.</p>	<p>1. Amend the land use tables for the IN1 and IN2 zones to include 'extractive industry' as a use permissible with Council consent.</p> <p>Refer to Attachments 1 and 2 for recommendations with respect to rural zones and permissible uses in the E3 zone.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• <b>Proposal to increase minimum lot sizes for subdivision of land currently zoned 1b Agriculture from 20 Ha to 40 Ha is supported given the objectives of the RU1 zone and the SEPP Rural Lands 2008.</b></li> <li>• <b>Maintaining the 40 Ha minimum in the rural areas is primarily a rural settlement control strategy as it does not necessarily reflect the economics of the typical agricultural industry such as beef cattle, which would dictate a considerably larger minimum lot size.</b></li> <li>• <b>Forests NSW have an interest in 14 hardwood plantation joint ventures located in areas zoned either RU1 or RU2.</b></li> <li>• <b>RU3 zoned lands include the Bungabee State Forest and the former Whian Whian State Forest. The latter was revoked under the National Park (Reservations) Act 2003 and therefore an alternate zone should be considered.</b></li> <li>• <b>The proposed IN1 and IN2 zones prohibit extractive industries. SEPP (Mining Petroleum Production and Extractive Industries) 2007</b></li> </ul>	<p>provided in the DP&amp;I practice note PN11-002.</p> <ul style="list-style-type: none"> <li>• With respect to riparian areas, it is considered that clause 7.8 will provide sufficient 'heads of consideration' for development that requires Council consent. It is not proposed to zone buffer areas to protect riparian areas at this stage.</li> </ul> <p><u>South Lismore Industrial Area</u></p> <ul style="list-style-type: none"> <li>• All section 117 directions were assessed as part of the preparation of the draft LEP. The land at South Lismore is identified in the FNCRS as 'Employment Lands'.</li> </ul> <p><u>Tree Protection Clause</u></p> <ul style="list-style-type: none"> <li>• Clause 5.9 is a compulsory clause in the Standard Instrument (apart from sub-clause (9)). The insertion of an additional paragraph to sub-clause (8) is a matter the DPI would need to pursue with the DoP&amp;I.</li> </ul> <p><u>Bungabee State Forest &amp; Whian Whian Conservation</u></p> <ul style="list-style-type: none"> <li>• The Bungabee State Forest is a Heritage Item in the current LEP, having significance as a Landscape item. Part of the land is included in the RU3 Forestry Zone and part in the E1 National Parks and Nature Reserves zone. The Statement of Significance for the Bungabee State Forest prepared as part of the Lismore Heritage Study is: <i>'State Forest conserving native eucalypts and some rainforest. Also provides valuable wildlife habitat. Rugged topography creates a notable scenic element in the surrounding landscape. Illustrative of local themes, 'Clearing the forests' and 'Conservation'. Continuing association with timber-getting. Regional significance.'</i></li> <li>• The implications of heritage 'listing' are outlined in Issue 7.8 below. It is not proposed to alter the heritage item. However, a copy of the Heritage Study reference sheet on Bungabee has been provided to NSW Forests.</li> </ul> <p><u>Farm Forestry &amp; Forests NSW</u></p> <ul style="list-style-type: none"> <li>• Farm forestry is not defined as a separate use that can be included in the land use tables.</li> <li>• Forestry is permissible without Council consent in the RU1</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>states that underground mining is permissible in all zones and mining, petroleum production and extractive industries are permissible with consent where agriculture and industry are permitted. Extractive industries should be removed from the list of prohibited activities to avoid confusion.</p> <ul style="list-style-type: none"> <li>• The use of W1, W2, E2 and E3 zones for areas of Key Fish Habitat is consistent with advice provided by Fisheries Conservation and Aquaculture Division and the requirements of the FNCRS.</li> <li>• Richmond River covers 5 LGAs and as such it is important to have consistent zoning of the waterway. Council needs to consult with adjoining councils to ensure a consistent approach.</li> <li>• Council should consider the use of buffer zones for the protection of riparian lands that are of conservation values.</li> <li>• Farm forestry be included in the RU1 and RU2 zones as a use that does not require consent.</li> </ul>	<p>and RU2 zones. Therefore, the interest Forests NSW has in hardwood plantations is not limited by the inclusion of the land in these zones.</p> <p><u>Rural Residential Subdivision</u></p> <ul style="list-style-type: none"> <li>• Comments about zoning of discrete rural residential areas as R5 and future rural residential subdivision are noted.</li> </ul> <p><u>Development Assessment</u></p> <ul style="list-style-type: none"> <li>• Land use conflict mitigation is currently a key consideration in the assessment of development applications for residential uses in the rural areas. Council's DCP Chapter 11 sets out specific controls to address land use conflict.</li> <li>• The NSW Farm Subdivision Assessment Guidelines are noted and are considered by the development assessment planners in the development application process.</li> <li>• The recommended buffers contained in <i>'Living and Working in Rural Areas'</i> (NSW DPI) is an appropriate tool used for the assessment of development applications.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• All new residential and rural residential development should have regard to the land use conflict reduction objectives and provisions included in relevant documents.</li> <li>• Bungabee State Forest is listed as a heritage item in Schedule 5 - while it includes areas of High Conservation Value Old Growth listed on the State Heritage Register, Forests NSW is not aware of any other items and recommend that the listing be limited to areas mapped as High Conservation Value Old Growth. Alternatively Forests NSW would appreciate details of the heritage items that have resulted in the listing.</li> <li>• The use of overlays and local provisions (Section 7) for managing environmentally sensitive land is encouraged. The protection of the waterways and riparian areas in particular will have flow on effects to local economies, the rural landscape and importantly the health of the Richmond River.</li> <li>• The Department's policy and</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>guidelines for "Aquatic Habitat Management and Fish Conservation" recommends a minimum riparian buffer width of 50m and 100m for environmentally sensitive areas.</p> <ul style="list-style-type: none"> <li>• In clause 5.9 it is recommended that an additional subclause be provided under 5.9(8) that states "the clearing of marine vegetation that is authorised by authority under the <i>Fisheries Management Act 1994</i>."</li> <li>• South Lismore Industrial Area rezoning appears to include farmland mapped of regional significance and Section 117 Direction 5.3 should be addressed.</li> <li>• The zoning of discrete rural residential precincts as R5 is supported in principle.</li> <li>• There is no obvious risk of major land use conflict in the Tullera rezoning proposing but future rural residential development should be of a more consolidated form to limit spot incursions into rural areas.</li> <li>• The Department will no longer be providing advice</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>on farm subdivision proposals. Council is referred to the NSW Farm Subdivision Assessment Guideline that sets out performance standards, criteria for proposals and new referral process for development applications.</p>			
7.7	<p>The NSW Communities Office of Liquor, Gaming &amp; Racing note that the <i>Liquor Act 1982</i> was replaced by the <i>Liquor Act 2007</i>. Reference to the former Act is made in some definitions.</p>	<p>The change in the legislation is reflected in the amended Standard Instrument issued by the Dept of Planning in February 2010, which will in turn be reflected in the Lismore LEP 2011.</p>	Not applicable.	<p>Amend the draft LEP to achieve consistency with the Standard Instrument – Principal Environmental Plan issued on 25 February, 2011.</p>
7.8	<p>The Department of Education &amp; Training submits that:</p> <ul style="list-style-type: none"> <li>• 17 government school sites are zoned SP2 (educational establishment). Further to the Dept of Planning's Practice Note PN08-002, DET requests that these sites be zoned the same as the adjacent land uses.</li> <li>• Specifically DET recommends that DLEP zones Albert Park Public School R1 as the site has permanent structures which do not align to the surrounding RE1 Public Recreation zoning. In addition, Lismore High is proposed to be zoned R1</li> </ul>	<ul style="list-style-type: none"> <li>• The Dept of Planning &amp; Infrastructure Practice Note PN10-001 that replaced PN08-002 advises that some schools can maintain special use zoning if the adjoining zone is not appropriate or there are other circumstances.</li> <li>• The SP2 Infrastructure zone is proposed for significant infrastructure, such as SCU, the Airport, waste facility and cemeteries. The SP2 zone is also proposed for educational establishments in the rural zones, as the draft LEP proposes that educational establishments will not be permissible in these zones. The SP2 zone will ensure that existing educational establishments in the rural area do not need to rely on existing use rights for redevelopment and/or expansion. A number of other educational establishments are proposed to be zoned SP2 including Richmond River High School, St Johns College Woodlawn, Summerland Christian College, Blue Hills College, and a number of small primary schools throughout the LGA. The SP2 zone will protect and reserve the land for the purpose of educational establishments and will provide certainty in relation to the</li> </ul>	Not applicable.	<p>Amend zone maps LZN-008 and LZN-012 to include Lismore High School in the R1 General Residential zone.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• The 14 government school sites zoned the same as the adjacent land uses is supported.</li> <li>• It has no objection to individual school buildings being heritage listed where the style and features are significant and the buildings are not commonly found throughout NSW. However it objects to the general listing of the whole school site without historical evidence in support.</li> <li>• Specific sites include Blakebrook Public School (item 14), Dunoon Public School (item 13), Lismore TAFE College (item 142), Mondanville Public School (item 176), and Richmond River High School (item 192).</li> </ul>	<p>future use and development of the land.</p> <ul style="list-style-type: none"> <li>• With respect to Albert Park Public School, the surrounding zone is RE1 Public Recreation, being a public reserve. It is also consistent with the current zone for the land in the LEP2000. A residential zone as recommended by DET is not an appropriate zone in this circumstance.</li> <li>• With respect to Lismore High School, there are two adjoining zones, R1 and SP2. The latter represents the University. It is recommended that Lismore High School is changed to the R1 zone.</li> </ul> <p>The Blakebrook, Dunoon and Modanville school grounds are in the existing Lismore LEP 2000 as 'landscape' heritage items. Richmond River High School is also in the existing Lismore LEP 2000 as a 'built item'. All have been transferred into the draft LEP as 'heritage items'. As discussed under Issue 6.5, heritage listing in an LEP is considered in the development assessment process and a consent authority may still grant consent to the demolition, removal or significant alteration of an item. Further, these planning controls do not place an obligation on the owner for maintenance of the item.</p>		
7.9	<p>The Department of Transport submits that:</p> <ul style="list-style-type: none"> <li>• The draft LEP should reflect the broader aims of the NSW Government around increasing walking and cycling, jobs being located closer to home, land use and transport measures that will facilitate mode shift away</li> </ul>	<ul style="list-style-type: none"> <li>• Council supports the aims of the NSW government to increase walking and cycling tracks and reduce the reliance on the private motor vehicle. The LEP on its own has limited ability to influence this apart from ensuring that future urban release areas are located in close proximity to existing or future jobs, services and transport infrastructure.</li> <li>• The proposed urban release areas in the draft LEP were prepared in accordance with Council's urban and rural housing strategies and the FNCRS.</li> </ul>	Not applicable.	No change to the draft LEP.



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>from private vehicles to public transport.</p> <ul style="list-style-type: none"> <li>• Draft LEP will need to justify proposed rezoning sites against the aims and objectives of the Integrating Land Use and Transport policy package and the Planning Guidelines for Walking and Cycling as well as consistency with the FNCRS.</li> <li>• The NSW Bike Plan commits funds to assist councils to improve local networks.</li> <li>• With respect to rezonings for Invercauld Road, Chilcotts Grass, Holland Street, South Lismore, Crawford Lane and Tullera, Council should ensure subdivisions are integrated with surrounding with walking, cycling &amp; public transport connections to nearby centres and key destinations.</li> <li>• Development should be staged to ensure facilities are provided at appropriate times to achieve required accessibility.</li> <li>• Consideration and incorporation of sustainable transport measures in the industrial zoning at South Lismore, including a car</li> </ul>	<ul style="list-style-type: none"> <li>• Part 6 of the draft LEP specifies the matters that must be included in a DCP for urban release areas. This includes a staging plan and an overall movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.</li> <li>• The preparation of DCPs for the urban release areas has commenced and will incorporate the matters listed above.</li> <li>• Integration of urban release areas with surrounding development has been considered as part of the rezoning process. All urban release areas are extensions of the existing urban footprint. The detail of how integration is achieved 'on the ground' is more appropriately addressed in a DCP.</li> <li>• It is understood that the NSW Bike Plan only commits funds to assist councils in the Sydney metropolitan area. Lismore Council's draft Cycleway Plan is currently under review.</li> <li>• Issues such as car pooling are not matters that can be addressed by an LEP. These are details that are best addressed through the DCP or at the development application stage.</li> <li>• The RTA has advised it has no objection to the proposed land reclassifications.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>pooling program or provision of a bus service for future workers.</p> <ul style="list-style-type: none"> <li>• Proposed rezonings fall outside of the current contract area for buses. Transport can be contacted regarding the potential allocation of services.</li> <li>• Proponents should identify likely transport infrastructure requirements and recurrent servicing costs for government in proceeding with the rezoning - e.g. School bus service requirements.</li> <li>• Integration of subject sites with surrounding land uses and existing transport services (e.g. bus services) needs to be addressed more fully as part of rezoning proposal.</li> <li>• Transport NSW reviewed land reclassification proposals and requests that Council consult directly with the RTA for detailed advice prior to proceeding with the proposed land reclassification process.</li> </ul>			
7.10	<p><b>Roads &amp; Traffic Authority submits that:</b></p> <ul style="list-style-type: none"> <li>• <b>It has no objection to the land reclassification</b></li> </ul>	<ul style="list-style-type: none"> <li>• SEPP (Infrastructure) 2007 overrides Local Environmental Plans. The SP2 Infrastructure Zone is not purely a road infrastructure zone so permitting roads without consent is not appropriate and is consistent with the other zones</li> </ul>	Not applicable.	No change to the publicly exhibited draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>proposals;</p> <ul style="list-style-type: none"> <li>• <b>The State Roads should be zoned SP2 on a Statewide basis. Request that the Bruxner Highway and Lismore/Bangalow Road be zoned SP2.</b></li> <li>• <b>Roads need to be permitted without consent in the SP2 zone and with consent in all other zones.</b></li> <li>• <b>The additional activities Council has added to the SP2 zone are not considered to be consistent with the intention of the SP2 zoning; therefore the RTA is requesting that Council use the inclusions from the Standard Template.</b></li> <li>• <b>Where applicable, the LEP should make provision for developer funding of required road / transport infrastructure improvements that may be required as a result of future development in the LGA. Clause should be provided consistent with the provisions of the draft EP&amp;A Amendment Act 2008 for road transport infrastructure.</b></li> <li>• <b>Council should ensure that Childcare centres are prohibited within any zones where properties have</b></li> </ul>	<p>within the draft LEP.</p> <ul style="list-style-type: none"> <li>• DP&amp;I Practice Note PN 10-001 provides details of the SP2 zone and what it should and should not include. The uses Council has included in the SP2 zone table are reflective of where the SP2 zone has been used. As roads are not required to be zoned SP2 then the uses will not conflict.</li> <li>• The provision of road / transport infrastructure for new development is outlined in Part 6 (Urban Release Areas) of the draft LEP and is also reflected in Council’s Section 94 Developer Contributions Plan and Planning Agreements Policy. It should be noted that the provisions of the draft EP&amp;A Amendment Act 2008 relating to road transport infrastructure have not been proclaimed and therefore it is not appropriate to include similar provisions in the draft LEP unless provided by the DoP&amp;I.</li> <li>• There are a number of zones that have frontage to classified roads and it is not appropriate to have Childcare centres as prohibited uses in all of those zones. The same outcome could be achieved through a special clause that relates to any potential development with frontage to a classified road. The current Lismore LEP2000 contains clause 25 Development Along Main Roads, which provides restrictions on the types of development that may be approved if it has frontage to a main road. In particular, the consent authority (usually Council) must ensure the safety and efficiency of the main road will not be affected adversely. The DP&amp;I has not favoured clauses of this nature as the development assessment process should ensure that inappropriate development is not approved. Further, under the <i>Roads Act 1993</i> the RTA has a concurrence role in approving development that has access to a classified road.</li> <li>• The road widening schemes for the Bruxner Highway are proposed to be zoned the same as adjoining land zonings. It should be noted that this comment conflicts with the request above to zone State roads SP2 separate</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>frontage to a classified road.</p> <ul style="list-style-type: none"> <li>• The existing road widening schemes for the Bruxner Highway should be zoned according to the adjoining land zonings.</li> <li>• No direct vehicular access should be permitted via individual properties to / from classified roads. All access should be via the local road network. Road hierarchy and access management strategy should be implemented for the purpose of access rationalisation with the aim of removing or reducing private property access to the state road network.</li> <li>• Urban design considerations have the potential to positively impact individual and community health and wellbeing in the broadest sense, meeting multiple health, environmental and social objectives.</li> <li>• The planning design guidelines from Premiers Council for Active Living (PCAL) should be taken in to consideration when preparing the draft LEP.</li> <li>• Future developments should be designed to mitigate road</li> </ul>	<p>to the adjoining zonings.</p> <ul style="list-style-type: none"> <li>• Urban design provisions are included in development control plans (DCP). Lismore DCP includes some urban design provisions. It is suggested that these provisions be reviewed in the future to ensure they meet relevant objectives.</li> <li>• The draft LEP provisions generally meet the PCAL guidelines; however the guidelines are more relevant to DCP provisions. When the DCP is reviewed in the future, the PCAL guidelines can be taken into consideration at that time.</li> <li>• Future developments are required to meet these guidelines when they are proposed near major roads. It is not necessary to include it as a provision in the LEP.</li> <li>• Dept of Planning &amp; Infrastructure Practice Note PN 10-001 provides details of Special Purpose (SP) zonings. Usually roads, even State roads, are zoned similar to adjoining zones and are not specifically SP2.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>traffic noise in accordance with DECCW and RTA guidelines and manual. For future developments, the developer is responsible for providing noise attenuation measures and not the RTA.</p>			
7.11	<p>The Australian Rail Track Corporation submits that:</p> <ul style="list-style-type: none"> <li>• it supports the zoning of its land in accordance with the principles outlined in the DP&amp;I Practice Note, Zoning for Infrastructure in LEPs.</li> <li>• In accordance with the Practice Note, the preference for the zoning of railway land is the same as the adjacent zone in most circumstances.</li> <li>• Most of the land in the LGA complies with this; however the land surrounding the railway station is zoned IN1. This is considered satisfactory; however passenger transport facilities are a prohibited use in IN1. They should be a permissible use in this zone.</li> </ul>	<p>The functions of the Department of Transport created by the NSW State government in 2011 may have superseded all or parts of the first two dot points below:</p> <ul style="list-style-type: none"> <li>• The Australian Rail Track Corporation Ltd (ARTC) was created after the Commonwealth and State Governments agreed in 1997 to the formation of a 'one stop' shop for all operators seeking access to the National interstate rail network. ARTC currently has responsibility for the management of over 10,000 route kilometres of standard gauge interstate track in South Australia, Victoria, Western Australia, Queensland and New South Wales. ARTC also manages the Hunter Valley coal rail network, and other regional rail links, in New South Wales.</li> <li>• RailCorp is responsible for the safe operation, crewing and maintenance of passenger trains and stations. We also own and maintain the metropolitan rail network and provide access to freight operators in the metropolitan area.</li> <li>• Where Council has followed the relevant practice note and the direction from ARTC, any zoning of land for an intensified use such as residential may have implications under SEPP 55 Remediation of Land. This may apply to some areas near railway land in Lismore. Prior to considering any intensification of land use, a report would need to be prepared with respect to any potential contamination and remediation. The potential for railway land to be contaminated is relatively high.</li> <li>• In relation to land near the railway station being zoned IN1 General Industrial, although passenger terminals are</li> </ul>	Not applicable.	Amend the relevant zone maps to include the rail corridor in the SP2 Infrastructure zone.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>proposed to be prohibited in the draft LEP, SEPP (Infrastructure) 2007 overrides the LEP. This use is not consistent with the objectives for industrial areas. Therefore the proposed zone table should not be altered.</p> <ul style="list-style-type: none"> <li>The draft LEP was prepared in accordance with the relevant Practice Notes issued by the DP&amp;I, and, with respect to zoning of rail corridors, advice from the DP&amp;I that this matter could be 'revisited' during the public exhibition of the LEP. The DP&amp;I has since advised that it does not support zoning the rail corridors SP2 Infrastructure.</li> <li>At its June 2010 meeting Council also resolved to write to the Minister for Planning, the Minister for Transport and the equivalent shadow opposition ministers <i>'expressing its deep concern over the proposed changes, highlighting Council's concerns about the future sale of the rail corridor which is made easier by the zoning change and calling on the Minister for Planning to retain the infrastructure zoning for all transport corridors.'</i> The resolution extended to writing to NOROC seeking support from member Councils for the above, and to the Local Govt &amp; Shire's Assoc seeking support for retention of the the infrastructure zone in all new LEPS. Consistent with this resolution, and the importance of zoning important public infrastructure as such, it is recommended that the rail corridors are included in the SP2 zone.</li> </ul>		
7.12	<p><b>Transgrid submits that:</b></p> <ul style="list-style-type: none"> <li><b>It has landholdings and infrastructure that will be affected by zoning changes.</b></li> <li><b>Transgrid currently owns a substation in Lismore LGA (330 kV Substation, 1055 Rogersons Lane, McKees Hill) along with a number of transmission line easements</b></li> </ul>	<ul style="list-style-type: none"> <li>Council has complied with relevant Practice Notes, including PNN10-001, issued by the DP&amp;I.</li> <li>Electrical easements are on land that is zoned in the most appropriate way for the area in which it is located.</li> <li>The SEPP (Infrastructure) 2007 overrides any LEP. The SEPP provides that development for the purpose of an electricity transmission or distribution network may be</li> </ul>	Not applicable.	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>for access to lines for inspection and maintenance purposes. Easements also enable Transgrid to control any activity that may pose a risk to the line or public safety.</p> <ul style="list-style-type: none"> <li>• These easements form part of the State's electricity network and will be required indefinitely.</li> <li>• Transgrid would like to ensure that their guidelines are followed when assessing a development application.</li> <li>• Transgrid notes the requirements of the Dept of Planning Practice Note PN10-001.</li> <li>• Request all Transgrid electrical easements are zoned in accordance with appropriate adjacent zone.</li> <li>• Requests Council ensure that the development of electricity infrastructure is not prohibited in any zone.</li> </ul>	<p>carried out by or on behalf of an electricity supply authority or public authority without consent on any land.</p> <ul style="list-style-type: none"> <li>• Transgrid guidelines are followed by development assessment staff.</li> </ul>		
7.13	<p>Office of Environment &amp; Heritage (formerly DECCW) submits that: <b><u>High Street, Nimbin Rezoning</u></b></p> <ul style="list-style-type: none"> <li>• Area not identified in FNCRS; therefore development must accord with the included sustainability criteria.</li> </ul>	<p><u>Rural Residential Rezoning</u> Rural residential areas are not identified for any local government areas in the FNCRS. However, the FNCRS states that <i>'future rural residential land will only be released in accordance with a Local Growth Management Strategy agreed to by Council and the Department of Planning...'</i> The DP&amp;I has advised that the Rural Housing Strategy is recognised as a Local Growth Management Strategy. When the Strategy was adopted it was endorsed by the then Dept</p>		<p>1. That Council consider including in the next Delivery Plan a project to investigate the nomination and inclusion of items of Aboriginal Cultural Heritage Significance</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• Council should ensure water quality will not be compromised &amp; erosion control measures/ building envelopes are in place to address adverse impacts on steep slopes.</li> </ul> <p><u>Tullera Rezoning</u></p> <ul style="list-style-type: none"> <li>• RU1 is used for the residue lot and R5 for only the 5 allotments. Further comment will be needed if the residue is proposed to be subdivided.</li> <li>• It agrees with the proposal to implement a threatened plant protection and riparian regeneration management program in three zones with respect to the residue lot. This includes the protection of the red gums.</li> </ul> <p><u>South Lismore Industrial Estate</u></p> <ul style="list-style-type: none"> <li>• Noted flood modeling &amp; need to ensure filling of the site is only undertaken in conjunction with the approved airport floodway excavation.</li> <li>• The fill could also increase flood levels in Hollingsworth Creek, which may impact on adjoining residential areas. Council should pay careful attention to the implications of excess fill on flood</li> </ul>	<p>of Urban Affairs &amp; Planning.</p> <p>The rezonings proposed at Nimbin and Tullera are small in extent and are included in Council's Rural Housing Strategy. The R5 Large Lot Residential zone will only apply to the rural residential lots at Tullera and the residue is proposed to be included in the RU1 zone with a minimum lot size that ensures no further subdivision. Rezoning submissions made prior to the draft LEP demonstrated that these small rural residential subdivisions could occur with limited impact on the environment. Draft Planning Agreements are proposed to ensure appropriate environmental rehabilitation works are carried out.</p> <p><u>South Lismore Industrial Estate</u></p> <p>If the proposed rezoning proceeds, it will occur in accordance with a Development Control Plan, and subject to demonstration that filling of the land will not impact adversely on the flood behaviour on adjoining land. A flood study was undertaken as part of the rezoning submission. This study recommends that filling of the site should only be undertaken in conjunction with excavation of the airport floodway excavation. Attachment 4 covers this issue and the rezoning in more detail.</p> <p><u>Urban Release Areas – Crawford land, Holland Street, Chilcotts Grass and Invercauld Road</u></p> <ul style="list-style-type: none"> <li>• Council's Tree Preservation DCP will apply to urban residential zones.</li> <li>• The SP2 zone is nominated for the SCU land exclusive of the urban release area. The SP2 Infrastructure zone is proposed for substantial infrastructure development, such as Southern Cross University, the Airport, waste facility and cemeteries. The SP2 zone is intended to protect and reserve the land for the purpose of educational establishment and to provide certainty in relation to the future use and development of the land.</li> <li>• The SP2 zone does not preclude the land being conserved. Any development proposal by the SCU would</li> </ul>		<p>as a future LEP amendment. Such project to be carried out in conjunction with the OE&amp;H and appropriate Aboriginal groups.</p> <p>2. Amend Clause 7.6 (1) to read:  <i>The objective of this clause is to protect drinking water catchments from the impacts of development by minimising impacts on the quality and quantity of water entering the drinking water storages.</i></p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>behaviour.</p> <ul style="list-style-type: none"> <li>• Rehabilitation of the riparian area along Hollingsworth Creek is supported and this area should be at least 50m wide on both sides of the creek.</li> </ul> <p><b><u>SCU East &amp; Crawford Land</u></b></p> <ul style="list-style-type: none"> <li>• The mapping of the eastern parts of both sites as E3 is supported.</li> <li>• Zoning of the vegetated corridor running north / south between these sites is also supported.</li> <li>• These areas are Cat 1 or 2 bush fire prone land and will require respective buffers to be applied. Suggests buffers be placed on cleared areas outside of the E3 zone.</li> <li>• Revegetation of riparian areas using local endemic vegetation is supported and should be 50m each side of water course.</li> <li>• Large isolated fig trees, apparent on aerial photos should be protected under TPO and clause 5.9 of draft LEP.</li> <li>• Supports rezoning of remainder of SCU lands to SP2 as a buffer to the university, however the use of SP2 is questioned due to</li> </ul>	<p>be required to comply with standards relating to bushfire hazard, slope and impact on ecology.</p> <ul style="list-style-type: none"> <li>• It is not proposed to change the zone for the SCU landing the absence of consultation with the University.</li> <li>• Attachment 4 includes an assessment of the issues raised in public submissions with respect to the release areas. Further to an ecologist's review of the Holland Street and Chilcotts Grass sites, it is recommended that the area included in the Public Recreation zone is extended to 40m from the top of the high bank. Inclusion of the riparian areas in this zone will allow appropriate public access along with environmental management. The Public Recreation zone is also consistent with the remainder of the Tucki Tucki creek corridor. The Development Control Plans prepared for these sites will ensure that stormwater treatment areas are not included in the riparian areas.</li> <li>• With respect to Invercauld Road rezoning, the ecologist's review recommended that the boundaries of the E3 zone are expanded in the northern end of the site. Refer Attachment 4. The E3 zone will allow minimal development and will ensure the conservation significance of the site is maintained. The Development Control Plan, which is in the process of being prepared, will also ensure this occurs.</li> <li>• Clause 6.3(4)(b) is deemed appropriate. The dedication of land for environmental protection purposes is compensation for other subdivided lots.</li> <li>• Further Aboriginal cultural heritage assessment has occurred on the proposed residential release sites. It is noted that the Ngulingah Aboriginal Land Council, in a letter dated 24 April, 2008, advised that it raises no objection to the Chilcotts Grass rezoning application as the site does not hold any recognised aboriginal cultural heritage significance. The Land Council also recommended that a member of the Land Council is</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>the issues of slope, ecological and fire risk.</p> <ul style="list-style-type: none"> <li>• SCU has requested the land greater than 20% slope be zoned for environmental protection and most of the SCU lands are included in this category with the balance being riparian areas. E3 might be more appropriate than SP2.</li> </ul> <p><u>Holland Street</u></p> <ul style="list-style-type: none"> <li>• No objection to the rezoning subject to a 50m riparian buffer being zoned E2, consisting of a 40m conservation zone &amp; a further 10m multi-purpose zone where infrastructure may be placed if appropriate. The placement of stormwater retention basins within the 40m buffer is not supported.</li> <li>• Question whether an appropriate level of investigation into Aboriginal cultural heritage was undertaken.</li> <li>• The construction of a noise barrier between the rezoned land and the adjacent industrial estate is supported.</li> </ul> <p><u>Chilcotts Grass</u></p> <ul style="list-style-type: none"> <li>• Same comments with respect to riparian area as</li> </ul>	<p>present during the completion of all civil works.</p> <p><u>General</u> The OE&amp;H submission relating to general environmental issues such as the Natural Resources overlay map and the zoning of additional environmental protection lands have merit but, due to the resources required to address them, will be considered in more detail during the preparation of the Biodiversity Conservation Strategy.</p> <p>The inclusion of additional clauses in the LEP for tree preservation is a matter that should be pursued with the DP&amp;I. The provisions in the DCP relate to the assessment of applications under the DCP.</p> <p>The FNCRS is a strategy with a timeframe to the year 2031. As such it identifies areas that are outside the timeframe of the draft LEP. The draft LEP Urban Release Areas Map will therefore not correspond with the Proposed Future Urban Release Areas map. It is also noted that the 'mixed use' component of the Crawford Land has a different status to the other urban release areas due to its zoning in the current Lismore LEP as a Special Use Zone. As this zone would not be included in the Standard Instrument, the DP&amp;I agreed that the land be included in the draft LEP as an Urban Release Area.</p> <p>The expansion of the criteria for 'environmentally sensitive areas' in clause 3.3 to include the Natural Resources Sensitivity – Biodiversity Map is not supported. Refer to Attachment 2 for the recommendations regarding the map and associated clause 7.9.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>for Holland Street.</p> <ul style="list-style-type: none"> <li>Stormwater treatment should occur in the development footprint, not the riparian buffer area.</li> </ul> <p><u>Invercauld Road</u></p> <ul style="list-style-type: none"> <li>It supports the exclusion of the areas that contain threatened fauna &amp; flora from the development area &amp; supports the perimeter road separating the development footprint from the environmentally sensitive area.</li> <li>Koala food trees should not be removed &amp; layout &amp; design should incorporate measures to reduce injury &amp; displacement of koalas.</li> <li>Stormwater issues must be addressed thoroughly to ensure long-term viability &amp; integrity of the rainforest, the creek &amp; its aquatic fauna &amp; flora.</li> <li>Aboriginal cultural heritage assessment inadequate.</li> <li>E2 zone recommended for the area of environmental significance.</li> </ul> <p><u>General</u></p> <ul style="list-style-type: none"> <li>It is generally supportive of draft LEP and in particular proposed Natural Resources Sensitivity - Biodiversity Map</li> </ul>	<p><u>Aboriginal Cultural Heritage Significance</u></p> <ul style="list-style-type: none"> <li>The items in Schedule 5 noted by the OE&amp;H are included in the current Lismore LEP2000. The matter of including additional items in the LEP has been addressed in Attachment 6 relating to heritage submissions. This is a project that cannot be completed, or even started, in the draft LEP. However, it is recommended that Council consider including this in the next Delivery Plan.</li> </ul> <p><u>Environmental Protection Works</u></p> <ul style="list-style-type: none"> <li><i>Environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.</i></li> <li>It is not considered appropriate to require consent for such works in all zones as such activity should be encouraged and not made more onerous by development approval processes.</li> <li>Clause 4.2A clearly states the zones that it applies to and E2 and W zones are not included; therefore a footnote might give rise to unnecessary complication.</li> </ul> <p><u>Land Use Table</u></p> <ul style="list-style-type: none"> <li>The draft LEP land use tables were prepared in accordance with Standard Instrument practice notes and planning circulars. These documents provide guidance on the application of zone objectives and the intent of zones. The Standard Instrument LEP also incorporates mandatory land use table directions. The land use tables must also be consistent with relevant SEPPs.</li> </ul> <p><u>Land Use Table - RU3</u></p> <ul style="list-style-type: none"> <li>The compulsory objectives of the RU3 Forestry Zone are: to enable development for forestry purposes; and to enable other development that is compatible with forestry</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>and supporting clause 7.9. Recommends a review of potential high conservation lands currently zoned rural in the vicinity of national parks be undertaken as soon as possible with a view to rezoning them for environmental protection where the values are confirmed.</p> <ul style="list-style-type: none"> <li>It has concerns in relation to the mapping and identification of riparian buffers along freshwater upper and lower intertidal watercourses and places of Aboriginal cultural heritage significance.</li> <li>There are some omissions in the mapping relating to the identification of approved urban release areas under the FNCRS and to the boundaries of Whian Whian State Conservation area.</li> <li>Consideration be given to strengthening the Tree Preservation protection clauses in the DCP by including them in clause 5.9 of the draft LEP.</li> <li>"Environmental protection works" should be subject to development consent in all relevant zones to allow</li> </ul>	<p>land uses. The land use table reflects this by including the following as uses permissible with consent:  <i>Emergency services facilities; Extensive agriculture; Extractive industries; Farm buildings; Flood mitigation works; Mining; Recreation areas; Research stations; Roads; Sewage reticulation systems; Water recreation structures; Water reticulation systems</i></p> <ul style="list-style-type: none"> <li>These uses are considered to be compatible with forestry land uses.</li> </ul> <p><u>Land use table – RU5</u></p> <ul style="list-style-type: none"> <li>Villages historically have had a variety of land uses and the current Lismore LEP permits a variety of uses. The draft LEP has been based on the current LEP and therefore the uses are similar. No changes to the draft LEP are needed.</li> </ul> <p><u>Land Zoning Map (LZN Sheets) - Environmental Zones</u></p> <ul style="list-style-type: none"> <li>The Whian Whian State Conservation area is to be translated from RU3 Forestry Zo</li> <li>Bungabee State Forest is not part of the National Parks estate and the RU3 zone as publicly exhibited is deemed appropriate.</li> <li>Refer to Attachment 2 regarding the use of the E2 &amp; E3 zones.</li> <li>The W1 zone was not applied to the upper reaches of low order streams</li> </ul> <p>NSW DII has not raised an objection to the use of RU3 for Bungabee State Forest.</p> <p><u>Part 5 Miscellaneous provisions</u></p> <ul style="list-style-type: none"> <li>The Standard Instrument Principal LEP can be amended in the future by DP&amp;I to reflect any new policy statements issued by the Department.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>greater control by Council.</p> <ul style="list-style-type: none"> <li>A broader definition of "environmentally sensitive area" should be adopted to extend beyond "exempt and complying development" and include those areas shown on the Natural Resources Sensitivity - Biodiversity Map.</li> <li>The inclusion of biodiversity protection clauses in proposed aims of the plan is supported - suggest more specific reference to riparian areas, wetlands and Aboriginal cultural heritage.</li> <li>Clause 2.6A - Clarification that this clause does not apply to lands zoned E1 where DECCW is the determining authority under Part 5 of the EP&amp;A Act.</li> <li>Clause 2.6B - Temporary development consents of any length in any one year are not supported by DECCW in any environmentally sensitive areas or in E or W zones where development is already prohibited in the zone tables. Notwithstanding this the requirement for environmental restoration at the conclusion of the</li> </ul>	<ul style="list-style-type: none"> <li>Comments regarding the need to update the Tree Preservation Order in the DCP are noted.</li> <li>The DP&amp;I will generally not support amendments to these provisions.</li> </ul> <p><u>Part 7 Additional Land Provisions</u></p> <ul style="list-style-type: none"> <li>The addition of E3 to clause 7.2(d) is not required as all mapped sugar cane areas will be within a rural zone (refer to Attachment 2 for detail)</li> <li>Support for clause 7.1 is noted.</li> <li>Refer to Attachment 2 regarding clause 7.9.</li> <li>Refer to summary of Standard Instrument LEP amendments regarding comments about the new eco-tourist facilities provision.</li> <li></li> <li>The reference to 40m adjacent to a watercourse reflects the provisions of the <i>Water Management Act 2000</i>.</li> <li>Refer to <b>Table</b> No. 10 regarding recommendations for clause 7.7 Essential Services.</li> <li>Draft Natural Resource Management (NRM) provisions were released for comment in 2010. A draft model local provision was included for drinking water catchments. The objective for this clause includes reference to both 'quantity' and 'quality'. This draft objective is an appropriate substitute for the publicly exhibited clause 7.6(1) objective.</li> <li>Clause 7.6(1) would read: <i>The objective of this clause is to protect drinking water catchments from the impacts of development by minimising impacts on the quality and quantity of water entering the drinking water storages.</i></li> <li>Reference to climate change in the draft LEP clause is relevant only if Council undertakes climate change flood modelling in the rural areas.</li> </ul> <p><u>Schedule 3</u></p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>consent is supported.</p> <ul style="list-style-type: none"> <li>• Clause 2.6C - Inclusion of the earthworks consent clause is supported; however to comply with objectives, earthworks should be prohibited unless associated with environmental protection works.</li> <li>• Clause 2.6C(3) - In addition to considering the impact on lands zoned E2 and E3, the consent authority should also consider the impact on "environmentally sensitive areas" and/or areas on the Natural Resources Sensitivity - Biodiversity Map. Further a definition of "environmentally sensitive area" (further to the one in the exempt and complying clause 3.3) should be provided in the LEP dictionary. Recommendations for inclusions in the definition are included in the comments.</li> </ul> <p><u>Land use table - RU1 and RU2</u></p> <ul style="list-style-type: none"> <li>• DECCW notes that some areas of native vegetation (from the Natural Resources Sensitivity - Biodiversity Map) are found in these</li> </ul>	<p>Schedule 3 will need to be revised to reflect the provisions of SEPP (Exempt and Complying Development Codes) 2008.</p>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>zones. It is recommended that some additional objectives from other draft LEP examples be included in the land use table.</p> <ul style="list-style-type: none"> <li>• An objective is included relating to the protection and conservation of Aboriginal sites of cultural significance in these zones.</li> <li>• Forestry will be permitted without consent &amp; should include a footnote emphasising the requirements of the Native Vegetation Act still apply.</li> <li>• Wording be inserted to the effect that clearing of native vegetation for agriculture is prohibited in the LEP where any refusal under the NV Act has been or will be issued.</li> <li>• A number of permitted activities, e.g. cemeteries, waste resource facilities, water supply systems, recreational facilities etc. would be more appropriately located in SP or RE zones – to avoid compromising rural enterprise values and potential land use conflicts or allowing regionally significant farmland to be used for non-productive uses. Conversely a number</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>of activities are prohibited by default (e.g. earthworks and drainage) and for consistency should be included with consent (clause 2.6(C)).</p> <p><u>Land use table - RU3</u></p> <ul style="list-style-type: none"> <li>• Only development permissible under the <i>Forestry Act 1916</i> should be permissible with consent in this zone as most is covered under Part 5 of the EP&amp;A Act or SEPP Infrastructure. It is the intention of the zone that the zone be restricted to gazetted public state forests.</li> </ul> <p><u>Land use table - RU5</u></p> <ul style="list-style-type: none"> <li>• There are permissible uses in this zone that may be more appropriate in SP zones, such as Passenger transport terminals, Sewerage and water supply systems and Waste or resources management facilities. Also as most villages are associated with watercourses, it is suggested a new objective be added in relation to their protection and enhancement.</li> </ul> <p><u>Land use table - R1 and R2</u></p> <ul style="list-style-type: none"> <li>• Two new objectives should be included that relate to</li> </ul>			



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>sustainable housing needs.</p> <p><u>Land use table - R5</u></p> <ul style="list-style-type: none"> <li>• A definition of "environmentally sensitive area" should be provided in the dictionary and sustainable housing objectives should be included similar to the R1 and R2 zones.</li> </ul> <p><u>Land use table - B1, B2, B3, B4, B6, IN1 and IN2</u></p> <ul style="list-style-type: none"> <li>• These zones are supported as long as they do not include any land that would be more appropriate as environmental protection. It is recommended that additional objectives be included that relate to ecologically sustainable development, hazard management, energy and water efficiency, and flood risk. Environmental protection works should be subject to development consent to ensure Council is in agreement with what is proposed.</li> </ul> <p><u>Land use table - SP1 and SP2</u></p> <ul style="list-style-type: none"> <li>• A review of the special activities zone within the LEP is undertaken as there are a number of inconsistencies with what is</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>included and what is not within these zones. E.g. Council has not adopted an SP1 zone but has included some of these uses in other zones but not in others.</p> <ul style="list-style-type: none"> <li>• It would not approve of SP1 or SP2 zones being mapped (unless already) in environmentally sensitive areas or in any other cases where they would displace a relevant E zoning.</li> <li>• Many rural and residential zones are reviewed to consider uses that are currently permissible with consent, specific sites may be better zoned as SP1 or SP2.</li> <li>• RU3 and R5 do not appear to be prescribed zones for Sewerage and water supply systems, so these uses should be reviewed in these zones. PN08-002 provides specifics for the zoning of public infrastructure.</li> </ul> <p><u>Land use table - RE1 and RE2</u></p> <ul style="list-style-type: none"> <li>• This zone is supported provided it is not mapped over environmentally sensitive lands and other E zonings.</li> <li>• Recommends the inclusion of an additional objective</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>relating to water and energy efficiency.</p> <ul style="list-style-type: none"> <li>• Inclusion of roads and extensive agriculture without consent is not supported as they are potentially inconsistent with the objective to protect and enhance the natural environment for recreational purposes. It is further noted that the standard instrument does not permit the option to make roads subject to development consent in these zones.</li> <li>• Environmental protection works should be permitted with consent to ensure council controls the works.</li> <li>• The prohibition of forestry by default in these zones is supported.</li> </ul> <p><u>Land use table - E1</u></p> <ul style="list-style-type: none"> <li>• E1 zone is missing from the land use matrix.</li> </ul> <p><u>Land use table - E2</u></p> <ul style="list-style-type: none"> <li>• In addition to applying E2 to discrete areas of HCV land consideration should also be given to areas adjacent to the national parks reserve system which can protect these areas and function as a buffer.</li> <li>• An objective relating to</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>wetlands should be included. Also a review of the wetland mapping in the LGA is recommended.</p> <ul style="list-style-type: none"> <li>• E2 zones should justify stringent limits on development. Therefore consent should be required for environmental facilities, environmental protection works and routine maintenance of roads only.</li> <li>• Building and business identification signs should not be permitted without consent in this zone. Flood mitigation works, water recreation structures and water reticulation systems should be prohibited.</li> <li>• The examples of environmental facilities in the LEP dictionary should only be considered as environmental facilities and practical upper limits to these uses should be set.</li> <li>• Where areas of E2 lands are isolated consideration should be given to linking them via wildlife corridors where possible. These would be more appropriately zoned E3 and could link where relevant with the riparian areas and the W1</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>zones. Alternatively an overlay map might be appropriate to protect these areas.</p> <ul style="list-style-type: none"> <li>• DECCW supports the prohibition of forestry by default in the E2 zones.</li> <li>• Bushrock removal should be prohibited in E zones and be subject to consent in other zones. As it is not a defined land use a new definition or footnote should be considered.</li> </ul> <p><u>Land use table - E3</u></p> <ul style="list-style-type: none"> <li>• DECCW recommends the insertion of an additional objective relating to wildlife habitat, associated vegetation and wildlife corridors. Further objectives (as provided) for protection of escarpments, hillsides, ridgelines, significant habitat areas, riparian areas and water catchments is also recommended.</li> <li>• E3 areas are expected to increase in conservation value over time and could become important wildlife corridors. The prohibition by default of extensive agriculture, extractive industry, flood mitigation, mining and forestry is</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>supported. Recreation areas and water recreational structures should be placed in an RE zone. Also Environmental protection works should be made subject to consent.</p> <ul style="list-style-type: none"> <li>• DECCW recommends the inclusion of a formal definition of "limited range of development" to provide more certainty as to what maximum impact from permitted activities will be considered for consent. Clarification could be provided in a footnote or DCP.</li> </ul> <p><u>Land use table - E4 Zone</u></p> <ul style="list-style-type: none"> <li>• Some areas of R5 or RU2 might be better zoned E4, as well as rural living communities.</li> </ul> <p><u>Land use table - W1 Zone</u></p> <ul style="list-style-type: none"> <li>• The inclusion of an additional zone objective is proposed.</li> <li>• Supportive of the zoning of the large waterways near Lismore, however some clarification is required with respect to the upper freshwater limits of the W1 zone on watercourse that are not clearly mapped.</li> <li>• There are a number of</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>terrestrial uses that would be better in another zone - including boat sheds, educational facilities, recreation areas, water recreation structures etc. The intent of the W zones is to apply to the waterways themselves.</p> <ul style="list-style-type: none"> <li>• The inclusion of roads is inconsistent with the natural scenic qualities of the waterways included in the zone objectives.</li> <li>• The uses should be restricted to existing use only.</li> <li>• Council should note that clause 5.7 requires all development within the tidal areas to be subject to consent, this implies that the tidal areas in W1 and W2 zones should be defined on a map.</li> <li>• Clause 7.8 attempts to address the lack of buffer areas close to riparian areas by reference to lands within 40 m of the top of the bank. There is some potential for small streams not zoned W1 to remain unprotected.</li> <li>• 40m buffer differs to that of 50m recommended in the Land Use Conflict Handbook</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>issued by the former DPI. The 50m is recommended for non-estuarine areas and greater than in the estuarine areas. Recommended that Lismore liaise with Ballina Council in relation to consistent buffer areas along the Richmond River. Also advice from NSW Fisheries should be sought with respect to fish habitat protection, intertidal flats and fringing mangroves.</p> <ul style="list-style-type: none"> <li>• Clause 7.8 could be amended to refer to all streams mapped on the LPI 1:25000 topographic series (2003). This could help reduce the potential for mapping and identification conflicts.</li> </ul> <p><u>Land use table - W2 Zone</u></p> <ul style="list-style-type: none"> <li>• Roads should not be necessary with consent.</li> </ul> <p><u>Part 3 - Exempt and complying development</u></p> <ul style="list-style-type: none"> <li>• Support the exclusion of exempt and complying from environmentally sensitive areas and makes recommendation for amendments to clause 3.3.</li> </ul> <p><u>Part 4 - Principal development standards</u></p> <ul style="list-style-type: none"> <li>• Clause 4.1 - recommends</li> </ul>			



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>objectives be improved by adopting some from draft Clarence Valley LEP.</p> <ul style="list-style-type: none"> <li>Flexibility in subdivision lots sizes provided by the objectives in the RU zones is supported where they reflect the suitability of the land for development. E.g. considering a smaller lot size for a dwelling where land for environmental purposes could be protected in an E zone in perpetuity. However this type of subdivision is not supported by the REP (deemed SEPP).</li> <li>Clause 4.2A should include a footnote that clarifies that all dwellings and subdivisions irrespective of lot size are prohibited under the current E2 and W zone tables.</li> </ul> <p><u>Part 5 Miscellaneous provisions</u></p> <ul style="list-style-type: none"> <li>Clause 5.3 - an additional local clause should be developed that relates to development buffers adjacent to national parks with respect to matters such as the control of drainage and bush fire. A similar argument could be made for the E2 zone - but it is preferable that a buffer be included in the E2 zone</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>rather than relying on a clause.</p> <ul style="list-style-type: none"> <li>• Clause 5.5 - There may be amendments to this clause following from recent policy statements and guidelines issued by Dept of Planning relating to climate change and sea level rise.</li> <li>• Clause 5.7 - Notes that zoning tables might be inconsistent with this clause as there is development in the W1 and W2 zones permitted without consent. To ensure consistency, all uses in W zones should require consent.</li> <li>• The existing Tree Preservation DCP will require updating.</li> <li>• TPO provisions should be strengthened or a footnote referring to the DCP provisions.</li> <li>• Clause 5.10 - amendment might be required to this clause in the future after discussions with Dept of Planning. These amendments are in relation to consultation with the Aboriginal community.</li> <li>• DECCW notes only 2 places of Aboriginal significance are included in Schedule 5</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>and acknowledges difficulties in preparing a meaningful Aboriginal Heritage map within the set timeframes. Information is available that could for the basis of an interim map or list.</p> <ul style="list-style-type: none"> <li>• Consultation beginning now with the local community could result in an amendment to the LEP in the future.</li> <li>• Section 79C should not be relied on for the protection of Aboriginal heritage, but should be an interim measure until more strategic mapping can be completed and included in the LEP.</li> <li>• A footnote pertaining to the new legislation (01/10/2010) should be included in the LEP.</li> <li>• Clause 5.11 - this clause may be interpreted incorrectly by land owners as permission for hazard reduction without consent. Footnote should be inserted that raises the other approvals that may be required and or the clause amended.</li> </ul> <p><b><u>Part 6 Urban Release Areas (URAs)</u></b></p> <ul style="list-style-type: none"> <li>• A number of URAs shown in</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>the FNCRS don't appear on the mapping. Suggest including all areas in the mapping and include reference to prioritisation in Part 6 to show all infrastructure requirements up front.</p> <ul style="list-style-type: none"> <li>• Subclause 4(b) of Clause 6.3 suggests a landscaping strategy will not apply if a lot is reserved for environmental purposes. Landscaping strategy should be required despite the provision of the environmental lot.</li> </ul> <p><u>Part 7 - Additional local provisions</u></p> <ul style="list-style-type: none"> <li>• DECCW supports clause 7.1 relating to ASS.</li> <li>• E3 be included in subclause 7.2(1)(d) as well as E2.</li> <li>• Clause 7.3 about flood prone areas should refer to avoiding disturbance of Aboriginal places of heritage significance and minimise adverse impacts on environmentally sensitive areas.</li> <li>• The clause fails to address climate change or cumulative impacts of development on flood behaviour. These issues are</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>being reviewed by State agencies and there is information available, including possible new clause (refer to Dept of Planning for information).</p> <ul style="list-style-type: none"> <li>• Clause 7.6 should include objectives relating to quantity as well as quality.</li> <li>• Clause 7.7 could include stormwater or wastewater discharge in subclause 1.</li> <li>• Clause 7.8 supported but with 50m buffer zone for all lower order watercourses as defined on 1:25000 topographic maps similar to Bellingen Council. Resolves mapping concern with proposed W1 zone limit in upper reaches of streams. Further DECCW recommends buffer to major estuarine watercourses should be 100m (near tidal areas) consistent with Ballina Council's approach. Also where riparian buffer also comprises area of high environmental significance then the appropriate E zoning should apply.</li> <li>• Clause 7.9 and associated map is strongly supported. Addresses areas that are too fragmented or too small for</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>E zoning. Potential for property vegetation plans or biobanking should be mentioned.</p> <ul style="list-style-type: none"> <li>Additional clauses for Part 7 are recommended including ecotourism in RU1 and RU2 zones, development adjacent to OE&amp;H estate, restrictions on development adjoining mines and extractive resource sites, and development within localities subject to coastal erosion or land instability.</li> </ul> <p><u>Schedule 3 - complying development</u></p> <ul style="list-style-type: none"> <li>Drafting of Schedule 3 Part 2 does not appear to be completed. Suggest inclusion of provision relating to hours for construction and sedimentation and erosion controls.</li> </ul> <p><u>Zoning Map (LZN Sheets) - Environmental Zones</u></p> <ul style="list-style-type: none"> <li>The boundaries of the E1 zones appear to be generally accurate, except for an area of RU3 and E3 zoned land, which is part of Whian Whian State Conservation Area and should be zoned E1.</li> <li>Suggest Council contact Forestry NSW about the</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>future Bungabbee State Forest, it has been identified for inclusion in adjacent nature reserves. If not zoned now, a change will be needed in the future.</p> <ul style="list-style-type: none"> <li>• Land adjacent to southern edge of Nightcap National Park be reviewed for E zoning. Other areas are land on western boundary of LGA near Bungabbee Nature Reserve and south west of Nimbin Rocks near Georgica.</li> <li>• If comprehensive review of appropriateness of zonings is impractical now, recommend expediting a review that can be made to the LEP as soon as possible after adoption. These include: OE&amp;Hs "Biodiversity Conservation Lands Layer" that was used as part of FNCRS, to prioritise the mapping of the additional E2 and E3 areas along with land capability mapping of class 6, 7 &amp; 8 land by Land and Property Management Authority.</li> <li>• Environmentally sensitive vegetated RU1 and RU2 lands that share a boundary with E1 lands are of low</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>agricultural capability and should be rezoned to E2 (preferable) or E3.</p> <ul style="list-style-type: none"> <li>• Review of zonings of conservation lands in adjoining LGAs should be done to ensure consistent approach.</li> <li>• <u>Land Zoning Map</u> Waterways Zones supported although there appears to be uncertainty about how far upstream and into what tributaries the mapping should go. Refer to Bellingen LEP, which includes waterways map analogous based on LPI 1:25000 topographic map series.</li> <li>• DECCW concerned about lack of mapped riparian buffers along freshwater lower order streams and any E zones associated with significant vegetation. Refer to previous comments about expanding buffers for these areas.</li> </ul> <p><u>Natural Resources Sensitivity Biodiversity Map</u></p> <ul style="list-style-type: none"> <li>• Mapping needs to use other considerations apart from OE&amp;H mapping of wildlife corridors as they were only intended as a guide and to</li> </ul>			



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>supplement local Council corridor mapping (where available).</p> <ul style="list-style-type: none"> <li>• Council comprehensively analyse this mapping with a view to include further areas in E zones where justified.</li> </ul> <p><u>Heritage Maps</u></p> <ul style="list-style-type: none"> <li>• Places of Aboriginal cultural heritage significance are largely absent on the maps. DECCW understands constraints but suggests that it could be an appropriate way to protect at least some of the physical sites identified on the Aboriginal Heritage and Information Management System AHIMS and the Bundjalung Mapping Project (SCU).</li> <li>• Other Councils have used buffer mapping to protect isolated items of environmental heritage in Schedule 5 - this could be used to protect significant raptor nest sites, flying fox colonies and isolated but valuable old growth habitat trees.</li> </ul>			

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
7.14	<p>Infrastructure Assets Policy Advisory Group (LCC) submits that:</p> <ul style="list-style-type: none"> <li>It supports the zoning of land on which Council infrastructure is located as "Infrastructure".</li> <li>It does not support the zoning of land on which infrastructure is located the same as the surrounding zone, in particular, the rail corridor.</li> </ul>	<p>Comments regarding Council infrastructure are noted.</p> <p>Further to the discussion under 7.11 above, rail corridors are a special use and should be zoned as such and in a way that makes them clearly identifiable by the community as distinct land uses. Just because the infrastructure SEPP allows such uses to occur on any zoned land is a specious argument. While the state government has argued that an Act of Parliament is required to dispose of such land regardless of the zoning, its disposal is made easier and does not require the same community analyses and examination if it is zoned the same as adjoining zones. It then becomes more difficult for the railway to return when the community has most need of it.</p>	<p>Not applicable.</p>	<p>Amend the relevant zone maps to include the rail corridor in the SP2 Infrastructure zone.</p>
7.15	<p>Sustainable Environment Policy Group (LCC) submits that:</p> <ul style="list-style-type: none"> <li>The mapping of the E2 Environmental Conservation Zone should be based on map units with a minimum size of 1 Ha. Native vegetation in some parts of the LGA is fragmented with areas of important vegetation (including EECs) that smaller than 5 Ha in area. These small areas could be crucial to the maintenance of ecological function and connectivity across the landscape and the ultimate survival of any one of these communities.</li> <li>The draft LEP should permit extensive agriculture in the E3 zone without consent.</li> </ul>	<ul style="list-style-type: none"> <li>With respect to the rail corridors refer to Issues 7.11 and 7.14 above.</li> <li>Reference should be made to Attachment 2 for discussion about the environmental protection zones, permissibility of agriculture and the future Koala plan of management.</li> <li>Clause 2.3(2) states that, <i>'the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.'</i></li> <li>Clause 29 (3) of the Lismore LEP2000 states that, <i>'the consent authority must not grant consent to the carrying out of development in a particular zone unless the consent authority is of the opinion that the proposed development is consistent with the objectives of the zone in which it is to be carried out.'</i></li> <li>Consistency with zone objectives can be used as a valid reason to support or not support a development application. While it could be argued that a land use should simply not be permissible if there is concern about consistency with zone objectives, objectives such as, <i>'to ensure that new development is compatible with the character, and preserves the amenity, of each residential</i></li> </ul>	<p>Clause 2.3(2) Council could amend Clause 2.3(2) to replace it with the words in the current LEP2000. The DP&amp;I has indicated this will not be supported. Alternatively clause 2.3(2) could be retained and Council can make representations to DP&amp;I regarding this issue. The latter course of action has not been successful in the past. It is therefore recommended that the current LEP2000 clause 29(3) is included in the LEP.</p>	<ol style="list-style-type: none"> <li>Amend the relevant zone maps to include the rail corridor in the SP2 Infrastructure zone.</li> <li>Amend Draft LEP clause 2.3(2) as follows:  <i>"The consent authority must not grant consent to the carrying out of development in a particular zone unless it is of the opinion that the proposed development is consistent with the objectives of the zone".</i></li> </ol>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>Council should permit agricultural activities that do not undermine the zone objectives.</p> <ul style="list-style-type: none"> <li>• The new LEP should include an up to date map of known Koala populations and movements that will form the basis of a local provision that protects the movement of Koalas. Controls should ensure development in these areas: a) considers the impact of the movement of Koalas across the land; and b) is located and designed to avoid adverse impacts on the movements of Koalas.</li> <li>• The SP2 zoning (or equivalent) should be used for the railway corridor until this issue is resolved and the railway corridor adequately protected.</li> <li>• Section 2.3(2) of the draft LEP should be worded to provide greater certainty that zone objectives will be reflected in decision making. The change from the current LEP reduces the certainty that developers and/or those concerned to protect the environmental values will have in regard to Council decisions. The uncertainty</li> </ul>	<p>area', provide strong grounds for Council to request a proponent to amend plans so that a dwelling house is compatible with existing development. Simply 'having regard to zone objectives' lessens the import of the objectives and will require the determining authority to place greater emphasis on the use of S79C heads of consideration. Consistency/ inconsistency with zone objectives is also a valid reason for refusal of a development application that has been upheld by the NSW Land and Environment Court.</p> <ul style="list-style-type: none"> <li>• Although staff consider it is unlikely to be supported by the DoP&amp;I, it is considered that the wording in the Standard Instrument should be amended.</li> </ul>		

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>will increase the chance of challenges to Council's decisions, which may affect investment. Further, the objectives relating to a particular zone should all be clearly stated in one location in the LEP.</p> <ul style="list-style-type: none"> <li>• Each zone should include a complete list of objectives for that zone.</li> </ul>			

## ATTACHMENT 8: DRAFT LEP 2010 MISCELLANEOUS ISSUES RAISED IN SUBMISSIONS

Note: This attachment comprises issues that did not fall neatly into one of the other broad groupings contained in Attachments 1 to 7.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
8.1	<b>Objection to 10000L water tank limitation for rural areas.</b>	<p>Section 2.64 and 2.66 SEPP (Exempt and Complying Development) 2008 does not place a limit on the capacity of water tanks in rural or environmental protection zones.</p> <p>Section 1.9(1) of the SEPP states:</p> <p><i>Exempt development under this Policy and a local environmental plan or development control plan</i>  <i>If this Policy and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specify the same development as exempt development, the local environmental plan or development control plan does not apply to that development.</i></p> <p>Therefore, pursuant to section 1.9(1) of the SEPP, the Draft LEP provisions regarding water tanks have no effect and should be deleted.</p>	Not applicable	Delete all reference to water tanks in Schedule 2 Exempt Development.
8.2	<b>Dwelling entitlement for Lot 105 DP 755689, Booerie Creek Road. Alternatively, use Schedule 1 to list additional uses on various parcels of land.</b>	<p>The issue of dwelling entitlements on rural land is covered under clause 4.2A of the Draft LEP. No additional dwelling entitlements have been created or removed. The provision has the support of Council and the Department of Planning and Infrastructure.</p> <p>Amendment to an LEP granting dwelling entitlements based on random requests without all the required information for a planning proposal does not represent sound strategic land use planning.</p>	Not applicable	No change
8.3	<b>Concern about proximity of residential areas to industrial areas and the need for suitable buffers</b>	The only <i>new</i> area proposed to be included in a residential zone that is close to an existing industrial area is in Holland Street. Refer Attachment 5 for response to the issue regarding residential development of 20 Holland Street. Also refer to Attachment 9 for a review of areas in South Lismore that are	<b>Option A</b> Amend the Draft LEP Lot Size Map LSZ-008, Land Zoning Map LZN-008 & LZN-012 and IN1 and IN2 land use table as follows:	Amend the Draft LEP Lot Size Map LSZ-008, Land Zoning Map LZN-008 & LZN-012 and IN1 and IN2

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p><b>between industrial and residential developments.</b></p>	<p>adjacent to industrial development or contain a high number of houses but are zoned for industry.</p> <p><u>Holland Street land in the proposed IN1 General Industrial</u></p> <p>The land within the existing 4(a)(Industrial Zone) in Holland Street Goonellabah is surrounded by residential development. This land has been translated to the IN1 General Industrial Zone in the Draft LEP. The Draft LEP also includes IN2 Light Industrial Zone, which prohibits heavy industry. IN2 has generally been applied where industrial land is in close proximity to residential development. Lismore Environmental Study 2010 provides the following commentary regarding the use of IN2: <i>“This will provide a buffer and will restrict the level and intensity of industrial development within close proximity to residential development.”</i></p> <p>The industrial land uses that are permissible in IN1 and prohibited within IN2 are: <i>hazardous industries, offensive industries, hazardous storage establishments, offensive storage establishments, heliport and freight transport facilities.</i></p> <p>The industrial land in Holland Street is almost fully developed with a diverse range of industrial uses including <i>general industry, depots, self storage units, vehicle repair stations, vehicle body repair workshop warehouse or distribution centres, hardware or building supplies</i> and potentially <i>offensive industries</i> (linen services). All of these industrial land uses would be permissible if the proposed zone was changed from IN1 to IN2 with the possible exception of the two linen cleaning services (<i>SEPP 33 – Hazardous and Offensive Development</i> criteria apply). NSW Health operates a linen service at 3 De Re Drive and Alsco operates a commercial linen service at 27 - 29 Centenary Drive. These developments, if deemed offensive industries under SEPP 33, could operate</p>	<ul style="list-style-type: none"> <li>• Change the portion of 793 Ballina Road Goonellabah (SP 53527), occupied by the media centre office from IN1 General Industrial Zone to B1 Neighbourhood Centre. The Lot Size Map for the portion of the site to be zoned B1 is to be amended so that a minimum lot size does not apply.</li> <li>• Change the proposed IN1 General Industrial zone land on the western side of Holland Street to IN2 Light Industrial in Holland Drive, De Re Drive, Pignat Drive, the western side of Centenary Drive and Oliver Ave (excluding Lot 71 DP 876840 and Lots 734 &amp; 735 both in DP1078465) and retain the IN1 zone in the remainder of the estate;</li> <li>• Change the IN1 General Industrial zone east of Holland Street to IN2 excluding the media centre land as described above).</li> </ul> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>• The use of the IN2 Light Industrial Zone on the ‘outer edges’ of the industrial estate will provide a buffer for existing residential development by restricting the level and</li> </ul>	<p>land use table as follows:</p> <ul style="list-style-type: none"> <li>• Change the portion of 793 Ballina Road Goonellabah (SP 53527), occupied by the media centre office from IN1 General Industrial Zone to B1 Neighbourhood Centre. The Lot Size Map for the portion of the site to be zoned B1 is to be amended so that a minimum lot size does not apply.</li> <li>• Change the proposed IN1 General Industrial zone land on the western side of Holland Street to IN2 Light Industrial in Holland Drive, De Re Drive, Pignat Drive, the western side of Centenary Drive and Oliver Ave (excluding Lot 71 DP 876840 and Lots 734 &amp; 735 both in DP1078465) and retain the IN1 zone in the remainder of the estate;</li> <li>• Change the IN1</li> </ul>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>under the existing use provisions of the EP&amp;A Act if the zone was changed to IN2.</p> <p>The non-industrial uses currently operating in the industrial estate include a <i>veterinary hospital, funeral home, bulky goods premises (party hire), place of public worship, office premises, information and education facility</i> (Richmond Tweed Regional Library) and a <i>child care centre</i>. Most of these non-industrial uses will no longer be permitted and will operate under the existing use provisions with the exception of the <i>veterinary hospital</i> and the <i>child care centre</i>, which the publicly exhibited draft LEP makes permitted with consent. This is not consistent with the removal of other non-industrial uses from industrial zones and is inconsistent with advice from the DP&amp;I. DP&amp;I practice note PN 11-002 states: <i>In 2011, a new objective was added to highlight that the purpose of industrial zones is to support and protect industrial land for industrial uses.</i> However, it is noted that the characteristics of 'veterinary hospital' are quite different to 'child care centre'.</p> <p>Refer to 8.5 below for further review of the permissibility of non-industrial uses in Industrial zones.</p> <p>The media centre, located at 793 Ballina Road Goonellabah (SP 53527) on the western side of Holland Street is somewhat of a zoning anomaly. The northern approximately 75% of the lot is currently within 4(a)(Industrial Zone) and the remaining southern strip is within 1(a)(General Rural zone). The entire allotment is proposed to be zoned IN1 General Industrial in the Draft LEP. The rear portion of the lot incorporates industrial development (<i>warehouse or distribution centre</i>). The commercial premises (<i>office premises</i>) of the media centre have occupied the site for several decades. This development would operate under the existing use provisions with either the IN1 or IN2 zone, as <i>office premises</i> are prohibited within the zone. A more suitable zone for the portion of the site occupied by office premises is B1 Neighbourhood Centre. This</p>	<p>intensity of industry in the area.</p> <ul style="list-style-type: none"> <li>The use of the IN2 zone will restrict the type of industrial development within these employment lands and potentially reduce business opportunities within the area.</li> <li>The use of the B1 Neighbourhood Centre Zone will regularise the existing media centre office development.</li> </ul> <p><b>Option B</b> No change</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>The use of IN1 zone provides a greater potential range of industrial land uses within the employment lands.</li> <li>The use of IN1 zone reduces the potential to provide a buffer for existing residential development.</li> <li>The use of IN1 for the media centre site does not reflect the social and economic significance of the existing office premises.</li> </ul>	<p>General Industrial zone east of Holland Street to IN2 excluding the media centre land as described above).</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		zone has been applied to the land that incorporates the IGA supermarket on the opposite side of Holland Street.		
8.4	<p><b>Object to the IN1 General Industrial zone prohibiting the following uses:</b></p> <ul style="list-style-type: none"> <li>• bulky goods premises,</li> <li>• business premises,</li> <li>• exhibition homes,</li> <li>• office premises,</li> <li>• administration buildings,</li> <li>• recreational facilities (indoor), and</li> <li>• retail premises.</li> </ul> <p><b>Object to the IN2 Light Industrial zone prohibiting the following uses:</b></p> <ul style="list-style-type: none"> <li>• bulky goods premises,</li> <li>• exhibition homes,</li> <li>• office premises,</li> <li>• public administration buildings, and</li> <li>• recreational facilities (indoor).</li> </ul> <p><b>Request is for these uses to be included as permissible with consent as Lismore does not have the diversity of the major</b></p>	<p>The land use table in the standard instrument mandates certain permitted and prohibited land uses in certain zones. For each zone, mandated uses may be set out under:</p> <ul style="list-style-type: none"> <li>- Item 2 (Permitted without consent)</li> <li>- Item 3 (Permitted with consent)</li> <li>- Item 4 (Prohibited).</li> </ul> <p>Directions in relation to certain zones also require some specified uses to be permitted either without consent under Item 2, or with consent under Item 3.</p> <p>In addition to the mandated uses, councils will need to determine for each zone whether to permit (with or without consent) or prohibit the other land uses defined in the dictionary but not specified in the mandated uses. Direction 3 at the beginning of the land use table (which follows clause 15 in the standard instrument) explains how councils are to set out additional permitted and prohibited land uses within the table for each zone.</p> <p>With regards to Bulky Goods Retailing, the Department of Planning &amp; Infrastructure (DP&amp;I) Practice Note (PN 06-002) states, <i>“that bulky goods retailing occurs in a business zone and not in an industrial zone. Such an outcome would ease pressure on employment lands. In 2011, a new objective was added to highlight that the purpose of industrial zones is to support and protect industrial land for industrial uses”</i>.</p> <p>With regards to the suggested business premises, exhibition homes, office premises, administration buildings and retail premise uses, the DP&amp;I Practice Note (PN 06-002) states that the IN1 General Industrial zone, <i>“is generally intended to accommodate a wide range of industrial and warehouse uses. Councils could choose to supplement the existing mandated industrial and warehouse uses by permitting heavy, and</i></p>	<p>Maintain the land use tables as publicly exhibited or amend the land use tables to include the items proposed.</p> <p>Consistent with DP&amp;I advice, it is recommended that the land use tables are maintained as publicly exhibited.</p>	<p>Amend the Draft LEP Instrument to include ‘bulky goods premises’ as a use permitted with consent.</p>



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>metropolitan areas. Therefore, excluding these uses from the IN1 and IN2 zones would severely restrict the ability to attract businesses to the region and the viability of maintaining investment in industrial premises.</p>	<p><i>offensive or hazardous industries, if appropriate. This zone would be suitable where a council wishes to have only one industrial zone". The IN2 Light Industrial zone "is generally intended for land that provides light industry, warehouse and distribution uses".</i></p> <p>Staff support some of the principles of the Practice Notes to ensure that industrial zoned land is available for industrial purposes and is not taken up by uses such as indoor recreational facilities that can consume large areas of land. However, it is also important for the DP&amp;I to recognise that regional centres such as Lismore have developed as mixed use areas over many years and do not have the same diversity of available land as major metropolitan centres. Excluding some of these uses from the industry zones, in particular 'bulky goods premises', could impact significantly on the attractiveness of Lismore to such businesses.</p> <p>However, other non-industrial uses that are not commercial in nature, such as child care centres, places of public worship or indoor recreation facilities should remain prohibited. It is noted that such uses are permitted with consent in a range of other zones. For example recreational facilities (indoor) are permitted with consent in the RU5, R1, R2, B1, B2, B3, B4, B6, RE1 and RE2 zones. Sufficient opportunities exist in these zones.</p> <p>Existing lawful uses can continue to operate under existing use rights.</p> <p>The Standard Instrument – Principal Local Environmental Plan (SILEP) issued in February 2011 revised the template upon which the draft LEP was prepared. The SILEP also contains some new definitions. These are discussed in Section 4.0 in the Principal LEP Report in this agenda.</p>		
8.5	<b>Object to restriction on range of industrial types</b>	North Lismore and South Lismore contain a mix of Industrial and Business zonings that provide opportunities for clusters of	Not applicable.	Refer to 8.4 above.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>of uses in the IN1 zone in South Lismore. The IN1 zone should allow the following with consent: business premises, bulky goods premises, service industry premises, retail and office premises. The nature of South Lismore is that it is a mixture of land uses including bulky goods, retail and some service industries. These uses will be prohibited under the new zoning. Many established businesses also have a combination of uses such as service and retail. The nature of a rural industrial area should be maintained and should not impose city type zonings on a rural town. It is unreasonable to impose restrictions on existing businesses - the current uses should be maintained and allowed for in any new LEP.</p>	<p>industrial uses and business uses in close proximity. This provides a mix of industrial and business uses in these suburbs.</p> <p>Please refer to discussion and recommendation for Issue 8.4 above.</p>		
8.6	<p><b>Object to the B6 Enterprise Corridor zone identifying 'Freight</b></p>	<p>The site is located at 210 Union Street approximately 400m south of the Ballina Road bridge crossing. Mills Transport occupies the site and would fit one of the definitions.</p>	<p>There are two (2) options available: include 'Freight transport facilities' as a permissible use or retain as</p>	<p>No change to the draft LEP.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>transport facilities', Transport depot' and 'Truck depots' uses as Prohibited uses. This specifically relates to 210 Union Street and the reasons for objection are:</p> <ul style="list-style-type: none"> <li>• reliance on existing use rights will detract from the opportunity for growth;</li> <li>• the site was chosen for its location on a main road and proximity to industrial areas;</li> <li>• encouraged by Council and Dept of Regional Development to locate to this site in 1968. The business has 110 employees and turns over \$24M;</li> <li>• the site is still suitable for the business and operates efficiently.</li> </ul>	<p>The B6 Enterprise corridor zone is located along Union Street and primarily adjoins areas zoned industrial. The intent of this zone is to provide opportunities for businesses along main roads and to encourage a mix of compatible uses that provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development). It is proposed along Union Street to increase the opportunities available for bulky goods retailing in Lismore.</p> <p>The objectives of the B6 Enterprise Corridor zone are:</p> <ul style="list-style-type: none"> <li>• To promote businesses along main roads and to encourage a mix of compatible uses.</li> <li>• To provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).</li> <li>• To maintain the economic strength of centres by limiting retailing activity.</li> <li>• To encourage development that would not otherwise be suitable, due to operational characteristics, in the B3 Commercial Core zone.</li> </ul> <p>'Freight transport facilities', 'Truck Depot' and 'Transport Depot' are uses that are not consistent with these objectives, although their ability to continue to operate in Union Street is acknowledged under existing use rights. The characteristics of these uses are considered to be more compatible and consistent with industrial zone objectives.</p>	<p>exhibited as a prohibited use in the B6 zone.</p> <p><b>Comments</b>                      'Freight transport facilities' are not consistent with the intent of the B6 zone. If this use is permissible in this zone new freight transport facilities may be located along the Enterprise corridor and utilise available B6 land.</p> <p>It is important to note that existing use rights are applicable and if this operation is to relocate in the future the land will become available for new uses permissible in the B6 zone.</p> <p>It is proposed that the land use table for the B6 Enterprise Corridor zone is maintained as publicly notified.</p>	
8.7	Object to RU2 Rural Landscape zone for 2 Skyline Road South, Goonellabah as it may prevent the owners	The subject site is approximately 6 hectares and is located at the intersection of Skyline Road South and Skyline Road. It is currently in the 1(a) General Rural zone and is proposed to be included in the RU2 Rural Landscape zone. Therefore, the proposal is a translation of the existing rural zone. <i>Home</i>	Not applicable.	No change to the draft LEP.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>from earning a living from any businesses that exceed the employment of more than 2 persons (other than those residing in the dwelling) and from servicing trucks and earthmoving equipment. The latter may constitute a small truck depot.</p>	<p><i>business and home industry</i> are permitted with consent. One of the requirements for these uses is that they do not involve the employment of more than 2 persons other than the residents.</p> <p>Council's records do not indicate any existing approvals for industrial uses. A <i>truck depot</i> is proposed to be prohibited in the RU2 Rural Landscape zone. From the information provided, the proposed use would be defined as a <i>car repair station</i> under the existing LEP 2000. This is a prohibited use in the 1(a) General Rural zone.</p> <p>Such a business activity would meet the objectives of the IN1 General Industrial zone and IN2 Light Industrial. Approval of a <i>truck depot</i> would require a planning proposal to rezoning the land to an industrial zone.</p>		
8.8	<p>Inadequate public consultation that favoured particular interest groups.</p>	<ul style="list-style-type: none"> <li>• The Draft LEP was on public exhibition from 29 April 2010 to 30 August 2010;</li> <li>• At the commencement of the public exhibition period the following were notified in writing:                             <ul style="list-style-type: none"> <li>➢ Land owners with 'significant' zone changes e.g. rural to environmental protection and those adjoining land release areas (&gt;2000)</li> <li>➢ Interest groups: rural, development industry, progress associations, community action group, environmental groups (70)</li> <li>➢ Government agencies, adjoining Councils (42)</li> </ul> </li> <li>• 17 different Fact Sheets were prepared;</li> <li>• Staff attended Village Halls for question and answer sessions</li> <li>• Presentations were made as requested (Workers Club, McLeans Ridges, Goolmangar), PAG meetings and Chamber of Commerce</li> <li>• Radio and TV coverage</li> <li>• Articles were placed in village newspapers and rural weekly</li> </ul>	Not applicable	No change.

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<ul style="list-style-type: none"> <li>• Weekly advertisements in Echo and Northern Star</li> <li>• Web site, telephone, counter, email, letter</li> <li>• Public Hearing for proposed land reclassification (Sept 2010).</li> </ul>		
8.9	<p><b>Business signs in Nimbin should not be neon or lit.</b></p>	<p>Illuminated signage in the 2(v) zone requires development consent under Lismore LEP 2000 and Lismore DCP. Development consent is still required for illuminated signage under the Draft LEP.</p>	Not applicable	No change
8.10	<p><b>Request clarification as to how the Draft LEP covers solar power generation.</b></p>	<p>Clause 34(8) SEPP (Infrastructure) 2007 allows for photovoltaic solar panels in prescribed residential zones (including RU5 Village zone) up to 100kW with development consent. Clause 39 of the SEPP allows for 10kW as exempt development (conditions apply) The Draft LEP is not to repeat the provisions of a SEPP.</p>	Not applicable	No change
8.11	<p><b>Support exclusion of dual occupancy from lots in strata plans or community title schemes. No further subdivision or dual occupancy should be permitted on community title. Specific reference to Jarlanbah in Nimbin.</b></p> <p><b>Dual occupancy should only be allowed in the R5 zone where lot size exceeds 0.5 ha.</b></p>	<p>The dual occupancy definition in the publicly exhibited draft LEP is: <b>dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.</b></p> <p>Jarlanbah is proposed to be included in the R5 Large Lot Residential zone. Dual occupancy, both detached and attached, are permitted with consent in R5 Large Lot Residential Zone. The above definition supports the submitter's comments. However, the Standard Template amendments issued in February 2011 has changed the definition of dual occupancy as follows:</p> <p><b>dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).</b></p> <p><b>Note.</b> Dual occupancies are a type of <b>residential accommodation</b>—see the definition of that term in this Dictionary.</p> <p><b>dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a</b></p>	Not applicable	No change

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p><i>secondary dwelling.</i>  <b>Note.</b> <i>Dual occupancies (attached) are a type of <b>dual occupancy</b>—see the definition of that term in this Dictionary.</i></p> <p><b>dual occupancy (detached)</b> means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.  <b>Note.</b> <i>Dual occupancies (detached) are a type of <b>dual occupancy</b>—see the definition of that term in this Dictionary.</i></p> <p>Land capability assessment, including the potential for more intensive development such as dual occupancy, is a matter that is addressed at development application stage. Clause 7.4 of the draft LEP provides criteria for assessment of detached dual occupancy. Appropriate conditions of consent may limit a community title subdivision to one dwelling per allotment.</p> <p>There is currently no minimum lot size for dual occupancy under the Lismore LEP 2000 or the Lismore DCP. This remains unchanged in the Draft LEP.</p>		
8.12	<p><b>Local Environmental Study not placed on exhibition and had no community input but it forms the basis of the draft LEP. Specifically:</b></p> <ul style="list-style-type: none"> <li>• <b>No validation of the data;</b></li> <li>• <b>Not addressed the Director-General’s requirements;</b></li> <li>• <b>supply &amp; demand analysis trivial;</b></li> <li>• <b>lot supply deficient of FNCRS requirements;</b></li> </ul>	<p>The Lismore Environmental Study accompanied the Draft LEP within the public exhibition period.</p> <p>The Lismore Environmental Study was prepared in accordance with the requirements of section 57 of the EP&amp;A Act 1979. The Draft LEP was prepared having regard to the environmental study in accordance with section 61 of the Act.</p> <p>The town and village growth boundary maps of the FNCRS are intended to supply land up until 2031. A Gateway Determination has been issued for the North Lismore Planning Proposal under Part 3 of the EP&amp;A Act.</p> <p>Section 2.3 of the Lismore Environmental Study addresses the future requirements for industrial land. Further analysis of future employment land will be undertaken as part of the Local Growth Management Strategy in coming years.</p>	Not applicable	No change

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<ul style="list-style-type: none"> <li>• only some land owners invited to make rezoning applications;</li> <li>• No objective analysis of whether release areas can be adequately and economically serviced;</li> <li>• Does not identify, qualify or quantify any strategic analysis for further employment land;</li> <li>• No supportive assessment on how the RU1 and RU2 lines were identified;</li> <li>• Flood planning areas (FPAs) are erroneous.</li> </ul>	<p>Refer to Attachment 1 regarding RU1 and RU2 zones and other rural issues.</p> <p>Refer to Attachment 3 for comment on flood mapping.</p>		
8.13	<p><b>Inadequate provision for suitable stock of future residential land. Suggest a growth management plan in the LEP showing areas identified for future urban development.</b></p> <ul style="list-style-type: none"> <li>• <b>Not all residential areas are included in the FNCRS, such as the Crawford land. This land is also not</b></li> </ul>	<p>Lismore City Council is currently preparing a Housing Strategy for the LGA. This will be used for the preparation of a Local Growth Management Strategy.</p> <p>The identification of land for urban development in a strategy is a preliminary indication of the potential suitability of the site for urban development. The landholder may wish to exploit the development potential of the land by lodging a planning proposal with Council under the guidelines prepared by the Department of Planning and Infrastructure.</p> <p>Appendix 1 (Sustainability Criteria) of the Far North Coast Regional Strategy makes provision for planning proposals that are outside of the regional strategy process.</p>	Not applicable	No change

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<p>included in the Lismore urban development strategy either.</p> <ul style="list-style-type: none"> <li>Object to the inclusion of lands as residential and urban that are not included in strategies. This is an unjustified inconsistency. All urban areas included in the strategies should therefore be included as residential in the draft LEP.</li> </ul>			
8.14	<p>The LEP needs to provide clearer direction on how the mix between residential, commercial, industrial etc is achieved in village areas.</p> <p>Certain land uses are permitted in RU5 village that are not appropriate for a village such as Bexhill. The RU5 zone allows for almost any type of development in Nimbin.</p>	<p>Lismore DCP Part B incorporates provisions relating to the villages of Nimbin, Dunoon and Clunes. Commercial, residential and industrial precincts are generally delineated in DCP maps applying to some of these villages.</p> <p>Landuse permissibility within RU5 Village zone under the Draft LEP is fairly broad. However, this is generally consistent with permissibility in the 2(v) Village zone under Lismore LEP 2000.</p> <p>The Far North Coast Regional Strategy describes a village in the Far North coast as a place that:</p> <p><i>Is a relatively small 'stand alone' (generally walkable).....</i></p> <p>The section 2.7 of the Lismore Environmental Study states: <i>the villages proposed to be zoned RU5 Village meet the objectives of the zone, provide a village lifestyle for residents and offer a range of facilities to meet the resident's needs.</i></p>	Not applicable	No change



No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>Moreover, the broad range of permissible landuses is consistent with the mandatory zone objective for the RU5 land. The relevant objective follows:</p> <p><i>To provide for a range of land uses, services and facilities that are associated with a rural village.</i></p>		
8.15	<b>Object to speeding boats as they are detrimental to the structure of the bank.</b>	Council has no jurisdiction over river traffic.	Not applicable	No change
8.16	<b>Each zone should include a complete list of zone objectives regardless of whether the specific objective is shared by one or more zones.</b>	<p>The DP&amp;I provides guidance to Councils regarding the use of Local Environmental Plan zone objectives. A relevant extract from LEP practice note PN 09-005 follows:</p> <p><i>If the same local objectives are being considered for several zones it may be best to include the overarching issue as an overall aim of the Plan, e.g. promotion of affordable housing or achieving ecologically sustainable development.</i></p>	Not applicable	No change
8.17	<b>Former Rural Residential land 1(c) will be translated to R5 Large Lot Residential. This will allow both granny flats and dual occupancies.</b>	SEPP (Affordable Rental Housing) 2009 permits granny flats in the R5 zone. A granny flat is not permitted if a dual occupancy already exists.	Not applicable	No change
8.18	<b>Objection to Home Occupation (Sex Services) permitted without consent.</b>	<p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> permits <i>home business, home industry</i> or a <i>home occupation</i> as exempt development. <i>Home occupation (sex services)</i> is separately defined and is not mandated as exempt development under the SEPP. Council has the option to require consent for this landuse.</p> <p>The Standard Instrument LEP definition for <i>home occupation</i></p>	<p><b>Option A</b></p> <p>No change to the publicly exhibited land use table.</p> <p><b>Option A Comments</b></p> <ul style="list-style-type: none"> <li>Action can be taken pursuant to the provisions of the Part 6 of</li> </ul>	<p><b>Option A</b></p> <p>No change to the land use table.</p>

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
		<p>(sex services) follows:</p> <p><b>home occupation (sex services)</b> means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:</p> <p>(a) the employment of persons other than those residents, or                      (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or                      (c) the exhibition of any signage, or                      (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.</p> <p>The Lismore Draft LEP proposes <i>home occupation (sex services)</i> as permitted without consent in the rural (RU1 &amp; RU2), business and industrial zones.</p> <p>The landuse is required to operate in accordance with the definition, like all home occupations. Compliance action can be undertaken pursuant to the provisions of Part 6 of the EP&amp;A Act 1979 for non-compliance.</p> <p>The Standard Instrument LEP definition for <i>sex services premises</i> follows:</p> <p><b>sex services premises</b> means a brothel, but does not include home occupation (sex services).</p> <p><i>Sex services premises</i> are proposed as permissible with consent in the industrial zones only.</p>	<p>the EP&amp;A Act 1979 for non-compliance.</p> <ul style="list-style-type: none"> <li>• <i>Home occupation</i> and <i>home occupation (sex services)</i> have similar restrictions regarding the maintenance of the neighbourhood amenity. A <i>home occupation</i> is mandated as exempt development under the SEPP.</li> </ul> <p><b>Option B</b>                      Amend the land use table to require development consent for <i>home occupation (sex services)</i> within the rural (RU1 &amp; RU2), business and industrial zones.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• Compliance action can be undertaken pursuant to the provisions of the Part 6 of the EP&amp;A Act 1979 for recalcitrant operators.</li> <li>• A <i>home occupation (sex services)</i> is not mandated as exempt development under the SEPP.</li> </ul>	
8.19	Concern about	The superseded <i>Landscape and garden supplies</i> definition	Not applicable	Amend the Draft LEP

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	permissibility of plant nursery in RU1 and RU2	<p>was permitted with consent in RU1 and RU2 in the Draft LEP. This definition incorporated nurseries.</p> <p>Table 5 in the Principal Council report outlines the land use table amendments required to reflect Standard Instrument changes.</p>		landuse table to include plant nurseries as permitted with consent in zones where the superseded <i>Landscape and garden supplies</i> were permissible.
8.20	<p><b>The draft Local Environmental Plan 2010 does not outline specific information relating to what is and isn't permitted with consent.</b></p> <p><b>The LEP is written in vague, open terms which are open to interpretation and legal definition. Maps are devoid of locational reference points which make it difficult for people to understand this legal document.</b></p> <p><b>If Council or state government want to change zoning then it should only be on new land purchases/transfers after an acceptance of the changes.</b></p>	<p>The Draft LEP and associated maps have been prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 and relevant Department of Planning and Infrastructure Practice notes and Planning Circulars. Moreover, the majority of the LEP provisions are mandated and cannot be amended.</p> <p>The Land Use Table specifies permitted and prohibited land uses.</p>	Not applicable	No change
8.21	<b>The constitution does</b>	Chapter 5 of the Australian Constitution allows States to	Not applicable	No change

No.	ISSUE	DISCUSSION	OPTIONS	RECOMMENDATION
	<b>not currently recognise Local Government.</b>	create their own legislation. The NSW Local Government Act 1993 (LG Act) provides a legal framework for Local Government. Clause 8 of the LG Act sets out a Council's charter and specifically clause 8(1) requires Local Government <i>"to engage in long-term strategic planning on behalf of the local community"</i>		
8.22	<b>Object to Rural Landsharing Communities from being excluded from Strata or Community Title subdivision options.</b>	The prohibition of subdivision for rural landsharing communities is consistent with Lismore LEP 2000 clause 42(8) and with clause 12 of the State Environmental Planning Policy No 15—Rural Landsharing Communities.	Not applicable	No change

## ATTACHMENT 9: MATTERS RAISED BY STAFF AND COUNCILLORS ~ DRAFT LEP2010

No.	Issue	Discussion	Recommendation
9.1	<b>Reference to R5 large lot residential should be removed from the clause 4.2A 'Dwelling-houses on land in certain rural and environmental zones' as it is a residential zone.</b>	The R5 Large Lot Residential Zone is classified as a residential zone under the Standard Instrument LEP.	Remove reference to R5 in clause 4.2A
9.2	<b>Clause 6.3 Development control plans (for urban release areas)</b>  <b>Draft LEP clause 6.3 does not make reference to biodiversity planning in recognised koala habitat areas.</b>	Clause 6.3(3) describes the nature of the provisions of a DCP for urban release areas. Clause 6.3(3)(c) requires a DCP to provide for a landscaping strategy for protection and enhancement of certain areas remnant vegetation as follows:  <i>6.3(3) The development control plan must provide for all of the following: (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain.</i>  Biodiversity conservation is about the conservation of all species, including koalas and their genetic diversity. The term remnant vegetation is generally interpreted as undisturbed with no evidence of logging, clearing or poisoning. A significant amount of high conservation value vegetation in the LGA is regrowth and not remnant. The substitution of "remnant vegetation" for "areas of ecological significance" would provide for the opportunity to consider regrowth vegetation.	Amend clause 6.3(3)(c) so that it reads:  <i>(c) an overall landscaping strategy for the protection and enhancement of riparian areas and areas of ecological significance, including koala habitat, visually prominent locations, and detailed landscaping requirements for both the public and private domain.</i>
9.3	<b>Clause 7.2(1)(c) Acid sulfate soils refers to major drains identified on the map. The map does not show these drains.</b>	A reference to major drains appears in the acid sulfate soils provisions in Lismore LEP 2000 and the major drains are listed in schedule 8. The DP&I has advised that the major drains could be added to the acid sulfate soil maps (pers comm.)	Amend the Draft LEP acid sulfate soils map to include the drains referred to in clause 7.2(1)(c).
9.4	<b>Clause 7.5 Rural Landsharing Community Development</b>	LEP 2000 requires that the majority of the allotment is within the Potential RLSC map. The Draft LEP requires that the majority of the land for the RLSC is in the Potential RLSC map.	Amend 7.5(2)(b) so that it reads:  <i>part of the land is located within an area shown as potentially suitable for rural</i>

	<b>Subclause 2 (b) states the “majority” of land must be identified on potential rural landsharing community development map. This can presents difficulties in implementation.</b>	<p>The Potential RLSC map has been developed using broad scale physical and environmental land capability assessment. Lands identified with potential were subjected to social, economic and infrastructure servicing capability assessment.</p> <p>Substitution of “the majority” with “part” would reduce reliance on the Potential RLSC map and allows for merit-based assessment at DA stage. The use of the word “part” will avoid the confusion with the word “majority” – is it 51%? It would also eliminate the need to vary a development standard in some instances.</p>	<i>landsharing community development on the Potential Rural Landsharing Community Development Map, and</i>
9.5	<b>Clause 7.7 Essential Services – need to include stormwater drainage and road access as essential infrastructure in the clause.</b>	<p>Clause 7.7 requires the consent authority to be satisfied that utility infrastructure essential for a proposed development is available, or arrangements are in place to make it available. Clause 7.7 includes follows: supply of water, electricity and management of sewage. It is suggested that the list be extended to include stormwater drainage and road access. Several other SI LEPs include stormwater drainage and road access.</p> <p>Council applies DCP and Policy provisions in relation to the provision of roads and stormwater drainage. The inclusion of these additional essential services elevates these requirements to a statutory level.</p>	<p>Add the following to clause 7.7(1)</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable road access.</i></p>
9.6	<b>SEPP (Exempt and Complying Development Codes) 2008 and SEPP (Infrastructure) 2007 has been amended since the Lismore Draft LEP was publicly exhibited.</b>	Noted. In addition to these SEPPs, it is proposed to include in Schedule 2 Exempt Development Draft exemption clauses that have been publicly exhibited by the DP&I but not commenced. The draft clauses cover matters such as signage, charity bins, shade structures and use of Council land.	<p>Amend Schedule 2 Exempt development and Schedule 3 Complying development to reflect recent amendments to SEPP (Exempt and Complying Development Codes) 2008 and SEPP (Infrastructure) 2007 and in Schedule 2.</p> <p>Amend Schedule 2 to include the draft exemption clauses publicly exhibited by the DP&amp;I in March 2010 and December 2010.</p>
9.7	<b>Shop top housing prohibited in B3 Commercial Core zone.</b>	This was an anomaly. Shop top housing is permissible with consent under the existing LEP 2000. The land use is compatible with the zone objectives. Shop top housing in the B3 Commercial Core zones can assist in activating the area outside of working hours.	Amend the land use table so that <i>shop top housing</i> is permitted with consent in the B3 zone.
9.8	<b>Currently in the B2 Local Centre zone environmental protection works are</b>	The Draft LEP definition of <i>environmental protection works</i> is, ‘works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush	Amend the land use table so <i>environmental protection works</i> are permitted without consent in the B2 Local

	permissible with consent. <b>Environmental protection works should be permissible without consent as they are in all other zones.</b>	<i>regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works</i> '.	Centre zone.
9.9	Reference to 'Riparian lands map' in dictionary.	The Draft LEP was exhibited without a riparian lands map but reference was made to the map in the dictionary. This was an oversight.	Delete <i>riparian lands map</i> definition from the dictionary.
9.10	Definition of Water Supply Protection Map needs to be updated – currently defined as Water Catchment Map.	Noted.	Delete the definition of water catchment map from the dictionary and replace with:  <b>Water Supply Protection Map</b> means the Lismore Local Environmental Plan 2011 Water Supply Protection Map.
9.11	Development consent 5.2010.541 extended Skyline Road cemetery into Lot 11 DP 549608. The allotment is zoned RU1 in the draft. Cemeteries are permissible in this zone. However, the rest of the cemetery and the crematorium are within SP2 in the draft.	Development consent 5.2010.541 was issued on the 14 <sup>th</sup> April 2011 for the extension of the Goonellabah cemetery. LEP Practice Note PN 11-002 advises that cemeteries should be zoned SP2 Infrastructure.	Amend the Land Zoning Map – sheet LZN-012 to include Lot 11 DP 549608 in the SP2 Infrastructure for the purposes of a cemetery.  Amend Draft LEP Lot Size Map LSZ-012 to remove a minimum lot size for Lot 11 DP 549608.
9.12	LEP 2000 amendment 29 included land at Lot 4, DP 1048778, Stony Chute Road, Nimbin (Parcel 28197) in Schedule 4. This land should be included in the R5 zone with an appropriate minimum lot size.	LEP 2000 amendment 29 gazetted 27/8/2010 for a maximum of twenty six (26) rural residential lots, one (1) neighbourhood lot under the <i>Community Land Development Act 1989</i> and a residue lot. It is difficult to specify the minimum lot size as a development application is yet to be lodged. The DP&I indicated the most appropriate way to deal with this is to list the amendment in schedule 1 of the Draft LEP. The existing sunset provision in schedule 29 is not supported by the DP&I.	Translate amendment 29, without the inclusion of the sunset provision, as listed in schedule 4 LEP 2000, to Schedule 1 of the Draft LEP.
9.13	Land is zoned B4 Mixed Use at Cambrian Street	Lot A DP 203679, 10 Molesworth Street Lismore, Lot 5 & 6 both in DP 536743, 4 & 6 Cambrian Street Lismore are currently within 6(a) Recreation	Amend the Land Zoning Map - sheet LZN-007 so that Lot A DP 203679, 10

	<b>Lismore but some lots are currently zoned 6(a).</b>	Zone. The land should be zoned RE1 Public Recreation in accordance with Lismore Environmental Study section 2.4 Recreation Zones.	Molesworth Street Lismore, Lot 5 & 6 both in DP 536743, 4 & 6 Cambrian Street Lismore are zoned RE1 Public Recreation.
9.14	<b>404 Cowlong Road, McLeans Ridges was subdivided as part of DA 95/436 and included in the RU2 Rural Landscape. It should be in the R5 Large Lot Residential zone.</b>	<p>Lot 4 DP 883395, 404 Cowlong Road McLeans Ridges was created as part of a fifteen (15) lot rural residential subdivision. All of the allotments with the exception of Lot 4 have been translated to R5 Large Lot Residential Zone with a minimum lot size of 2ha. Most of the allotments are under 2ha and Lot 4 is 5ha.</p> <p>Section 2.1.3 - Large Lot Residential of the Lismore Environmental Study states that a minimum lot size has been applied that will not facilitate further rural residential subdivision. A minimum lot size of 5ha is consistent with this approach.</p>	<p>Amend the Land Zoning Map LZN-005 for Lot 4, DP 883395 (404 Cowlong Road McLeans Ridges) to R5 Large Lot Residential.</p> <p>Add a minimum lot size category of 5ha to the key of the Lot Size Map. Amend the Lot Size Map LSZ-005 for Lot 4, DP 883395 (404 Cowlong Road McLeans Ridges) to a minimum lot size of 5ha.</p> <p>Amend the Height of Buildings Map – sheet HOB-005 for Lot 4, DP 883395 by restricting height to 8.5m</p>
9.15	<p><b>The Property at 206 Woodlawn Road (Lot 2 DP 215212) adjoins Woodlawn College and is zoned SP2. The zone should be RU1 the same as adjoining land.</b></p> <p><b>Minimum lot size is not applied to SP2 Infrastructure zone, however St John's College Woodlawn has a minimum lot size of 40ha.</b></p>	<p>206 Woodlawn Road (Lot 2 DP 215212) is not part of St John's College Woodlawn.</p> <p>St John's College Woodlawn is located on Lot 1 DP 175557 and Lot A DP 414929 and is within SP2 Infrastructure zone. A minimum lot size has not been applied to SP2 throughout the LGA. A minimum lot size of 40ha has been applied erroneously in this instance.</p>	<p>Amend the Land Zoning Map LZN-008 by changing Lot 2 DP 215212 from SP2 zone to RU1 zone.</p> <p>Amend the Lot Size Map sheet LSZ-008 so a minimum lot size does not apply to Lot 1 DP 175557 and Lot A DP 414929.</p>
9.16	<b>Numulgi Public School, Parcel 15544 is not owned by the Dept of Education. The land should be zoned RU1 instead of SP2.</b>	Noted	Amend the Land Zoning Map LZN-006 to substitute the SP2 zone on lot 123 DP 755729, 2 Duncan Rd Numulgi, (parcel 15544) for RU1.
9.17	<b>R5 zoning at Belbourie Crescent should be</b>	Lot 2 DP 876069 was part of a 10 lot rural residential subdivision. All of the allotments except for Lot 2 have been translated to R5 Large Lot	Amend the Land Zoning Map LZN-005 by changing Lot 2 DP 876069 from RU1 zone



	<b>extended to include Lot 2 DP 876069 (454 Boatharbour Road) the land was part of rural residential subdivision. Proposed zone is RU1 this should be changed to R5.</b>	Residential. The allotments generally have an area of 1ha with a 1ha minimum lot size in the Lot Size Map.  Section 2.1.3 - Large Lot Residential of the Lismore Environmental Study states that a minimum lot size has been applied that will not facilitate further rural residential subdivision. A minimum lot size of 1ha is consistent with this approach.	to R5 zone.  Amend the Lot Size Map sheet LSZ-005 for Lot 2 DP 876069 to apply a minimum lot size of 1 hectare.  Amend the Height of Buildings Map – sheet HOB-005 for Lot 2 DP 876069 by restricting height to 8.5m.
9.18	<b>Part of Slaters Creek North Lismore is unzoned and part of the Creek is zoned RU2 Rural landscape. The Creek should be zoned W2.</b>	The W2 zone is used for waterways in the urban area of Lismore. Council's Rivers and Creeks GIS layer has been used to determine waterways zones. The Rivers and Creeks layer is generally restricted to waterways with a stream order of 3 or greater. Slaters Creek is an order 2 stream; however it is clearly defined with cadastral boundaries, which is atypical for order 2 streams and the W2 zone is warranted in this instance.	Amend the Land Zoning Map LZN-007 by changing Slaters Creek, south east of Lake Street to W2 Recreational Waterway Zone.  Amend the Lot Size Map LSZ-007 for Slaters Creek North Lismore, south east of Lake Street so a minimum lot size does not apply.
9.19	<b>45 William Blair Ave zoned as RE1 is not owned by Council.</b>	The property was previously known as William Blair Park. The land was sold in June 2007.	Amend the Land Zoning Map LZN-008 by changing 45 William Blair Ave (Lot 17 DP 239507) to R1 General Residential Zone.
9.20	<b>23 Allambie Drive zoned as RE1 is privately owned.</b>	23 Allambie Drive Goonellabah (SP 85073) is privately owned, surrounded by land within R1 General Residential Zone.	Amend the Land Zoning Map LZN-008 for SP 85073, 23 Allambie Drive, Goonellabah. The land is to be zoned R1 General Residential.
9.21	<b>3 Barr Scott Drive zoned as RE1 is privately owned.</b>	3 Barr Scott Drive (Lot 29 DP 262148) Lismore Heights is privately owned, surrounded by land within R1 General Residential Zone.	Amend Land Zoning Map LZN-008 for Lot 29 DP262148, 3 Barr Scott Drive to change the zone to R1 General Residential.
9.23	<b>The following Council owned parcels are currently zoned 6(a) Recreation Zone and are not translated to RE1 in the Draft LEP:</b> • RU2 – 13 Exton Street -	A report was presented to Council on 8/9/09 regarding reclassification of Council owned land. 13 Exton Street (Lot 1 DP 957358) was proposed to be reclassified 'operational' and rezoned RU2 on the basis that it is not used for public recreation. The remaining 4 allotments were not included in the report and remain as community classified land.	Amend the Land Zoning Map – sheet LZN-008 for 1 Pine Street North Lismore (Lot 8 DP 709768) to include the land in the RE1 Public Recreation Zone.

	<p><b>Lot 1 DP 957358</b></p> <ul style="list-style-type: none"> <li>• <b>RU2 – 3 Exton Street - Lot 4 DP 973</b></li> <li>• <b>RU2 – 82 Bridge Street - Lot 2 DP 562049</b></li> <li>• <b>RU2 - 6 Peate Street - Lot 1 DP 718299</b></li> <li>• <b>R2 – 1 Pine Street - Lot 8 DP 709768</b></li> </ul>	<p>Lismore LES 2010 Section 2.4 – Recreation Zones, includes a methodology for the zoning of Council owned land. 3 Exton Street (Lot 4 DP 973) fronts Slaters Creek and is identified as a floodplain management reserve that should be in the RU2 zone. The adjacent Council owned Lot 2 DP 562049 (82 Bridge Street) is not listed in the LES table.</p> <p>Since the preparation of the LES the nomination of 3 Exton Street and the zoning of 13 Exton Street and 82 Bridge Street as being more appropriately zoned RU2 have been superseded to some extent by the activities occurring in conjunction with the ‘reconnecting to country’ and related stormwater management project. This is discussed further in 9.33 below.</p> <p>6 Peate Street, North Lismore (Lot 1 DP 718299) is listed in the LES table in section 2.4 for zoning to RU2. This is still legitimate as an isolated allotment of land that is not used for public recreation.</p> <p>1 Pine Street Nth Lismore (Lot 8 DP 709768) is not listed in section 2.4 of the LES for rezoning. The small, steep parcel of land has partially slumped into the adjoining Leicester Creek. The land should remain within a recreation zone.</p>	
9.24	<p><b>No minimum lot size for RU2 land at South Lismore around Frank and Alida Streets.</b></p>	<p>The 40ha minimum lot size has been omitted for this entire block of RU2 land in South Lismore in the Lot Size Map.</p>	<p>Amend the Lot Size Map LSZ-007 for the RU2 land in the following streets in Crown, Ostrom, Frank, Zara and Alida Streets, South Lismore. A minimum lot size of 40ha is to apply.</p>
9.25	<p><b>Minimum lot size for land at 5A Whispering Valley Drive is 40ha in draft LEP 2010. The land is zoned R5 Large Lot Residential.</b></p>	<p>Lot 2 DP 1088740 and Lot 7 DP 1074077 have an area of 65000m<sup>2</sup> and 50500m<sup>2</sup> respectively. They are currently in zone 1(a) General Rural and have been translated to R5 in the Draft LEP. Land to the west in Whispering Valley Drive, Richmond Hill has a minimum lot size of 2500m<sup>2</sup> and land to the east around Cowlong Road has a minimum size of 2ha.</p> <p>Section 2.1.3 - Large Lot Residential of the Lismore Environmental Study states that a minimum lot size has been applied that will not facilitate further rural residential subdivision. A minimum lot size of 5ha is consistent with this approach.</p>	<p>Amend the Lot Size Map LSZ-005 for Lot 2 DP 1088740 and Lot 7 DP 1074077 to a minimum lot size of 5ha.</p> <p>Amend the key to the Lot Size Map to include an additional lot size category of 5ha in the key.</p>
9.26	<p><b>Need to list proposed R5 Large Lot Residential land within 13A High Street</b></p>	<p>13A High Street Nimbin, Lot 1 DP 107523 has an area of 148m<sup>2</sup> and is proposed to be translated from 1(a) General Rural Zone to R5 Large Lot Residential Zone with a minimum lot size of 40ha. The square shaped</p>	<p>Include 13A High Street Nimbin, Lot 1 DP 107523 and 13 High Street Nimbin, Lot 3 DP 708400 in Schedule 1 – Additional</p>

	<p><b>Nimbin, Lot 1 DP 107523 and 13 High Street Nimbin Lot 3 DP 708400, in Schedule 1 – additional permitted uses.</b></p>	<p>allotment is entirely surrounded by Lot 3 DP 708400, 13 High Street Nimbin. 13 High Street has an area of 42780m<sup>2</sup> and is proposed to be translated from 1(a) General Rural Zone to R5 Large Lot Residential Zone with a minimum lot size of 3000m<sup>2</sup>.</p> <p>Both allotments are in the same ownership. A conceptual lot layout has been received by Council to support the rezoning proposal. The combined area of 4.2ha is proposed to be subdivided into 4 allotments ranging in area from 3740m<sup>2</sup> to 1.77ha. The proposed minimum lot size of 3000m<sup>2</sup> is inconsistent with the conceptual lot layout. The use of Schedule 1 – <i>Additional Permitted Uses</i> is appropriate in this instance, until such time as a development application is lodged.</p>	<p>permitted uses. The purpose is for a subdivision to create a maximum of 4 Large Lot Residential lots.</p> <p>Amend the Lot Size Map sheet LSZ-004 for Lot 3 DP 780400. The allotment is to have a minimum lot size of 40ha.</p> <p>Amend the Height of Buildings Map sheet LSZ-004 for Lot 1 DP 107523 and Lot 3 DP 780400. 8.5m is to apply to both allotments.</p>
9.27	<p><b>Need to list proposed R5 Large Lot Residential land within 357 Dunoon Road, Tullera (Lot 21 DP 1031582), in Schedule 1 – additional permitted uses.</b></p>	<p>357 Dunoon Road, Tullera Lot 21 DP 1031582 has an area of 35ha and is proposed to be translated from 1(a) General Rural Zone and 1(b) Agricultural Zone to RU1 Primary Production Zone and R5 Large Lot Residential Zone. The approximately 3.2ha proposed for R5 has a minimum lot size of 4000m<sup>2</sup>.</p> <p>A conceptual lot layout has been received by Council to support the rezoning proposal. The R5 area is proposed to be subdivided into 5 allotments ranging in area from 4885m<sup>2</sup> to 9565m<sup>2</sup>. The proposed minimum lot size of 4,000m<sup>2</sup> is inconsistent with the conceptual lot layout. The use of Schedule 1 – <i>Additional Permitted Uses</i> is appropriate in this instance, until such time as a development application is lodged.</p>	<p>1. Include Lot 21 DP 1031582, 357 Dunoon Road, Tullera in Schedule 1 – Additional permitted uses. The purpose is for a subdivision to create a maximum of 5 Large Lot Residential lots within the R5 portion of the allotment.</p> <p>2. Amend the Lot Size Map sheet LSZ-005 for Lot 21 DP 1031582. The entire allotment is to have a minimum lot size of 40ha.</p>
9.28	<p><b>The minimum lot size on the Draft LEP Minimum Lot Size Map for the recently approved Cameron Road, McLeans Ridges R5 subdivision (5.2010.77) is 3000m<sup>2</sup>. This requires amendment to ensure no further subdivision</b></p>	<p>Development consent 5.2010.77 approved a 62 Large Lot Residential subdivision at Lot 123 DP 731488 Boatharbour Road, Eltham; Lot 12 DP 842905, Boatharbour Road, Boatharbour; Lot 2 DP 588282, Lots 4 &amp; 5 DP 572949, Lot 6 DP 572949, Lot A DP 420518 and Lot 2 DP 551775 Cameron Road, McLeans Ridges.</p> <p>The lot sizes range from 3072m<sup>2</sup> to 9.19ha. A community lot was created with an area of 1.47ha and two residue rural lots both with an area in excess of 40ha. A minimum lot size should be applied that will not facilitate</p>	<p>1. Amend the Lot Size Map sheet LSZ-005 for the R5 Large Lot Residential development approved by DA 5.2010.77 by applying the following minimum lot sizes:</p> <p><u>Minimum lot size of 10 hectares:</u> Lot 31 (9.2ha) and Lot 105 (4.8ha)</p>

	<p>potential.</p>	<p>further Large Lot Residential subdivision.</p>	<p><u>Minimum lot size of 3 hectares:</u> Lot 22/23 (1.5ha), Lot 36 (2.7ha), lot 206 (1.5ha), Lot 208 (1.5ha), Lot 300 (3ha) and Lot 401 (2.2ha)</p> <p><u>Minimum lot size of 1 hectare:</u> the remainder of the R5 large residential lots</p> <p>2. Add a 10ha minimum lot size category to the key of the Lot Size Map.</p> <p><b>Note:</b> the two residue rural allotments already have the appropriate minimum lot size of 40ha and no amendment is required.</p>
<p>9.29</p>	<p><b>Building height limit for a dwelling house or development in residential zones should be the same as the height limit in Complying Codes (8.5m) instead of the current 8.4m.</b></p> <p><b>Delete the letter “T” that appears twice on Height of Buildings Map - sheet HOB-007 and replace with the correct letter “P”.</b></p>	<p>Lismore Draft LEP building height limits apply to the following zones: R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, RU5 Village, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core &amp; B4 Mixed Use.</p> <p>The following is a brief overview of the height restrictions and where they are applied:</p> <p>Area I – R1, R2 &amp; B1 at 8.4m                  Area L – B2, B3, B4 &amp; R2 (adjacent to peripheral B3) at 11.4m                  Area N – B3 (CBD) at 14.4m                  Area P – B3 (CBD) at 17.4m                  Area Q – B3 (CBD) at 20.4</p> <p>The complying development height limit for dwelling houses is set at 8.5m pursuant to <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	<p>Amend the key to the Height of Buildings Map as follows:</p> <p>Area I – 8.5m                  Area L – 11.5m                  Area N – 14.5m                  Area P – 17.5m                  Area Q – 20.5m</p> <p>Delete the letter “T” that appears twice on Height of Buildings Map - sheet HOB-007 and replace with the correct letter “P”.</p>

		<p>Lismore LEP 2000 does not include a development standard for height. Lismore DCP chapter 1 (Residential Development) sets a height limit of 7.2m. This distance is measured vertically from the uppermost ceiling to the natural ground level. In the case of cathedral or raked ceilings the distance is measured to the uppermost top plate.</p> <p>Lismore DCP chapter 1 (Commercial Development) sets height restrictions within the CBD ranging from 2 storeys to 5 storeys.</p> <p>The DCP height provisions will eventually require amendment regardless of whether the development standard for the height of a building in the residential zones is 8.4m or 8.5m.</p> <p>An amendment to the height limit for residential zones to 8.5m should be accompanied by amendments to the remaining height restrictions in order to simplify the Height of Building maps, thus avoiding confusion. This approach is consistent with the Lismore Environmental Study 2010.</p>	
9.30	152 Keen Street is not listed as heritage item or shown on the heritage map.	This property should be listed with 110 Magellan Street as it is part of the former Lismore High School and is currently listed as a heritage item in the Lismore LEP 2000.	Add 152 Keen Street, Lismore to schedule 5 – Environmental Heritage. The address is to be located with 110 Magellan Street as part of the Former Lismore High School.
9.31	The whole of Council's corporate centre at 43 Oliver Avenue is proposed to be zoned B2; however the rear part of the property is part of the Tucki Tucki Creek corridor. Consider applying an RE1 zone to the rear of the property, consistent with surrounding land.	<p>43 Oliver Avenue (Lot 9 DP 771616) is currently entirely within Zone No. 5 (Special Uses Zone). Land to the north on the opposite side of Oliver Avenue is in Zone No. 3(a) (Business Zone). Adjoining land to the east and south is generally in Zone 7(b) (Environmental Protection (Habitat) Zone).</p> <p>The Special Uses Zone is not part of the Standard LEP Instrument, although there is an infrastructure zone. However, it is not necessary to zone the land specifically for public buildings as the use is permissible in the adjoining proposed commercial zone, being B2 Local Centre zone.</p> <p>The B2 Local Centre zone is proposed for the Goonellabah village shopping centre precinct. The B2 zone is proposed to extend to land surrounding the shopping centre including the Goonellabah Sports and Aquatic Centre and land currently within Zone No. 5 on the southern side of Oliver Avenue. All of the existing 7(b) land to the east and south of the site has been translated to RE1 Public Recreation zone in the Draft LEP.</p>	<p><b>Option B</b></p> <p>Amend the relevant Land Zoning Map for Lot 9 DP 771616, 43 Oliver Avenue, Goonellabah. The developed portion of the allotment, north of the southern side of the car park is to remain as B2 Local Centre zone. The area of the allotment south of the car park is to be zoned RE1 Public Recreation.</p>

		<p>43 Oliver Avenue has an area of 3.1 hectares. The northern most approximately 1.2 hectares is developed and includes Lismore City Council's corporate centre, associated car parking and garages. The remaining southern portion of the land is vegetated with predominantly rainforest species consistent with an Endangered Ecological Community (Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions) pursuant to the <i>Threatened Species Conservation Act 1995</i>. The vegetation generally forms part of a contiguous strip of native vegetation that extends to the south for approximately 2 kilometres. The land slopes to the south east and incorporates two creeks (stream order 2). The rainforest species within the allotment were planted as part of a bush regeneration project during the 1990s. Weed infestation is generally low. There is a walking track that meanders through the site. The rear section of the land is incorporated in the Tucki Tucki Creek Recreation Park Goonellabah Plan of Management dated June 1996.</p> <p>Any future development within 40m of the watercourses at the rear of the allotment may be subject to the provisions of the <i>Water Management Act 2000</i> and require approval under that Act.</p> <p>Options with respect to the zoning of the allotment are:</p> <p><b>Option A</b> Maintain proposed B2 Local Centre zone over the entire allotment.</p> <p><b>Option A comments</b></p> <ul style="list-style-type: none"> <li>• The B2 zone applied to the area surrounding the intersection of Oliver Avenue and Simeoni Drive provides an important commercial hub for Goonellabah and adjacent areas.</li> <li>• The existing Zone No. 5 applies to the entire allotment.</li> <li>• The use of the B2 zone for the entire allotment does not reflect the constraints and attributes of the rear portion of 43 Oliver Avenue.</li> </ul> <p><b>Option B</b> Amend the relevant Land Zoning Map for Lot 9 DP 771616, 43 Oliver Avenue, Goonellabah to retain the developed portion of the allotment, north of the southern side of the car park in the B2 Local Centre zone and include</p>	
--	--	---	--

		<p>the area of the lot south of the car park in the RE1 Public Recreation zone.</p> <p><b>Option B Comments</b></p> <ul style="list-style-type: none"> <li>• The RE1 Public Recreation zone for the two thirds of the allotment south of the car park more accurately reflects the constraints and attributes of the allotment.</li> <li>• Consistent with the RE1 zone applied to adjoining land to the south and east.</li> <li>• Less business zoned land for Goonellabah.</li> <li>• Increased protection for the Endangered Ecological Community on the rear of the allotment.</li> <li>• Maintains the existing vegetated buffer for residential development in Cambridge Drive and Dudley Drive.</li> </ul> <p><b>Option C</b></p> <p>Amend the relevant Land Zoning Map for Lot 9 DP 771616, 43 Oliver Avenue, Goonellabah to apply the B2 Local Centre zone to the developed portion of the allotment, north of the southern side of the car park car park, apply the R1 General Residential Zone to an area of 3500m<sup>2</sup> in the south west corner of the lot with frontage to Cambridge Drive and apply the RE1 Public Recreation zone is to the remainder of the allotment.</p> <p><b>Option C Comments</b></p> <ul style="list-style-type: none"> <li>• The RE1 Public Recreation zone will assist in maintaining the integrity of the watercourses that pass through the allotment.</li> <li>• Generally consistent with the RE1 zone applied to the adjoining land to the south and east.</li> <li>• More accurately reflects the constraints associated with development in close proximity to watercourses.</li> <li>• Increased protection for the Endangered Ecological Community within the rear of the allotment.</li> <li>• The vegetation within the approximately 3500m<sup>2</sup> area of R1 zone in the south west corner of the lot is an Endangered Ecological Community.</li> <li>• Potential for three to four residential allotments or a larger residential lot for residential development.</li> </ul>	
<b>ISSUES RAISED BY COUNCILLORS AT DRAFT LEP BRIEFINGS IN JULY AND AUGUST 2011</b>			
9.32	<b>Rationale for proposed</b>	The Local Environmental Study states:	No change to the Draft LEP.

<p><b>zoning of creeks and other 'natural areas' in the Lismore urban area ie RE1 Public Recreation vs E3/E2 Environmental Management/ Environmental Conservation</b></p>	<p><i>An audit and inspection of all Council owned parks and reserves in the Lismore urban area has been undertaken as part of the investigations for determining appropriate zones for each land parcel.</i></p> <p><i>365 land parcels were audited and information was recorded on land area, existing use of the land and type of facilities provided (if any). Each land parcel was placed within one of the following categories according to its size, existing land use and nature of existing facilities and other improvements:</i></p> <ul style="list-style-type: none"> <li><i>• Regional/City Wide Park</i></li> <li><i>• Sporting Field</i></li> <li><i>• Neighbourhood Park</i></li> <li><i>• Urban Bushland</i></li> <li><i>• Floodplain Management Reserve</i></li> </ul> <p><i>Lands categorised as regional/city wide parks, sporting fields and neighbourhood parks are proposed as RE1 Recreation Zone in the draft LEP. Neighbourhood parks are those parks that have a local rather than regional function and are generally less than 3000m<sup>2</sup> in area.</i></p> <p><i>Lands that have been categorised as Urban Bushland are those that have significant environmental attributes and which are not necessarily suitable for development as neighbourhood or citywide/regional parks. In these cases land categorised as urban bushland is proposed to be included in the E3 Environmental Management Zone.</i></p> <p><i>Floodplain reserves are those lands that are subject to a high level of flooding hazard and which have often been acquired by Council because of their high flood hazard. Where these areas have not been required for neighbourhood parks or for regional/citywide open space purposes, the proposed zoning is RU2 Rural Landscape.</i></p> <p><u>Land near Council buildings in Oliver Avenue</u></p> <p>The LES describes the land close to Council Chambers that is currently zoned 7(b) as Regional/City Wide Park, which is the reason for inclusion in</p>	
---	---	--



		<p>the RE1 zone. Most of this land is also in the Tucki Tucki Creek Management Plan (despite not being part of Tucki Tucki Creek) and is consistent with the zone for the Tucki Tucki Creek corridor.</p> <p><u>Implications of Zone</u></p> <p>The RE1 is the Public Recreation zone. If land is identified as RE1, Council is the acquisition authority if the land is marked as 'local open space'. Land in the E3 zone does not have to be acquired by Council. The real issues are not related to the zone but to its ownership, classification under the <i>Local Government Act 1993</i> (if Council owned) and management. The table below shows the difference in permissible uses between the RE1 zone and E2/E3 zones. Note that the RE1 zone includes an objective to enhance the natural environment.</p> <p><u>Classification under the <i>Local Government Act 1993</i></u></p> <p>The classification of land under the <i>Local Government Act 1993</i> determines the ease with which Council can sell, lease or otherwise dispose of Council owned land. Regardless of whether land is in the RE1 zone or the E3 zone, if the land is classified 'community' Council is not able to sell it and a plan of management is required under the <i>Local Government Act 1993</i>.</p>	
<p>9.33</p>	<p><b>Proposed Zone for the area around Slaters Creek, North Lismore with particular focus on the 'reconnecting to country' project land.</b></p>	<p>Works are currently occurring on Council owned land adjacent, or in close proximity to Slaters Creek in North Lismore in connection with two (2) separately funded but related projects, being the 'reconnecting to country' and a project to improve stormwater management. These projects have achieved increased momentum since the Local Environmental Study was prepared and Council resolutions to rezone land from the Recreation zone in Tweed Street and Alexandra Parade.</p> <p>It is more appropriate for the land affected by these projects to be included in the Public Recreation Zone rather than the Rural Landscape zone.</p> <p>It is therefore recommended that the areas currently in the 6(a) Recreation zone in this area are included in the RE1 Public Recreation Zone and extend the RE1 Public Recreation zone to Council owned land adjacent to Slaters Creek. The proposed area is shown on Map in Attachment 12.</p>	<p>Amend the proposed RU2 Rural Landscape zone in the area of North Lismore shown on Map 21 in Attachment 12 to RE1 Public Recreation.</p>

9.34	<b>Proposed zoning along Hollingworth Creek.</b>	<p>Hollingworth Creek itself is zoned W2 Recreational Waterways. The W2 Recreational Waterways zone is generally intended for waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection. This zone aims to protect the ecological and scenic values of waterways but permits a wider range of recreational uses. The W2 zone is proposed for the sections of Wilsons River and Leycester Creek within the urban area of Lismore.</p> <p>Land adjoining Hollingworth Creek is included in a range of zones that reflects historical zoning and use. The primary zones are IN1, IN2, R2, B6 and RE1. It is not proposed that this is changed. The <i>Water Management Act 2000</i> and the new riparian clause in the draft LEP ensure that any development within 40m of the top of the bank is assessed and managed.</p>	No change to the Draft LEP.
9.35	<p><b>Appropriate zone for industrial areas that include houses. Intention is not to exclude industry but to consider whether the IN2 Light Industrial zone is more appropriate.</b></p> <p><b>Appropriate zone for industrial areas adjacent to residential areas.</b></p>	<p>Areas reviewed as follows are proposed in the exhibited Draft LEP to be included in the IN1 General Industrial Zone (also refer to Attachment 3):</p> <ul style="list-style-type: none"> <li>➤ The Northern side of Foleys Road and road adjacent to Ballina Road bridge) consists almost entirely of houses;</li> <li>➤ The Southern side of Foleys Road also contains a number of houses along with Hernes &amp; 92.9FM Radio Station;</li> <li>➤ Elliott Road west of Crown Street is dominated by houses;</li> <li>➤ Centenary Drive Estate, Goonellabah is adjacent to residential development. However, part of the estate could remain in the IN1 zone with the 'outer' streets zoned IN2. Refer to Issue 8.4 in Attachment 8;</li> <li>➤ The southern end of Barnes Avenue and parts of Cook Street, Elliott Road, Phyllis Street and Casino Street (western end), South Lismore where adjoining existing industrial development and zoned IN1 General Industrial.</li> </ul>	<p>Amend the Draft LEP Land Zoning Maps as follows:</p> <ul style="list-style-type: none"> <li>• Change the proposed IN1 General Industrial zone in the area west of Taylor Street, South Lismore (including Foleys Road) to the IN2 Light Industrial zone. Retain the IN1 zone for the area east of Taylor Street;</li> <li>• Change the proposed IN1 General Industrial zone in the Centenary Drive Goonellabah Industrial Estate as outlined in Attachment 8;</li> <li>• Change the IN1 General Industrial zone adjacent to the R2 zone in Barnes Avenue, Cook Street, Elliott Road, Phyllis Street and Casino Street South Lismore to IN2 Light Industrial, .</li> </ul>
9.37	<b>Review of permissible uses in the B1 zone as compared to the industry zone and the RU2 zone? Relevant to Terania Street, North</b>	The land use tables for the B1, Industry zones and the RU2 zone were reviewed.	No change to the Draft LEP except as discussed in the row below with respect to industrial zones.

<p><b>9.38</b></p>	<p><b>Lismore.</b>  <b>Review of uses permissible in the proposed Industry zones especially as compared to the current 4(a) Industrial zone.</b></p>	<p>Issues 8.4 and 8.5 in Attachment 8 also discuss the issue of uses that are currently permissible in the existing 4(a) Industry zone but which are now proposed to be prohibited in the IN1 and IN2 zones.</p> <p>It was confirmed that 'child care centres' should be made prohibited in the industry zones but that 'veterinary hospitals' should remain 'permitted with consent' due to the nature of these uses and their difficulty in locating in other zones.</p> <p>It was noted that 'rural industries' are proposed to be prohibited in the industry zones, which is not appropriate. This use should be made 'permitted with consent' in the General Industrial zone.</p>	<p>Amend the land use table for the IN1 General Industrial to make 'rural industries' permitted with consent and 'child care centres' prohibited.</p> <p>Amend the land use table for the IN2 Light Industrial zone to make 'child care centre' prohibited.</p>
--------------------	--	--	---

## Lismore Local Environmental Plan 2011

under the  
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning

## Contents

<b><u>Part 1 Preliminary</u></b> .....	<b>5</b>
1.1 <u>Name of Plan [compulsory]</u> .....	5
1.1A <u>Commencement of Plan</u> .....	5
1.2 <u>Aims of Plan [compulsory]</u> .....	5
1.3 <u>Land to which Plan applies [compulsory]</u> .....	5
1.4 <u>Definitions [compulsory]</u> .....	5
1.5 <u>Notes [compulsory]</u> .....	6
1.6 <u>Consent authority [compulsory]</u> .....	6
1.7 <u>Maps [compulsory]</u> .....	6
1.8 <u>Repeal of other local planning instruments applying to land [compulsory]</u> .....	6
1.8A <u>Savings provision relating to development applications (local)</u> .....	6
1.9 <u>Application of SEPPs and REPs [compulsory]</u> .....	7
1.9A <u>Suspension of covenants, agreements and instruments (local)</u> .....	7
<b><u>Part 2 Permitted or prohibited development</u></b> .....	<b>9</b>
2.1 <u>Land use zones [compulsory]</u> .....	9
2.2 <u>Zoning of land to which Plan applies [compulsory]</u> .....	9
2.3 <u>Zone objectives and land use table [compulsory]</u> .....	9
2.4 <u>Unzoned land [compulsory]</u> .....	10
2.5 <u>Additional permitted uses for particular land [compulsory]</u> .....	10
2.6 <u>Subdivision—consent requirements [compulsory]</u> .....	11
2.7 <u>Demolition requires consent</u> .....	11
2.8 <u>Temporary use of land (local)</u> .....	11
2.9 <u>Earthworks and drainage (local)</u> .....	12
<u>Land Use Table</u> .....	13
<b><u>Part 3 Exempt and complying development</u></b> .....	<b>30</b>
3.1 <u>Exempt development [compulsory]</u> .....	30
3.2 <u>Complying development [compulsory]</u> .....	30
3.3 <u>Environmentally sensitive areas excluded [compulsory]</u> .....	31
<b><u>Part 4 Principal development standards</u></b> .....	<b>33</b>
4.1 <u>Minimum subdivision lot size [optional]</u> .....	33
4.2 <u>Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]</u> .....	33

4.2A	<a href="#">Dwelling-houses on land in certain rural and environmental zones [local]</a>	33
4.2B	<a href="#">Rural workers dwellings [local]</a>	34
4.2C	<a href="#">No strata or community title subdivisions in certain rural or environmental protection zones [local]</a>	35
4.3	<a href="#">Height of buildings [optional]</a>	35
4.4	<a href="#">Floor space ratio [optional]</a>	36
4.5	<a href="#">Calculation of floor space ratio and site area [optional]</a>	36
4.6	<a href="#">Exceptions to development standards [compulsory]</a>	38
<b>Part 5</b>	<b><a href="#">Miscellaneous provisions</a></b>	<b>40</b>
5.1	<a href="#">Relevant acquisition authority [compulsory]</a>	40
5.2	<a href="#">Classification and reclassification of public land [compulsory]</a>	41
5.3	<a href="#">Development near zone boundaries [optional]</a>	41
5.4	<a href="#">Controls relating to miscellaneous permissible uses [compulsory]</a>	42
5.5	<a href="#">Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]</a>	43
5.6	<a href="#">Architectural roof features [optional]</a>	45
5.7	<a href="#">Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]</a>	45
5.8	<a href="#">Conversion of fire alarms [compulsory]</a>	46
5.9	<a href="#">Preservation of trees or vegetation [compulsory except subclause (9) optional]</a>	46
5.9AA	<a href="#">Trees or vegetation not prescribed by development control plan [compulsory]</a>	46
5.10	<a href="#">Heritage conservation [compulsory]</a>	48
5.11	<a href="#">Bush fire hazard reduction [compulsory]</a>	51
5.12	<a href="#">Infrastructure development and use of existing buildings of the Crown [compulsory]</a>	51
5.13	<a href="#">Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]</a>	51
<b>Part 6</b>	<b><a href="#">Urban release areas</a></b>	<b>53</b>
6.1	<a href="#">Arrangements for designated State Public Infrastructure [local]</a>	53
6.2	<a href="#">Public utility infrastructure [local]</a>	53
6.3	<a href="#">Development control plan [local]</a>	53
6.4	<a href="#">Relationship between Part and remainder of Plan [local]</a>	54
<b>Part 7</b>	<b><a href="#">Additional Local Provisions</a></b>	<b>55</b>
7.1	<a href="#">Acid sulfate soils [local]</a>	55
7.2	<a href="#">Agricultural works in sugar cane areas [local]</a>	56
7.3	<a href="#">Flood planning area [local]</a>	57
7.4	<a href="#">Detached dual occupancy in Large Lot Residential Zone [local]</a>	58
7.5	<a href="#">Rural landsharing community development [local]</a>	58
7.6	<a href="#">Development within urban water supply catchments [local]</a>	59
7.7	<a href="#">Essential services</a>	60
7.8	<a href="#">Riparian land and Waterways [local]</a>	60
617.9	<a href="#">Development in flight paths [local]</a>	61

<u>7.10</u>	<u>Development in areas subject to potential airport noise [local]</u>	.....62
<u>Schedule 1</u>	<u>Additional permitted uses</u>	.....63
<u>Schedule 2</u>	<u>Exempt development</u>	.....64
<u>Schedule 3</u>	<u>Complying development</u>	.....68
<u>Schedule 4</u>	<u>Classification and reclassification of public land</u>	.....72
<u>Schedule 5</u>	<u>Environmental heritage</u>	.....77
<u>Dictionary</u>		.....85

## Lismore Local Environmental Plan 2011

under the  
Environmental Planning and Assessment Act 1979

### Part 1 Preliminary

#### 1.1 Name of Plan [compulsory]

This Plan is **Lismore** Local Environmental Plan 2010.

#### 1.1A Commencement of Plan

This Plan commences on the day on which it is published on the NSW legislation website.

#### 1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **Lismore** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - To give effect to the desired outcomes, strategic principles, policies and actions contained in Council's adopted strategic planning documents.
  - To stimulate and strengthen the role of Lismore as a regional centre for agriculture, business, education, health, recreation, tourism and the arts.
  - To encourage a diverse range of housing, and the equitable and appropriate provision of services.
  - To conserve the heritage of Lismore through the integration of heritage conservation into the planning and development control process.
  - To protect, sustain and enhance Lismore's natural environment, particularly native fauna and flora.
  - To minimise the adverse effects of natural hazards, particularly flooding, bushfire and land instability.
  - To ensure development is consistent with the principles of ecologically sustainable development (ESD).

#### 1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.



#### 1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

#### 1.5 Notes [compulsory]

Notes in this Plan are provided for guidance and do not form part of this Plan.

#### 1.6 Consent authority [compulsory]

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

#### 1.7 Maps [compulsory]

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

#### 1.8 Repeal of planning instruments applying to land [compulsory]

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

**Note.** The following environmental planning instruments and deemed environmental planning instruments are repealed:

- (a) *Lismore Local Environmental Plan 2000*

### 1.8A Savings provision relating to development applications (local)

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

### 1.9 Application of SEPPs and REPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

**Note.** Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 15- Rural Landsharing Communities*

*State Environmental Planning Policy No 60—Exempt and Complying Development*

*North Coast Regional Environmental Plan*

### 1.9A Suspension of covenants, agreements and instruments (local)

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or

- (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor has, before the making of this clause, approved of subclauses (1)-(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones [compulsory]**

The land use zones under this Plan are as follows:

#### **Rural Zones**

RU1 Primary Production

RU2 Rural Landscape

RU3 Forestry

RU5 Village

#### **Residential Zones**

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B6 Enterprise Corridor

#### **Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

#### **Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

### **2.2 Zoning of land to which Plan applies [compulsory]**

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

### 2.3 Zone objectives and land use table [compulsory]

- (1) The Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must not grant consent to the carrying out of development in a particular zone unless the consent authority is of the opinion that the proposed development is consistent with the objectives of the zone in which it is to be carried out.
- (3) In the Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires development consent for subdivision of land.
- 5 Part 5 contains other provisions which require development consent for particular development. [see—*relevant clauses may be listed here*].

### 2.4 Unzoned land [compulsory]

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land [compulsory]

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements [compulsory]

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

**Note.** If the demolition of a building or work is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land (local)

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or has detrimental economic, social, amenity or environmental impacts on the land.
- (2) Despite any other provision of this Plan, development consent may be granted to development on land in any zone for any temporary purpose for a maximum period of 30 days (whether or not consecutive days) in any period of 12 months.

- (3) Development consent must not be granted unless the consent authority is satisfied that:
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any instrument, and
  - (b) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the site will, as far as practicable, be restored to the condition in which it was before the commencement of the use.
  - (e) the temporary use of land will not have a significant impact on traffic, parking or the management of waste, and
  - (f) the temporary use of land will not involve the provision of overnight camping or accommodation, and
  - (g) the temporary use of land will not involve the operation or use of a loudspeaker or sound amplifying device after 12 midnight, except within a building or place that is licensed as a place of public entertainment, and

## **2.9 Earthworks and drainage (local)**

- (1) The objective of this clause is to ensure development involving earthworks or drainage has regard for environmental and social values.
- (2) This clause applies to development involving the extraction, drainage or filling of land.
- (3) In determining whether to grant development consent, the consent authority must take into account the following matters in relation to the proposed excavation, drainage or filling:
  - (a) any potential adverse impact on:
    - (i) existing watercourses and drainage patterns, and
    - (ii) soil stability in the locality, and
    - (iii) drinking water supplies, and
    - (iv) landscape values and amenity, and
    - (v) the environmental values of land zoned E2 or E3, and
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land, and
  - (c) the quality of fill to be excavated or imported and its suitability for the proposed use, and

- (d) the source of any fill material or the destination of any excavated material, including transportation.



## Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007*—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy (Temporary Structures) 2007*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No 64—Advertising and Signage*

**Note.** Only the following types of development may be included in the Land Use Table:

Advertising structures; Agricultural produce industries; Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Aquaculture; Attached dwellings

Backpackers' accommodation; Bed and breakfast accommodation; Bee keeping; Biosolids treatment facilities; Boarding houses; Boat launching ramps; Boat building and repair facilities; Boat sheds; Building identification signs; Bulky goods premises; Business identification signs; Business premises

Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria

Dairies (pasture-based); Dairies (restricted); Depots; Dual occupancies; Dual occupancies (attached); Dual occupancies (detached); Dwelling houses

Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries

Farm buildings; Farm stay accommodation; Feedlots; Flood mitigation works; Food and drink premises; Forestry; Freight transport facilities; Function centres; Funeral homes

Garden centres; General industries; Group homes; Group homes (permanent) or permanent group homes; Group homes (transitional) or transitional group homes

Hardware and building supplies; Hazardous industries; Hazardous storage establishments; Health consulting rooms; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; High technology industries; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Horticulture; Hospitals; Hostels; Hotel or motel accommodation

Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture

Jetties

Kiosks

Landscaping material supplies; Light industries; Liquid fuel depots; Livestock processing industries

Marinas; Markets; Medical centres; Mooring pens; Moorings; Mortuaries; Multi dwelling housing  
 Neighbourhood shops  
 Offensive industries; Offensive storage establishments; Office premises; Open cut mining  
 Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public  
 administration buildings; Pubs  
 Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities  
 (outdoor); Registered clubs; Research stations; Residential accommodation; Residential care  
 facilities; Residential flat buildings; Resource recovery facilities; Respite day care centres;  
 Restaurants or cafes; Restricted premises; Retail premises; Roads; Roadside stalls; Rural  
 industries; Rural supplies; Rural workers' dwellings  
 Sawmill or log processing works; Schools; Secondary dwellings; Self-storage units; Semi-detached  
 dwellings; Seniors housing; Service stations; Serviced apartments; Sewage reticulation systems;  
 Sewage treatment plants; Sewerage systems; Sex services premises; Shops; Shop top housing;  
 Signage; Stock and sale yards; Storage premises  
 Take away food and drink premises; Timber yards; Tourist and visitor accommodation; Transport  
 depots; Truck depots; Turf farming  
 Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary  
 hospitals; Viticulture  
 Warehouse or distribution centres; Waste disposal facilities; Waste or resource management  
 facilities; Waste or resource transfer stations; Water recreation structures; Water recycling facilities;  
 Water reticulation systems; Water storage facilities; Water supply systems; Water treatment  
 facilities; Wharf or boating facilities; Wholesale supplies

## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To preserve rural resources by ensuring that the viability of rural land is not extinguished by inappropriate development or incompatible uses.
- To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from scenic amenity and character of the rural environment.

### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Forestry; Home based child care; Home occupations; Home occupations (sex services); Intensive plant agriculture

**3 Permitted with consent**

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and Breakfast accommodation; Boat sheds; Camping grounds; Caravan Parks; Cellar door premises; Cemeteries; Community facilities; Dwelling houses; Dual occupancies (attached); Eco-tourist facilities; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Garden centres; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Kiosks; Landscaping material supplies; Mooring pens; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural workers dwellings; Rural industries; Rural supplies; Sewerage systems; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RU2 Rural Landscape****1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To enable a range of other uses that are compatible with the flood hazard associated with the land.

**2 Permitted without consent**

Building identification signs; Business identification signs; Extensive agriculture; Environmental protection works; Forestry; Home-based child care; Home occupations; Home occupations (sex services); Intensive plant agriculture

**3 Permitted with consent**

Airstrips; Animal boarding and training establishments; Aquaculture; Bed and breakfast accommodation; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Dwellings houses; Dual occupancies (attached); Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Garden centres; Helipads; Home businesses; Information and education facilities; Intensive livestock agriculture; Kiosks; Landscaping material supplies; Light industries; Mooring pens; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Sewerage systems; Turf farming; Vehicle repair stations; Waste or

resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU3 Forestry

#### 1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### 2 Permitted without consent

Uses authorised under the *Forestry Act 1916*; Environmental protection works; Environmental facilities; Extensive agriculture; Forestry

#### 3 Permitted with consent

Boat launching ramps; Emergency services facilities; Farm buildings; Flood mitigation works; Jetties; Recreation areas; Research stations; Roads; Sewage reticulation systems; Water recreation structures; Water reticulation systems

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU5 Village

#### 1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage development that is of a design and scale that will enhance and preserve village character.
- To ensure that adequate provision is made for water supply, effluent disposal and refuse disposal.

#### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home based child care; Home occupations

#### 3 Permitted with consent

Advertisements; Advertising structures; Bed and breakfast accommodation; Boat sheds; Camping grounds; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Farm buildings; Flood

mitigation works; Health services facilities; Home businesses; Home industries; Horticulture; Information and education facilities; Light industries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Roads; Rural supplies; Schools; Service stations; Sewerage systems; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water supply systems; Water recreation structures; Wholesale supplies

#### 4 Prohibited

Bulky goods premises; Dairy (pasture-based); Farm stay accommodation; Hardware and building supplies; High technology industries; Rural workers dwellings; Serviced apartments; Timber yards; Vehicle sales or hire premises; Any development not specified in item 2 or 3

### Zone R1 General Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that new development is compatible with the character, and preserves the amenity, of each residential area.

#### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home-based child care; Home occupations

#### 3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Restaurants or cafes; Semi-detached dwellings; Seniors housing; Shop top housing; Tourist and visitor accommodation; Roads; Any other development not specified in item 2 or 4

#### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building or repair facilities; Canal estate development; Car parks; Charter tourism and boating facilities; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Entertainment facilities; Eco-tourist facilities; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments;

Heliports; Helipads; Highway service centres; Home occupation (sex services); Industries; Industrial retail outlets; Industrial training facilities; Marinas; Moorings; Mooring pens; Mortuaries; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers dwellings; Service stations; Sewage treatment plants; Sex service premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse and distribution centres; Waste or resource management facilities; Water recycling facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To limit the density of residential development to ensure development is compatible with the flood hazard associated with the land.

### **2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works; Home based child care; Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat sheds; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Sewage reticulation systems; Water recreation structures; Water reticulation systems

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide rural residential development of a quality and scale that is compatible with the character of the rural area.

## 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home based child care; Home occupations; Horticulture

## 3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Child care centres; Community facilities; Dwellings-houses; Dual occupancies; Educational establishments; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Sewerage systems; Water recreation structures; Water reticulation systems

## 4 Prohibited

Dairy (pasture-based); Any development not specified in item 2 or 3

### Zone B1 Neighbourhood Centre

#### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure development is of an appropriate scale, and is compatible with the character of the surrounding neighbourhood.

#### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home based child care; Home occupations; Home occupations (sex services)

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Home industries; Hotel or motel accommodation; Medical centres; Neighbourhood shops; Respite day care

centres; Shop top housing; Roads; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building or repair facilities; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Fright transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Heliports; Highway service centres; Hospitals; Industries; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Plant nurseries; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewage treatment plants; Sex service premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle repair stations; Vehicle body repair workshops; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

### Zone B2 Local Centre

#### 1 Objectives of zone

- 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.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- 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.

#### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home-based child care; Home occupations; Home occupations (sex services)

#### 3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4



## 4 Prohibited

Agriculture; Airports; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building or repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Freight transport facilities; Forestry; Heavy industrial storage establishments; Helipads; Heliports; Highway service centres; Industries; Industrial retail outlets; Marinas; Mooring pens; Moorings; Mortuaries; Port facilities; Recreation facility (major); Research stations; Residential accommodation; Roadside stalls; Rural industries; Sewage treatment plants; Sex service premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

## Zone B3 Commercial Core

### 1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage the development and expansion of retail, commercial, entertainment and community activities that will strengthen the City's role as a regional centre.

### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home-based child care; Home occupations; Home occupations (sex services)

### 3 Permitted with consent

Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airports; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building or repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heliports; Helipads; Highway service centres; Industries; Industrial retail outlets; Industrial training facilities; Mooring pens; Moorings; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; Sewage treatment plants; Sex service premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water storage facilities; Water treatment facilities

**Zone B4 Mixed Use****1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage a range of housing within a vibrant mixed use environment that is accessible to community facilities, commercial services and transport.

**2 Permitted without consent**

Building identification signs, Business identification signs, Environmental protection works; Home based child care, Home occupations; Home occupations (sex services)

**3 Permitted with consent**

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Biosolids treatment facilities; Boat building or repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industries;

Marinas; Moorings; Mortuaries; Port facilities; Recreation facilities (major); Rural industries; Rural workers dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource Management facilities; Water recycling facilities; Water storage facilities; Water treatment facilities; Wholesale supplies.

## **Zone B6 Enterprise Corridor**

### **1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.
- To encourage development that would not otherwise be suitable, due to operational characteristics, in the B3 Commercial Core zone.

### **2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works; Home-based child care; Home occupations; Home occupations (sex services)

### **3 Permitted with consent**

Business premises; Bulky goods premises; Community facilities; Garden centres; Hardware and building supplies; Home industries; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Roads; Rural supplies; Self storage units; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Function centres; Hazardous storage establishments; Heavy industrial storage establishments; Heliports; Helipads; Highway service centres; Hospitals; Industries; Liquid fuel depots; Marinas; Mooring pens; Moorings; Offensive storage establishments; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted

premises; Retail premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Waste or resource management facilities; Water recycling facilities; Water treatment facilities

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To ensure that development does not adversely affect the flooding characteristics of the area or increase the hazard of flooding on adjoining land.

### **2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works; Home based child care; Home occupations; Home occupations (sex services)

### **3 Permitted with consent**

Bulky goods premises; Depots; Freight transport facilities; General industries; Hardware and building supplies; Home industries; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Garden centres; Health services facilities; Highway service centres; Information and education facilities; Marinas; Mooring pens; Moorings; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Tourist and visitor accommodation; Water recreation structures

## Zone IN2 Light Industrial

### 1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home based child care; Home occupations; Home occupations (sex services)

### 3 Permitted with consent

Bulky goods premises; Depots; Hardware and building supplies; Home industries; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; General industries; Hazardous industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Heliports; Information and education facilities; Marinas; Mooring pens; Moorings; Offensive industries; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Water recreation facilities

**Zone SP2 Infrastructure****1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

**2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works.

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose. Advertisements; Advertising structures; Car parks; Emergency services facilities; Environmental facilities; Flood mitigation works; Helipads; Passenger transport facilities; Public administration buildings; Research stations; Roads

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation****1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure the community has adequate access to open space to meet the needs of all residents and improve amenity and quality of life.

**2 Permitted without consent**

Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Roads

**3 Permitted with consent**

Advertising structures; Boat sheds; Car parks; Camping grounds; Caravan parks; Charter and tourism and boating facilities; Child care centres; Community facilities; Entertainment facilities; Extensive agriculture; Flood mitigation works; Helipads; Function centres; Information and education facilities; Kiosks; Markets; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (major); Respite day care centres; Restaurants or cafes; Roads; Sewage reticulation systems; Water recreation structures; Water reticulation systems; Wharf or boating facilities

**4 Prohibited**

Dairy (pasture-based); Any development not specified in item 2 or 3

**Zone RE2 Private Recreation****1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide a range of recreational, educational and tourist activities on land in private ownership.

**2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works

**3 Permitted with consent**

Advertising structures; Car parks; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Educational establishments; Environmental facilities; Extensive agriculture; Flood mitigation works; Food and drink premises; Helipads; Information and education facilities; Kiosks; Markets; Passenger transport facilities; Places of public worship; Pub; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (major); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Sewage reticulation systems; Take-away food and drink premises; Water recreation structures; Water reticulation systems; Wharf or boating facilities

**4 Prohibited**

Dairy (pasture-based); Tourist and visitor accommodation; Any development not specified in item 2 or 3

**Zone E1 National Parks and Nature Reserves****1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.

- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

## 2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

## 3 Permitted with consent

Nil

## 4 Prohibited

Any development not specified in item 2 or 3

### Zone E2 Environmental Conservation

#### 1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To retain areas of unique natural vegetation, particularly rainforest remnants and ecologically endangered communities.

#### 2 Permitted without consent

Environmental protection works; Building identification signs; Business identification signs

#### 3 Permitted with consent

Environmental facilities; Flood mitigation works; Research stations; Roads; Water recreation structures; Water reticulation systems

#### 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### Zone E3 Environmental Management

#### 1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of wildlife habitats and associated vegetation and wildlife corridors.



**2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Camping grounds; Community facilities; Dwelling-houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Recreation areas; Research stations; Roads; Roadside stalls; Water recreation structures; Water reticulation systems

**4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone W1 Natural Waterways****1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Aquaculture; Boat sheds; Emergency services facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Mooring pens; Moorings; Recreation areas; Research stations; Roads; Water recreation structures; Water supply systems; Wharf or boating facilities

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Zone W2 Recreational Waterways

### 1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for activities that are compatible with, and compliment the scenic and ecological qualities of the waterway.

### 2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Moorings

### 3 Permitted with consent

Aquaculture; Boat building or repair facilities; Boat sheds; Car parks; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Markets; Mooring pens; Recreation areas; Recreation facilities (outdoor); Registered clubs; Research stations; Restaurants or cafes; Roads; Water recreation structures, Water supply systems; Wharf or boating facilities

### 4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development [compulsory]

**Note.** Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
  - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
    - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3).
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.

**(4A) A heading to an item in Schedule 2 is taken to be part of that Schedule.**

### 3.2 Complying development [compulsory]

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this Part,
 is complying development.
 

**Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
  - (3) To be complying development, the development must:
    - (a) be permissible, with development consent, in the zone in which it is carried out, and
    - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
    - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.

(4A) A heading to an item in Schedule 3 is taken to be part of that Schedule.

### 3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

- (2) For the purposes of this clause:

*environmentally sensitive area for exempt or complying development* means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
  - (a) to provide a minimum lot size for the subdivision of land.
  - (b) to ensure lot sizes have a practical and efficient layout to meet intended use.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

### 4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition

**Note:** When this Plan was made, it did not include zones RU4 or RU6

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

### 4.2A Dwelling-houses and dual occupancies on land in certain rural and environmental zones [local]

- (1) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E3 Environmental Management.
- (2) Development consent may be granted to the erection of a dwelling-house or dual occupancy (attached) on land to which this clause applies only if the land:
- (a) consists of an allotment created in accordance with clause 4.1, or
  - (b) consists of an allotment with an area equal to or greater than the area specified on the Lot Size Map, or
  - (c) consists of an allotment of land that was lawfully created before the day on which this Plan commenced, being a lot on which a dwelling-house could have been lawfully erected, without the use of State Environmental Planning Policy No. 1- Development Standards, immediately before that day, or
  - (d) consists of an allotment for which subdivision approval was granted before this Plan commenced and on which the erection of a dwelling would have been permissible immediately before that commencement if the plan of subdivision had been registered before that commencement.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008.

- (3) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, providing that on or before the completion of the second dwelling house the first dwelling house on the allotment is demolished or rendered uninhabitable so that it is not able to be separately occupied as a dwelling house; or
  - (b) the land would have been a lot referred to in subclause (2) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for any other public purpose.
- (4) Development consent may be granted to the erection of a dwelling-house on a parcel of land to which this clause applies only if erection of the dwelling-house will result in no more than one dwelling-house on the same parcel, unless otherwise provided by this Plan.

**4.2B Rural workers dwellings [local]**

- (1) This clause applies to land zoned RU1 Primary Production.
- (2) Rural worker's dwellings, may with development consent, be erected on land to which this clause applies, provided:
  - (a) each dwelling is located on the same parcel of land as the principal dwelling and the principal dwelling is occupied by the landowner or manager or someone engaged in the operation of the farm, and
  - (b) each dwelling is occupied by a worker directly engaged in agricultural employment on that land, and
  - (c) it can be demonstrated that the nature, scale and output of the agricultural enterprise:
    - (i) requires a rural worker to reside on the land, and
    - (ii) generates enough income to support an employee who is to occupy the dwelling.
  - (d) evidence is provided showing how the employee will assist in the management or operation of the farm and that no alternative local labour or housing is available, and
  - (e) the dwelling is located so that it minimises conflict with adjoining land uses and the erection of the dwelling will not significantly reduce the suitability of the land for agriculture, and
  - (f) any other dwellings on the land are occupied by persons substantially engaged in agricultural employment on that land, and
  - (g) each dwelling has the same road access as the principal farm dwelling.
- (3) A rural workers dwelling may, with development consent, be erected on a lot of land to which this clause applies on which a rural workers dwelling is already in existence only if the total number of rural workers dwellings does not exceed one for each 40ha of land within Zone RU1.

**4.2C No strata or community title subdivisions in certain rural or environmental protection zones [local]**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E1 National Parks and Nature Reserves,
  - (d) Zone E2 Environmental Conservation,



(e) Zone E3 Environmental Management.

- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan or community title scheme that would create lots below the minimum size shown on the Lot Size Map for that land.

#### 4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
- (a) to establish the maximum height for which a building can be designed,
  - (b) to provide for taller buildings in the city centre and to enable a transition in building height in response to varying urban character and function,
  - (c) to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

#### 4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
- (a) to establish the maximum site density for new development,
  - (b) to ensure the scale and bulk of development does not have an unacceptable or adverse impact on streetscape and the character of the area in which the development is located.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

#### 4.5 Calculation of floor space ratio and site area [optional]

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

**(2) Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

**(3) Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

**(4) Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

**(5) Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

**(6) Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

**(7) Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

**(8) Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of

applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

**(9) Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

**(10) Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

**(11) Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards [compulsory]**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

- (4) Development consent must not be granted for development that contravenes a development standard unless:
    - (a) the consent authority is satisfied that:
      - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
      - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
    - (b) the concurrence of the Director-General has been obtained.
  - (5) In deciding whether to grant concurrence, the Director-General must consider:
    - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
    - (b) the public benefit of maintaining the development standard, and
    - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
  - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:
    - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
    - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note:** When this Plan was made, it did not include zones RU4, RU6 or E4
  - (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
  - (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
    - (a) a development standard for complying development,
    - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
    - (c) clause 5.4.
- (8A) This clause does not allow development consent to be granted for development that would contravene clauses 6.2 or 6.3.**

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (***the owner-initiated acquisition provisions***).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone R1 General Residential and Zone RU1 Primary Production and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone RU1 Primary Production and Zone RU2 Rural Landscape and marked "Proposed Dunoon Dam Inundation Area"	Rous County Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note:** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority

for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

## 5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

## 5.3 Development near zone boundaries [optional]

- (1) 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.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **50 metres**.
- (3) This clause does not apply to:
  - (a) land zoned RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management or W1 Natural Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### **5.4 Controls relating to miscellaneous permissible uses [compulsory]**

##### **(1) Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than **5** bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

##### **(2) Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than **50** square metres of floor area.

##### **(3) Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the light industry must not involve the use of more than **60** square metres of floor area.

##### **(4) Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

**(5) Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**(6) Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.

**(7) Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.

**(8) Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 15 square metres.

**(9) Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

**5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]**

- (1) The objectives of this clause are as follows:
  - (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
  - (b) to implement the principles in the NSW Coastal Policy, and in particular to:
    - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
    - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
    - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and



- (iv) recognise and accommodate coastal processes and climate change, and
  - (v) protect amenity and scenic quality, and
  - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
  - (vii) protect and preserve native coastal vegetation, and
  - (viii) protect and preserve the marine environment, and
  - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
  - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
  - (xi) protect Aboriginal cultural places, values and customs, and
  - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
    - (i) maintaining existing public access and, where possible, improving that access, and
    - (ii) identifying opportunities for new public access, and
  - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
    - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
    - (ii) the location, and
    - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
  - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
    - (i) any significant overshadowing of the coastal foreshore, and
    - (ii) any loss of views from a public place to the coastal foreshore, and
  - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
  - (e) how biodiversity and ecosystems, including:
    - (i) native coastal vegetation and existing wildlife corridors, and

- (ii) rock platforms, and
  - (iii) water quality of coastal waterbodies, and
  - (iv) native fauna and native flora, and their habitats, can be conserved, and
- (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
  - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (d) the proposed development will not:
    - (i) be significantly affected by coastal hazards, or
    - (ii) have a significant impact on coastal hazards, or
    - (iii) increase the risk of coastal hazards in relation to any other land.

## 5.6 Architectural roof features [optional]

- (1) The objectives of this clause are:
- (a) to allow variation in building height to provide for decorative roof elements.
  - (b) to ensure the majority of the roof features are contained within the prescribed building height, and form an integral part of the building.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
- (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

- (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

#### **5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

#### **5.8 Conversion of fire alarms [compulsory]**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant development consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
 unless the Council is satisfied that the proposed activity:
  - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
  - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.
 

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.
- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**5.9AA Trees or vegetation not prescribed by development control plan [compulsory]**

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

**5.10 Heritage conservation [compulsory]**

**Note.** Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) **Objectives**

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of **Lismore**,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,

- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

**(2) Requirement for consent**

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

**(9) Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(10) Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.



### 5.11 Bush fire hazard reduction [compulsory]

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

### 5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without development consent under State Environmental Planning Policy (Infrastructure) 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### 5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and

- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

## **Part 6 Urban release areas**

### **6.1 Arrangements for designated State Public Infrastructure [local]**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State Public Infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated state infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities, or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

### **6.2 Public utility infrastructure [local]**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

### **6.3 Development control plan [local]**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in

accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
  - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and areas of ecological significance, including koala habitat, visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding, land instability and site contamination, and in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
  - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots.
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose.
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited.
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### **6.4 Relationship between Part and remainder of Plan [local]**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

## Part 7 Additional Local Provisions

### 7.1 Acid sulfate soils [local]

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface.  Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1,2,3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1,2,3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of work if:
  - (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan need not be carried out for the works, and

- (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
  - (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
  - (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out of agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams, and detention basins) or foundations or flood mitigation works, or
  - (b) the works are not likely to lower the watertable.

## **7.2 Agricultural works in sugar cane areas [local]**

- (1) Despite clause 7.1, development consent is not required to carry out works on land for the purpose of agriculture (including the construction of drains and dams, levelling land and carrying out road works and the like) if:
  - (a) a production area entitlement is in force in respect of the land when the works are carried out, and
  - (b) the works are carried out in accordance with a drainage management plan that is consistent with this clause, and
  - (c) the works are not carried out in respect of any major drains identified on the Acid Sulfate Soils Map, and
  - (d) the works are not carried out on land in Zone E2 Environmental Conservation or on land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* applies.
- (2) A drainage management plan for land is consistent with this clause if the plan:
  - (a) has been prepared in accordance with the Sugar Industry Best Practice Guidelines, and

- (b) specifies the management practices to be adopted to avoid or minimise an acid hazard on the land, and
- (c) provides information about:
  - (i) the depth, location and nature of acid sulfate soils on the land, and
  - (ii) the location and dimensions of existing, new and redesigned drains on the land, and
  - (iii) the nature of any earth moving activities to be carried out on the land, such as laser levelling, construction or enlargement of dams, or the like, and
- (d) has been audited and endorsed by the Sugar Milling Co-operative as being appropriate for the land.
- (3) In this clause:

*Sugar Milling Co-operative* means the New South Wales Sugar Milling Co-operative Limited (CAN 051 052 209) or its successor.

*Production area entitlement* means a contractual arrangement, between the Sugar Milling Co-operative and a grower member of that Co-operative, for the production for sugar cane milling.

*Sugar Industry Best Practice Guidelines* means guidelines adopted by the Council, approved by the Director-General and in force at the commencement of this Plan.

### 7.3 Flood planning area [local]

- (1) The objectives of this clause are as follows:
  - (a) to maintain the existing flood regime and flow conveyance capacity,
  - (b) to enable the safe evacuation of land subject to flooding,
  - (c) to avoid significant adverse impacts on flood behaviour,
  - (d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
  - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to land at or below the flood planning level, including land shown as flood planning area on the Flood Planning Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied in relation to all of the following matters:
  - (a) all habitable floor levels of the development will be above the flood planning level,



- (b) the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- (c) the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
- (d) the development will not affect the safe evacuation from the land,
- (e) the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses,
- (f) the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,
- (g) if located in a floodway – the development will not be incompatible with the flow conveyance function of, or increase a flood hazard, in the floodway.

#### **7.4 Detached dual occupancy in Large Lot Residential Zone [local]**

- (1) This clause applies to land within Zone R5 Large Lot Residential.
- (2) A detached dual occupancy may be erected with development consent, on an allotment of land to which this clause applies, only if the consent authority is satisfied that:
  - (i) both dwellings will have the same vehicular access from a public road, and
  - (ii) the second dwelling is located wholly within a radius of 80 metres from the first dwelling-house, and
  - (iii) the land is physically suitable for the construction of two dwellings, and
  - (iv) the land is physically capable of accommodating effluent disposal areas for both dwellings.

#### **7.5 Rural landsharing community development [local]**

- (1) This clause applies to land within Zone RU1 Primary Production as shown on the Potential Rural Landsharing Community Development Map.
- (2) Development consent may be granted to development for the purpose of 3 or more dwellings (inclusive of any existing dwellings on the land) on land to which this clause applies if:
  - (a) the land comprises a single allotment, and
  - (b) part of the land is located within an area shown as potentially suitable for rural landsharing community development on the Potential Rural Landsharing Community Development Map, and
  - (c) the land has an area of not less than 10 hectares, and

- (d) the part of the land on which any dwelling or structure is to be situated does not have a slope in excess of 18 degrees, and
  - (e) not more than 25 per cent of the land consists of prime agricultural land, and
  - (f) the part of the land on which any structure or work is to be situated is not prime agricultural land, and
  - (g) the land is within close proximity to services and community facilities, and
  - (h) adequate vehicular access is provided to the land.
- (3) Development consent must not be granted to development pursuant to this clause of land with an area specified in Column 1 of the Table to this subclause unless the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this subclause for land with that area.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<i>Area of land</i>	<i>Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)</i>
Not less than 10 hectares but not more than 210 hectares	$4 + \frac{(A - 10)}{4}$
More than 210 hectares but not more than 360 hectares	$54 + \frac{(A - 210)}{6}$
More than 360 hectares	80

- (4) If the number of dwellings calculated in accordance with the formula in subclause (3) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one-half or more, or rounded down to the nearest whole number in the case of a fraction of less than one-half.
- (5) Even if the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the maximum number of dwellings permitted by subclause (3), development consent must not be granted if those dwellings are so designed that they could, in the consent authority's opinion, reasonably accommodate more people than the number calculated by multiplying that maximum number of dwellings by 4.
- (6) Where development is carried out on land pursuant to this clause, the subdivision of that land is prohibited.

**7.6 Development within urban water supply catchments [local]**

- (1) The objective of this clause is to protect drinking water catchments from the impacts of development by minimising impacts on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land within the surface drainage catchments specified on the Water Supply Protection Map.
- (3) The consent authority must not grant development consent on land to which this clause applies unless the consent authority has considered:
  - (a) the potential for the development to cause or increase:
    - (i) soil erosion, including erosion caused by vegetation clearing, earthworks, road construction, or any other means,

- (ii) contamination of surface and groundwater resources, including contamination caused by the use of pesticides, herbicides, fuels and toxic chemicals, intensive horticulture/aquaculture/animal husbandry.
  - (iii) alterations to surface water flow,
  - (iv) any other potential adverse impacts on the water quality within the catchment.
- (b) measures to ameliorate or to avoid any adverse impact, including consideration of alternative locations for the development;
- (c) whether the proposed development would detrimentally affect the future construction of any dam,
- (d) any requirement of a water supply authority.
- (4) The consent authority must not grant development consent on land subject to this clause unless it is satisfied that the carrying out of the proposed development;
  - (a) would have a minimal impact on surface water and ground water quality and quantity, and
  - (b) will include appropriate controls for the mitigation of any pollution of surface and groundwater (including ongoing responsibility for maintenance of any works) and for any increase in the sediment content of water flows, and
  - (c) will not adversely affect the supply of water to the urban water supply or recharge rate of any aquifer.

### **7.7 Essential services**

- (1) Before determining a development application the consent authority must be satisfied that any utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required including:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage,
  - (d) stormwater drainage or on-site conservation, and
  - (e) suitable road access.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

### **7.8 Riparian land and Waterways [local]**

- (1) The objective of this clause is to protect and improve:
  - (a) water quality within waterways,
  - (b) stability of the bed and banks of waterways,

- (c) aquatic and riparian habitats, and
  - (d) ecological processes within waterways and riparian areas.
- (2) This clause applies to land that is a watercourse or situated within 40 metres of the top of the bank of a watercourse.
- (3) In assessing a development application, the consent authority must take into consideration the following matters:
- (a) the identification of potential adverse impacts on:
    - (i) water quality within the watercourse,
    - (ii) aquatic and riparian habitats and ecosystems,
    - (iii) stability of the bed, shore and banks of the watercourse, and
    - (iv) free passage of fish and other aquatic organisms within or along the watercourse,
  - (b) the likelihood that the development will increase water extraction from the watercourse, and
  - (c) any proposed measures to minimise or mitigate those impacts
- (4) Before granting development consent to which this clause applies the consent authority must be satisfied that:
- (a) the development is sited, designed and managed to avoid potential adverse environmental impacts, or
  - (b) where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.

### **7.9 Development in flight paths [local]**

- (1) The objectives of this clause are:
- (a) to provide for the effective and on-going operation of airports, and
  - (b) to ensure that any such operation is not compromised by proposed development in the flight path of an airport.
- (2) Development consent must not be granted to erect a building on land in the flight path of Lismore Airport, if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.
- (3) Before granting development consent to the erection of a building on land in the flight path of Lismore Airport, the consent authority must:
- (a) give notice of the proposed development to the relevant Commonwealth body, and
  - (b) consider any comment made by the relevant Commonwealth body within 28 days of its having been given notice of the proposed development, and

- (c) consider whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) In this clause:

Land is in the *flight path of an airport* if the relevant Commonwealth body has notified the consent authority that the land is in such a flight path.

**Relevant Commonwealth body** means the Department or other body of the Commonwealth having responsibility for airports.

#### **7.10 Development in areas subject to potential airport noise [local]**

- (1) The objectives of this clause are to ensure that development in the vicinity of Lismore Airport:
  - (a) has regard for the potential future use of the site as an airport, and
  - (b) does not hinder or have any other adverse impact on the development or operation of an airport on the site.
- (2) Development consent is required for the erection of a building on land where the ANEF exceeds 20 if it is erected for residential purposes or for any other purpose involving regular human occupation.
- (3) The following development is prohibited unless it meets the requirements of AS 2021–2000, Acoustics—Aircraft noise intrusion— Building siting and construction with respect to interior noise levels:
  - (a) residential accommodation on land where the ANEF exceeds 20,
  - (b) business premises, entertainment facilities, office premises, public buildings, retail premises, tourist and visitor accommodation on land where the ANEF exceeds 25.
- (4) The following development is prohibited:
  - (a) educational establishments, hospitals and places of public worship on land where the ANEF exceeds 20,
  - (b) residential accommodation on land where the ANEF exceeds 25,
  - (c) business premises, entertainment facilities, office premises, public buildings, retail premises, tourist and visitor accommodation on land where the ANEF exceeds 30.

## Schedule 1 Additional permitted uses

(Clause 2.5)

**Note.** Land the subject of the provisions of this schedule is shown on the Additional Permitted Uses Map

### 1 Use of certain land at Stony Chute Road, Nimbin

(1) This clause applies to land at Stony Chute Road, Nimbin, being Lot 4 DP 1048778.

(2) Development for the purposes of subdivision to create:

(i) a maximum of 26 Large Lot Residential lots and a neighbourhood lot under the *Community Land Development Act 1989*, and

(ii) a residue lot.

### 2 Use of certain land at High Street, Nimbin

(1) This clause applies to land at 13 and 13A High Street, Nimbin, being Lot 3 DP 708400 and Lot 1 DP 107523.

(2) Development for the purposes of subdivision to create a maximum of 4 Large Lot Residential lots.

### 3 Use of certain land at Dunoon Road, Tullera

(1) This clause applies to land at 357 Dunoon Road, Tullera, being Lot 21 DP 1031582.

(2) Development for the purposes of subdivision to create a maximum of 5 Large Lot Residential lots with the R5 Zone portion of the lot.

## Schedule 2 Exempt development

(Clause 3.1)

contains

**Note 1.** State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. That Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### Anti-bird and fruit bat netting in rural zones

- (1) Must be located wholly within the property boundaries.
- (2) Must be located clear of any registered easements.

### Awnings and canopies for child care facilities

- (a) Consent of the land owner required.
- (b) Not have an area more than 40m<sup>2</sup> in residential zones.
- (c) Not have an area more than 60m<sup>2</sup> in all other zones.
- (d) Be no higher than 3m above existing ground level.
- (e) Be at least 900mm from each lot boundary.
- (f) Located behind the building line.
- (g) Be constructed of low reflective factory pre-coloured materials.
- (h) Connected to a fascia or the existing building.
- (i) Be constructed of non-combustible material where located on bush fire prone land.

### Awnings and canopies over trade waste facilities

- (a) Consent of the land owner required.
- (b) Not have an area more than 20m<sup>2</sup>.
- (c) Be no higher than 3m above existing ground level.
- (d) Facilitate maintenance of trade waste device.
- (e) Enable all weather use and cleaning.
- (f) Be constructed of materials that match and or complement the design and appearance of the existing development.
- (g) Located behind the building line.
- (h) Connected to a fascia or the existing building.



**Charity bins**

- (a) Consent of the land owner is required.
- (b) Be limited to not more than 3 bins in any one property.
- (c) Not be directly accessible from a classified road.
- (d) Not display any advertising except for the details of the charity or organisation that owns the bin.
- (e) Not impact on existing approved landscaping or car parking provisions or within loading areas.
- (f) Be provided by a registered charity or organisation.

**Community or cultural centre, social or sporting club**

- (1) Excludes a club registered under the Registered Clubs Act 1976
- (2) Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a social or sporting club, or a community or cultural centre, the building may be used for any other of those purposes upon sufficient written notice being given to Council.
- (3) Development consent conditions imposed on the previous use and relating to the maintenance of landscaping, the parking of vehicles, or space for loading and unloading of vehicles, will apply to the new use.

**Electronic or mechanical amusement devices within retail premises**

- (a) Consent of the land owner is required.
- (b) Must be located wholly within the subject premises.
- (c) Not be more than 3 devices per property.
- (d) Associated with a lawful retail development.
- (e) Not be for gambling purposes.

**Extension to allow 24 hour operating hours in retail premises prior to Christmas**

- (a) Must be limited to 1 week prior to 25 December (Christmas).
- (b) Applicable only within lawful retail premises.

**Farm dams (within Zones RU1, RU2 and R5)**

Must be authorised or exempt from approval under the *Water Management Act 2000*.

**Farm irrigation systems (within RU1, RU2 and R5)**

Must be authorised or exempt from approval under the *Water Management Act 2000*.

**Fences (rural within Zone E3)**

The standards specified for that development are that the development must:

- (a) be not higher than 1.8m above ground level (existing), and
- (b) subject to paragraph (d), be constructed using post and wire or post and rail, and
- (c) if it is electrical fencing—be constructed in accordance with AS/NZS 3014:2003, *Electrical installations—electric fences*, and
- (d) if any part of it is a masonry decorative feature associated with an entrance gate on a boundary that has a frontage to a public road—not extend more than 3m from either side of the gate, and
- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
- (f) not redirect the flow of surface water onto an adjoining property, and
- (g) if it is constructed or installed on a flood control lot—not redirect or interrupt the flow of surface water on that lot.
- (h) not constructed or installed on or in, or adjacent to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

**Note.** If the fence is a dividing fence, the *Dividing Fences Act 1991* also applies.

**First use of a building or portion of a building**

- (a) Not to be used without an occupation certificate being issued for that portion of the base building the subject of the development consent for that portion of the base building.
- (b) Not result in an increase in the gross floor area.
- (c) Not result in a change of building use under the Building Code of Australia that is inconsistent with the construction certificate or Development consent for the base building.
- (d) Be consistent with the Development Consent for the base building in relation to any requirements concerning hours of operation, landscaping and car parking.

### Lighting (external)

- (1) Must not be for the lighting of tennis courts or sports fields.
- (2) Must not cause glare to adjoining properties or streets.

### Restumping an existing dwelling

- (1) Must be erected in accordance with the BCA.
- (2) Termite barriers are to be maintained or provided in accordance with AS 3660.1.
- (3) Timber framing is to be provided in accordance with AS 1684 and masonry construction is to be in accordance with AS 3700 and AS 4773.
- (4) Footings are to be in accordance with AS 2870.
- (5) The general floor height is to remain unaltered.
- (6) There must be no alteration to existing plumbing and draining.
- (7) In the case of a building listed as a heritage item or included in a heritage conservation area, the same materials as the existing stumps, bracing and infill are to be used.

### Signs

#### (1) General requirements

- (a) Must only advertise a business or event that is operated legally.
- (b) Must be wholly located on the land or premises to which the sign relates, unless it is a temporary sign and the consent of the owner of the property is obtained.
- (c) Must have the consent of the owner of the property on which the sign is located.
- (d) No more than 3 business identification signs per occupancy.
- (e) Must not cover mechanical ventilation inlets or outlets.
- (f) Must not be animated, flashing or moving.
- (g) Must be a minimum of 2.6m above any public footpath where the sign is not flush with the wall.
- (h) Must be at least 600mm from the kerb or roadway edge where the sign is over a public road. *Note: Signs erected over a public road requires consent under the Roads Act 1993.*
- (i) Must be of a professional finish and structural standard.
- (j) Must not be attached to a tree.
- (k) Must not be erected on any roof or above the line of any guttering, or awning.
- (l) Must not be erected on a heritage item.

- (m) Must not be erected on a brothel.
  - (n) Must contain a relevant English translation of equivalent prominence where the advertisement contains text in a language other than English.
  - (o) If the sign is illuminated, the illumination, including cabling, is to be concealed or integral with the sign.
- (2) Business identification signs - fascia signs in all zones
- (a) Not to project above or below the fascia or return end of the awning to which it is attached.
  - (b) Must not be illuminated.
  - (c) Must be fixed flat with the fascia.
  - (d) No more than 1 per occupancy.
  - (e) If not a rigid sign, must be within a rigid frame.
- (3) Business identification signs - flush wall and painted wall signs in all zones
- (a) Must be fixed flat to the wall to which it is attached.
  - (b) Must not project above or beyond the parapet or eaves.
  - (c) Must not cover any window, door or building element other than the wall.
  - (d) Must be securely fixed.
  - (e) 1 per occupancy.
  - (f) Must be no more than 3m above the natural ground level.
  - (g) Must be attached to the building containing the business.
  - (h) Must not be illuminated.
  - (i) Must not be erected in a heritage conservation area.
  - (j) A maximum area of 2.5m<sup>2</sup> in residential, rural and business zones.
  - (k) A maximum area of 8m<sup>2</sup> in industrial zones.
- (4) Business identification signs – portable weighted signs, A frame and retractable signs in business and industrial zones
- (a) Comply with the *Roads Act 1993*.
  - (b) Comply with the *Local Government Act 1993*.
  - (c) Not be erected on a classified road.
  - (d) Must not be illuminated.
  - (e) 1 per occupancy.
  - (f) Must be at least 2.4m from the shop/building front if located within a public road reserve.

- (g) Must be located at least 600mm from the kerb if located within a public road reserve.
  - (h) Must not be illuminated.
  - (i) Equitable access and clearances must comply with AS1428-2009.
  - (j) A maximum advertising area of 0.6m<sup>2</sup> on either side of the structure.
  - (k) A maximum area of 8m<sup>2</sup> in industrial zones.
- (5) Business identification signs – pole and pylon signs including directory board signs in industrial zones
- (a) 1 per occupancy.
  - (b) No higher than 6m above the existing ground level.
  - (c) Maximum area of 5m<sup>2</sup>.
  - (d) The sign must not obscure sight distance for vehicles entering or leaving the site.
  - (e) Must be built in accordance with engineer's certification for the structure and footings.
  - (f) Must not be a flagpole.
- (6) Business identification signs – suspended under awning signs (perpendicular to building front) in all zones
- (a) Must be below awning fascia.
  - (b) One per ground floor occupancy with a street frontage.
  - (c) Securely fixed by stiffened metal supports.
  - (d) Maximum area of 1.5m<sup>2</sup>.
  - (e) No higher than 0.5m.
  - (f) Erected horizontally to the ground.
  - (g) Erected at right angles to the building.
  - (h) Must not project beyond the awning fascia.
  - (i) Must not be illuminated in RU5, R1, R2 and R5 zones.
- (7) Business identification signs – top hamper signs (parallel to building front) in all zones
- (a) Must be securely fixed.
  - (b) Maximum area of 2.5m<sup>2</sup>.
  - (c) Maximum or 1 sign per street frontage.
  - (d) Maximum height of 600mm.
  - (e) Must be flat fixed.
  - (f) Must not be illuminated.

- (8) Business identification signs – vertical or horizontal projecting wall signs (above awning) in all zones
- (a) No more than 1 per occupancy.
  - (b) Maximum area of 1.5m<sup>2</sup> other than industrial zones where a maximum of 2.5m<sup>2</sup> applies.
  - (c) Maximum projection 1.5m.
  - (d) Must be securely fixed by metal supports.
  - (e) Must not be erected in a heritage conservation area.
  - (f) Must not be illuminated in RU5, R1, R2 and R5 zones.
- (9) Business identification signs – window signs in all zones
- (a) Maximum coverage of the window surface must not exceed 20% up to a maximum of 6m<sup>2</sup>.
  - (b) Must not be illuminated.
  - (c) Located on the ground level only.
- (10) Community notice signs and public information signs displayed by public authorities for directions and information in all zones
- (a) Maximum of 6m<sup>2</sup>.
  - (b) Must not be illuminated.
- (11) Sports field advertising in all zones
- (a) On or adjacent to sporting fields.
  - (b) Must identify event sponsors or sports teams only.
  - (c) Must be directed towards the spectators.
  - (d) Must be removable signs or fixings to fence enclosures, spectator stands, scoreboards or on the field.
  - (e) Must not be illuminated.
- (12) Real estate signs in all zones
- (a) Maximum of 1 per occupancy.
  - (b) Must be removed no later than 14 days of the sale of the property or in the case of a subdivision, when 90% of the lots are sold or within 5 years, whichever occurs first.
  - (c) Must be located on the property that is being advertised.
  - (d) Must not be illuminated.
  - (e) Maximum area.
    - Single dwelling – 2.5m<sup>2</sup>
    - Multi-dwelling development of less than 10 dwellings – 5m<sup>2</sup>

- Multi-dwelling development of 10 or more dwellings – 10m<sup>2</sup>
  - Commercial building – 5m<sup>2</sup>
  - Industrial property – 10m<sup>2</sup>
  - A subdivision of less than 20 lots – 10m<sup>2</sup>
  - A subdivision of between 20 and 50 lots – 15m<sup>2</sup>
  - A subdivision of 50 or more lots – 20m<sup>2</sup>
  - (f) Maximum height of 8m.
  - (g) Signs with a maximum area greater than 15m<sup>2</sup> must be located at least 6m from the nearest property boundary.
- (13) Temporary sign for religious, cultural, political, social or recreational events in all zones
- (a) The advertisement is a temporary advertisement for a social, cultural, political, or recreational event.
  - (b) Must be displayed no more than 28 days before the event.
  - (c) Must be removed within 14 days after the event.
  - (d) Maximum area of 3.5m<sup>2</sup>.
  - (e) No more than 1 per street frontage.
  - (f) Must be displayed on the property where the temporary event is to be held.
  - (g) May be attached to an existing boundary fence but must not project more than 100mm from the fence.
  - (h) Must not be illuminated.
- Note: does not include political signs for election campaigns which are regulated under the Parliamentary Electorate and Elections Act 1912.*
- (14) School signs must comply with the following in all zones
- (a) Maximum size – 0.75m<sup>2</sup>.
  - (b) Minimum distance apart – 3.5m.
  - (c) Maximum height to the top of sign – 1.5m above ground level (existing).
  - (d) Must relate to the school.
  - (e) Maximum – 6 signs per street frontage.

### Temporary events/uses on land under the control of Council

- (1) The use must not:
  - (i) Involve the operation or use of a loudspeaker or sound amplifying device after 12pm midnight, unless it is within a building or place that is licensed as a place of public entertainment.

- (ii) Involve the provision of overnight camping or accommodation.
  - (iii) Have, in Council's opinion as determined after the applicant has conferred with Council, a significant impact on traffic, parking or the management of waste.
- (2) Complies with relevant Council policies
  - (3) The use must have approval under S68 of the Local Government Act.

**Note: The event is to comply with the provisions of Schedule 2 of SEPP (Temporary Structures) 2007**

#### **Waste storage containers in road reserves and other public places**

- (a) Be not more than 3m in length.
- (b) Be limited to 1 container per property.
- (c) Be in position for not more than 14 days.
- (d) Be fitted with reflectors.
- (e) Have the name and contact details of the owner/proprietor clearly displayed.
- (f) Comply with the requirements of the Transport, Roads and Maritime Services.
- (g) Comply with the relevant legislation and licencing requirements.



## Schedule 3 Complying development

(Clause 3.2)

**Note.** State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for the development under that policy. The Policy has State-wide application.

### Part 1 Types of development

**Note 1.** A person may carry out an activity specified in this Schedule without getting a development approval from the consent authority, if the person obtains a complying development certificate and complies with the criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*). However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply. (For example, requirements relevant to this Schedule are contained in the Act, the Regulation, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and the *Swimming Pools Act 1992* etc).

**Note 2.** Information relevant to this Part is also contained in the Act, the Environmental Planning and Assessment Regulation 2000, the Protection of the Environment Operations Act 1997 and the Roads Act 1993.

### **Industrial buildings, warehouses or distribution centres (alterations or additions for administration or storage uses carried out in conjunction with a lawful use of the building)**

- (1) Application and general
  - (a) Additional floor area created must not be used for manufacturing, other industrial or like activity.
  - (b) Alterations or additions must not require licensing of the premises by the Environment Protection Authority, or, if an existing licence is in force, must not contravene a condition of the licence.
  - (c) Additional external areas must not be occupied for the purposes of storage or manufacturing or any other like activity.
- (2) Bulk and scale
  - (a) Maximum additional floor area created—300m<sup>2</sup> or 20% of the existing floor area, whichever is the lesser.
  - (b) Additions must not have a wall height greater than the adjoining wall height of the existing building.
  - (c) Additions must not have a roof height greater than that of the adjoining roof height of the existing building.
  - (d) Maximum floor space ratio—0.5:1 (additions : total floor space of all buildings on the site).
- (3) Setbacks and siting

Minimum development setback, 20m from a main road boundary or 10m from any other road boundary.

- (4) Design and finishes  
The design, materials and finish, including colours, of additions (including roof pitch and treatment) must be either the same or similar to that used in the existing building.
- (5) Site works  
Maximum cut or fill to alter a level—500mm.
- (6) Landscaping and open space  
A landscaped strip at least 3m wide to each street frontage planted with a mix of canopy trees with a mature height of not less than 10m, and shrubs with a mature height of 5m at a density of 1 plant per 3m<sup>2</sup>.
- (7) Access, parking and traffic
  - (a) Must have safe and direct access to a public road.
  - (b) Existing lawful arrangements for car parking and vehicle access must not be altered, other than as follows:
    - (i) Factories—1 car parking space per 40m<sup>2</sup> of office and showroom area, plus 1 car parking space per 100m<sup>2</sup> of gross floor area, or 1 car parking space per 2 employees, whichever is the greater.
    - (ii) Warehouses—1 car parking space per 300m<sup>2</sup> of gross floor area.
  - (c) Must not change existing driveway access or loading and unloading arrangements, other than lawful changes made wholly within the site that do not contravene any condition of a development consent applying to the land.
- (8) Waste management  
Garbage and waste storage areas must be located where they cannot be seen from a public place.
- (9) The current use of the premises must not be an existing use within the meaning of section 106 of the *EP&A Act 1979*.

#### **Recreation facilities (hit-up walls)**

- (1) Must be on a lot on which a dwelling house is erected.
- (2) Must only be for private use.
- (3) Must be set back at least 2m from each property boundary.
- (4) Must be located behind the building line.
- (5) Maximum height —3m above ground level (existing).
- (6) Maximum length—7m.
- (7) Must not be illuminated.
- (8) Paved area associated with the wall must be constructed so that it drains directly into the existing on-site stormwater drainage system.

- (9) Perimeter netting must be installed in accordance with the manufacturer's specifications.
- (10) The window of any habitable room of a dwelling house, a clothes drying area or designated barbecue, playground or primary recreation area including a swimming pool located on adjoining land must not be in the shadow of the development between 10.00 am and 3.00 pm on 21 June.....

## Part 2 Complying development certificate conditions

**Note.** Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
<b>Blakebrook</b>	Lot 1 DP845473, 184 Keerrong Road
<b>Blue Knob</b>	Lot 31 DP880280, 715 Blue Knob Road
<b>Caniaba</b>	Lot 41 DP1018780 626 Caniaba Road Lot 42 DP1018780, 147 Fredericks Road Lot 43 DP1018780, 25 Sandalwood Drive
<b>Clunes</b>	Lot 3 DP1008469, 308 James Gibson Road
<b>East Lismore</b>	Lot 1 DP772948, 11 Ballina Road Lot 5 DP233507, 1A Conte Street Lot 1 DP121499, 10 Gerard Street Lot 2 DP121499, 12 Gerard Street Lot 1 DP568127, 161 Military Road Lot 13 DP707243, 76 Victoria Street
<b>Goonellabah</b>	Lot 10 DP1088977, 12A Heather Avenue Lot 11 DP549608, 627 Skyline Road
<b>Larnook</b>	Lot 1 DP860193, 34 Mulvena Road
<b>Lismore</b>	Lot 2 DP122976, 28A Cathcart Street Lot 1 DP997501, 30 Dawson Street Lot 21 DP853496, 68A Dawson Street Lot 7 DP556100, 21A Gaggin Lane Lot 2 DP545483, 23A Gaggin Lane Lot 1 DP711795, 23 Glasgow Lane Lot 1 DP537452, 5 King Street Lot 21 DP187062, 14B Molesworth Street
<b>Lismore Heights</b>	Lot 1 DP530873, 72A High Street Lot 5 DP882373, 34A Millar Street Lot 2 DP212718, 36A O'Flynn Street

<b>Nimbin</b>	Lot 1 DP827005, 22A Cullen Street Lot 231 DP830171, 4 West Road
<b>North Lismore</b>	Lot 1 DP957358, 13 Exton Street Lot 35 Sec 3 DP975080, 184 Lake Street Lot 1 DP795770, 77 Tweed Street Lot 1 DP197047, 91 Tweed Street Lot 2 DP197047, 97 Tweed Street Lot 33 Sec 3 DP975080, 105 Tweed Street Lot 34 Sec 3 DP975080, 107 Tweed Street Lot 1 DP942, 111 Tweed Street Lot 2 DP942, 113 Tweed Street Lot 3 DP942, 115 Tweed Street Lot 4 DP942, 117 Tweed Street Lot 5 DP942, 119 Tweed Street Lot 6 DP942, 121 Tweed Street Lot 7 DP942, 123 Tweed Street
<b>South Gundurimba</b>	Lot 2 DP326163, 203 Coraki Road Lot 1 DP439845, 205 Coraki Road
<b>South Lismore</b>	Lot 2 DP127281, 7 Hollingsworth Street Lot 11 DP1093668, 41 Krauss Avenue Lot 12 DP1093668, 57 Krauss Avenue Lot 2 Sec 7 DP4372, 14 Taylor Street Part Lot 1 DP 122285, 16 Taylor Street, being the area within IN1 General Industry Zone Lot 1 DP122295, 147 Three Chain Road Lot 1 DP 772523, 182A Union Street Lot 14 Sec 4 DP5237, 184 Union Street Lot 26 Sec 4 DP5237, 208 Union Street Lot 6 Sec 2 DP 1691, 208B Union Street Lot 1 Sec 7 DP4372, 1 Wardell Street Lot 1 DP127280, 5 Wardell Street Lot 2 DP127280, 5A Wardell Street Lot 1 DP127281, 7 Wardell Street
<b>The Channon</b>	Lot 1 DP864350, 34 Standing Street
<b>Woodburn</b>	Lot 31 DP878692, 27 North Woodburn Lane

## Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
<b>East Lismore</b>	Lot 220 DP800502, 20 Airforce Road	Nil
<b>Goonellabah</b>	Lot 1 DP261784, 33 Allambie Drive	Nil
	Lot 1 DP815940, 603 Ballina Road	Nil
	Lot 42 DP249486, 1A Chilcott Drive	Nil
	Lot 43 DP249486, 2A Chilcott Drive	Nil
	Lot 96 DP263169, 69 Cynthia Wilson Dve	Nil
	Lot 38 DP246195, 1 Figtree Drive	Nil
	Lot 39 DP246195, 2 Figtree Drive	Nil
	Lot 19 DP246560, 99 Invercauld Drive	Nil
	Lot 19 DP1066242, 35 Kadina St	Easement for sewerage purposes 3m, 3.5 m wide and variable width affecting land burdened in DP1046283, noted on Certificate of Title Identifier 19/1066242 Easement to drain water 2.5m, 3m and 4.4m wide appurtenant to DP1048804 noted on Certificate of Title Identifier 19/1066242
	Lot 28 DP854771, 34 Palmvale Dve	Nil
	Lot 31 DP246781, 25 Sunrise Cres	Nil
	Lot 35 DP248490, 1A Westview Drive	Nil

Lot 34 DP248490, 2A  
Westview Drive

Nil

---



**Part 3 Land classified, or reclassified, as community land**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage Items

Suburb	Item name	Address	Property description	Significance	Item number
<b>Bexhill</b>	Former Bexhill School of Arts	47-49 Coleman Street	Lot 2/16/DP758102 Lot 3/16/DP758102	Local	I1
	House	67A McPherson Road	Lot 1/DP306521	Local	I2
<b>Bentley</b>	Bungabee State Forest	Bordering Bice Road, Leycester, Back Creek Road, Bentley, and Cawongla Road, Rock Valley	N/A	Local	I3
<b>Blakebrook</b>	Blakebrook Public School Grounds	417 Rosehill Road	Lot 2/DP859866	Local	I4
<b>Buckendoon</b>	'Cabarita'	2970 Wyrallah Road	Lot 45/DP755699	Local	I5
<b>Clunes</b>	St John's Presbyterian Church	11 Main Street	Lot 1/DP733621	Local	I6
	'Kembla'	40 Main Street	Lot 9/DP739071	Local	I7
	Clunes Public School Grounds	19 Walker Street	Lot 111/DP859126	Local	I8
	Clunes Coronation Hall	22 Walker Street	Lot 1/DP955838	Local	I9
<b>Corndale</b>	Corndale Hall	556 Corndale Road	Lot 1/DP332976	Local	I10
<b>Dunoon</b>	Dunoon Cemetery	1271 Dunoon Road	Lot 255/DP728184	Local	I11
	Uniting Church Tree Plantings	1615 & 1615A Dunoon Road	Lot 200/DP755703	Local	I12

	Dunoon Public School Grounds	65 James Street	Lot 2/DP101737	Local	I13
	St Andrews Presbyterian Church	104 James Street	Lot 2/A/DP7241	Local	I14
	Dunoon War Memorial	1/114 James Street	N/A	Local	I15
	'Cedarville'	27 Rayward Road	Lot 12/DP883561	Local	I16
	'Wendela'	143 Rocky Creek Dam Road	Lot 1/DP538691	Local	I17
<b>East Coraki</b>	Glebe Bridge	Richmond River, bridging Coraki Road	N/A	Local	I18
	House	511 Tuckurimba Road	Lot 1/DP798966	Local	I19
<b>East Lismore</b>	Former Barham Street Cemetery	17 Barham Street	Lot 188/DP755718	Local	I20
	Lismore Cemetery	1, 9A, 9B & 9D Airforce Road	Lot 571/DP729271 Lot 572/DP729271 Lot 573/DP729271 Lot 313/DP755718	Local	I21
	House	312 Molesworth Street	Lot 4/DP387879	Local	I22
<b>Eltham</b>	Eltham Village Tea Room	445 Eltham Road	Lot 1/DP924456	Local	I23
	'Maybrook'	652 Eltham Road	Lot 321/DP871562	Local	I24
	Homestead & Outbuilding, Sharefarmers Cottage & Dairy	688 & 688A Eltham Road	Lot 1/DP 799204 Lot 20/DP755718	Local	I25
	Masonic Hall	5 & 5A Mayfield Street	Lot 1/DP223008 Lot 1/DP973111	Local	I26
	Eltham Railway Cottage	Adjacent to Eltham Railway Bridge, Johnston Road	N/A	Local	I27
<b>Fernside</b>	St Thomas Anglican Church	32 Fernside Road	Lot 2/DP1009446	Local	I28

	Disputed Plains Homestead	1014 Kyogle Road	Lot 1/DP837015	Local	I29
<b>Girards Hill</b>	House	42 Cathcart Street	Lot 2/DP1043593	Local	I30
	"Trevallyn"	69 Cathcart Street	Lot10/DP32824	Local	I31
	Ringby	35 John Street	Lot B/DP371683	Local	I32
	House	38 John Street	Lot 1/DP17323	Local	I33
	"Clovelly"	13 Wyrallah Road	Lot 1/DP531015	Local	I34
<b>Goonellabah</b>	"Tulloona" House	562 Ballina Road	Lot A/DP358562	State	I35
	'Rochdale House'	612 Ballina Road	Lot 4/DP573800	Local	I36
	Alphadale Cemetery	1223 Bruxner Highway	Lot 585/DP728676 Lot 1/DP243284	Local	I37
	Trees	Road Reserve outside 612, 622 and 632 Skyline Road	N/A	Local	I38
<b>Lindendale</b>	'Ermello'	1248 Bruxner Highway	Lot 322/DP864005	Local	I39
<b>Lismore</b>	House	207 Ballina Road	Lot 48/DP12620	Local	I40
	The Lismore Club	9 Club Lane	Lot 2/DP1114333	Local	I41
	Boarding House (Gwalia Flats)	7 Coleman Street	Lot 1/DP783155	Local	I42
	TAFE College	64 Conway Street	Lot1/DP617733	Local	I43
	Barbeques Galore	68 Conway Street	Lot 1/DP940538	Local	I44
	Former St Mary's Convent	3 Dawson Street	Lot 1/DP1032771	Local	I45
	House	29 Hindmarsh Street	Lot 8/DP3759	Local	I46

St Andrews Anglican Ministry (Former Police Station)	17 Keen Street	Lot 11/4/DP758615	Local	147
Former Church of Christ	178 Keen Street	Lot A/DP300790	Local	148
St Pauls Presbyterian Church	188 Keen	Lot 4/DP557962	Local	149
St Pauls Memorial Hall	190 Keen Street	Lot 3/DP557962	Local	150
St Carthages Catholic Cathedral	6-10 Leycester Street	Lot 1/DP780144 Lot2/DP780144 Lot 3/DP780144	Local	151
Former Lismore High School	110 Magellan Street and 52 Keen Street	Lot 14/DP867281 Lot 15/DP867281	Local	152
Lismore Police Station	40 Molesworth Street	Lot 1/DP242042	Local	153
Westpac Bank	65 Molesworth Street	Lot 1/DP526617	Local	154
Band Rotunda	3/115 Molesworth Street	Lot 576/DP729276	Local	155
CWA Rooms	1/115 Molesworth Street	Lot 576/DP729276	Local	156
Spinks Park	115 Molesworth Street	Lot 576/DP729276	Local	157
Queen Victoria Reign Fountain	115 Molesworth Street	Lot 576/DP729276	Local	158
Boer War Memorial	4/115 Molesworth Street	Lot 576/DP729276	Local	159
Former Lismore Municipal Building	165 Molesworth Street	Lot 1/DP118542	Local	160
Lismore Bowling Club	171A Molesworth	Lot 8/DP42455	Local	161

	Street				
	Former Post Office	172 Molesworth Street	Lot 1/DP776438	Local	I62
	Memorial Baths	179 Molesworth Street	Lot 538/DP755718	Local	I63
	Commonwealth Bank	180 Molesworth Street	Lot 1/DP121070	Local	I64
	The Lismore Clinic	185 Molesworth Street	Lot 1/DP743135	Local	I65
	Former District Works Office	186 Molesworth Street	Lot 17A/DP758615	Local	I66
	Armstrong House "Kiaora"	83A Uralba Street	Lot 3/DP383879	Local	I67
	Graham Centre	22 Woodlark Street	Lot 2/DP554707	Local	I68
	Former Govt Savings Bank	30 Woodlark Street	Lot 1/SP61719	Local	I69
	Lismore Uniting Church	116 Woodlark Street	Lot 9/DP17545	Local	I70
	Uniting Church Hall	118 Woodlark Street	Lot 9/DP17546	Local	I71
	Public Trustees Office (Former Rectory)	6 Zadoc Street	Lot 2/DP568066	Local	I72
	Lismore Court House	9 Zadoc Street	Lot 3/DP242042	Local	I73
	St Andrews Anglican Church	14 Zadoc Street	Lot 14/4/DP758615	Local	I74
<b>McLeans Ridges</b>	'Ellery House'	6 Pearson Road	C/DP408558	Local	I75
	Glassware Gallery	264 Cowlong Road	Lot 412/DP865262	Local	I76
<b>Modanville</b>	Modanville Public School Grounds	889 and 877 Dunoon Road	Lot 227/DP755729 Lot 320/DP728529	Local	I77

<b>Monaltrie</b>	'Monaltrie'	451 Wyrallah Road	Lot 2/DP700634	Local	178
<b>Mountain Top</b>	Nimbin Rocks	332 Lodge Road	Lot 170/DP723061	Local	179
	Nightcap Range and National Park	502 Newton Drive	Lot 1/DP125326	Local	180
<b>Nightcap</b>	Nightcap Range and National Park	Terania Creek Rd	N/A	Local	181
<b>Nimbin</b>	Rainbow Power Station	7 Alternative Way	Lot 53/DP858241	Local	182
	Nimbin Showground	37 Cecil Street	Lot 2/DP774889	Local	183
	House	34 Cullen Street	Lot 1/DP207473	Local	184
	Former Bank	39 Cullen Street	Lot 32/DP5446	Local	185
	Freemasons Hotel	53 and 53A Cullen Street	Lot 2/DP310018	Local	186
	Nimbin Park and War Memorial	67 and 69 Cullen Street	Lot 110/DP755739 Lot 111/DP1013827	Local	187
	Nimbin Central School Grounds	71 Cullen Street	Lot 11/DP1013827	Local	188
	St Patrick's Church Grounds	92 and 96 Cullen Street	Lot 1/DP6038 Lot 2/DP6038 Lot 3/DP6038	Local	189
	Nimbin Rocks	2345A Nimbin Road	Lot 1/DP819154	Local	190
	Nimbin Cemetery	23 and 23A Nimbin Cemetery Road	Lot 120/DP728510	Local	191
<b>North Lismore</b>	Winsome Hotel	11 Bridge Street	Lot 1/DP709256	Local	192
	Richmond River High School	89 Lake Street	Lot 1/DP119026	Local	193

	Woodlawn College	189 and 203 Woodlawn Road	Lot A/DP414929 Lot1/DP175557	Local	I94
<b>Richmond Hill</b>	Roy Waddell Community Centre	149 Richmond Hill Road	Lot 2/DP558729	Local	I95
<b>Rosebank</b>	Dry stone wall	312 and 356 Ridgewood Road	Lot 5/847264 Lot 1/110068	Local	I96
<b>South Lismore</b>	Station Hotel	2 Casino Street	Lot 100/DP849951	Local	I97
	City Club Apparel	52-54 Newbridge Street	Lot 35/DP12399 Lot 1/DP634967	Local	I98
	Lismore Railway Station	38 Union Street	Lot 2/DP1006135	State	I99
<b>Tucki Tucki</b>	Tucki Tucki Nature Reserve	11 Munro Wharf Road, 1497 & 1499 Wyrallah Road	Lot 96/DP755746 Lot 97/DP755746 Lot121/DP755746	Local	I100
	House	1129 Wyrallah Road	Lot 11/DP135081	Local	I101
<b>Tullera</b>	Spinaze Park	686 Dunoon Road	Lot 32/DP856398	Local	I102
<b>Whian Whian</b>	Whian Whian State Forest	416ANightcap Range Road; Rocky Creek Dam Road	Lot 1/DP729490 N/A	Local	I103
<b>Wyrallah</b>	House	27 Bridge Street	Lot 4/9/DP1104	Local	I104
	Wyrallah Cemetery	1050 Wyrallah Road	Lot 18/DP755746	Local	I105

## Part 2 Heritage Conservation Areas

Suburb	Item name	Significance	Item number
<b>East Lismore</b>	Dalley Street Conservation Area	Local	C1
<b>Eltham</b>	Eltham Conservation Area	Local	C2



<b>Suburb</b>	<b>Item name</b>	<b>Significance</b>	<b>Item number</b>
<b>Girard's Hill</b>	Girard's Hill Conservation Area	Local	C3
<b>Lismore</b>	St Andrew's Conservation Area	Local	C4
<b>Lismore</b>	Spinks Park/Civic Precinct Conservation Area	Local	C5
<b>Lismore</b>	St Carthages Conservation Area	Local	C6
<b>Nimbin</b>	Nimbin Conservation Area	Local	C7

**Part 3 Archaeological sites**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item number</b>
<b>Bexhill</b>	Boatharbour Nature Reserve and Jetty	624 Bangalow Road	Lot 381/DP725859	Local	A1
<b>Eltham</b>	Railway Bridge	Wilson's Creek adjacent to Eltham Road	N/A	Local	A2
<b>Lismore</b>	Fawcett's Bridge	Wilsons River, joining Bridge and Woodlark Streets	N/A	Local	A3
<b>Monaltrie</b>	Monaltrie Cemetery (Wilson Family)	55 Monaltrie Road	Lot 1/DP168943	Local	A4
<b>North Lismore</b>	Locheil	1 New Street	Lot 2/DP713307	Local	A5
	Pioneer Cemetery and Memorial Rest Park	2 Nimbin Road	Lot 304/DP729253	Local	A6
	Railway Viaduct	Terania Street	N/A	State	A7
<b>South Lismore</b>	Coleman's Bridge	Leycester Creek	N/A	State	A8
	Railway Shed	7 Engine Street	Lot 1/DP1006135	State	A9
	Railway Straight Carriage Shed	18, 20 & 30 Kyogle Street	Lot 16/DP861248 Lot 15/DP861248 Lot 14/DP861248	State	A10
	Railway Wharf	Wilson's Creek adjacent to Union Street	N/A	State	A11
	Norco Butter Factory	112-124 Union Street; 4-6 Taylor Street	Lot 1/DP182789 Lot 1/DP431075 Lot 12/DP861248 Lot 4/22/DP2613 Lot 5/22/DP2613 Lot 6/22/DP2613 Lot 7/22/DP2613 Lot 8/22/DP2613 Lot 1/1/DP1691 Lot 1/DP105055 Lot 2/DP1050558	Local	A12
Lismore City Council	Former Power Station	246 Union Street	Lot 1/1/DP1691	Local	A13

Lismore City Council Meeting held 10 November 2011 - Lismore Draft Local Environmental Plan 2010 - Recommended Amendments and Re-Exhibition (the balance of the subjects)

<b>Tucki Tucki</b>	Tucki Tucki Cemetery; Tucki Tucki Bora Ring	1305A Wyrallah Road; 1305B Wyrallah Road	Lot 128/DP728533  Lot 127/DP626799	Local	A14
<b>Tuncester</b>	Cubawee Aboriginal School Site	466 Kyogle Road	Lot 155/DP755737	Local	A15

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note.** The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Acid Sulfate Soils Map** means the Lismore Local Environmental Plan 2011 Acid Sulfate Soils Map.

**Additional Permitted Uses Map** means the Lismore Local Environmental Plan 2011 Additional Permitted Uses Map.

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries,

flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note.** Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note.** Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note.** Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note.** Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and

(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and

(c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note.** Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided.

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note.** Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

**Note.** The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

(a) genetic diversity—the variety of genes (or units of heredity) in any population,

(b) species diversity—the variety of species,

(c) ecosystem diversity—the variety of communities or ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note.** Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building that:

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note.** Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note.** This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note.** Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
  - (b) the outside face of any balcony, deck or the like, or
  - (c) the supporting posts of a carport or verandah roof,
- whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**Note.** Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note.** Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note.** Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are



limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.** Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note.** The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the **Lismore Local Government Area**.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note.** Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note.** Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.** Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note.** Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note.** Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.** The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary, but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

**Note.** Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note.** Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

**Note.** Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** The term is defined as follows:

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.

- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**flood planning area** means the land shown as “Flood planning area” on the Flood Planning Map.

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

**Flood Planning Map** means the Lismore Local Environmental Plan 2011 Flood Planning Map.

**floodway** has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the New South Wales Government in 2005.

**Note.** The term means those areas of the floodplain where significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause significant redistribution of flood flow, or a significant increase in flood levels.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Lismore Local Environmental Plan 2011 Floor Space Ratio Map.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

**Note.** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and



unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note.** Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note.** Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note.** General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note.** Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.** Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.** Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note.** Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note.** Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note.** Heavy industries are a type of *industry*—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the **Lismore** Local Environmental Plan 2011 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note.** Heliports are a type of *air transport facility*—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note.** An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the **Lismore** Local Environmental Plan 2011 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note.** High technology industries are a type of *light industry*—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or

- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note.** Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note.** Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note.** Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note.** Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.** See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note.** Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following:



- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note.** Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the **Lismore** Local Environmental Plan **2011** Land Application Map.

**Land Reservation Acquisition Map** means the **Lismore** Local Environmental Plan **2011** Land Reservation Acquisition Map.

**Land Zoning Map** means the **Lismore** Local Environmental Plan **2011** Land Zoning Map.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note.** Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

**Note.** Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note.** Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Note.** Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**Lot Size Map** means the **Lismore** Local Environmental Plan **2011** Lot Size Map.

***maintenance***, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

***marina*** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

***market*** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note.** Markets are a type of ***retail premises***—see the definition of that term in this Dictionary.

***mean high water mark*** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

***medical centre*** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note.** Medical centres are a type of ***health services facility***—see the definition of that term in this Dictionary.

***mezzanine*** means an intermediate floor within a room.

***mine*** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

***mine subsidence district*** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

***mining*** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note.** Mining is not a type of ***industry***—see the definition of that term in this Dictionary.

***mixed use development*** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note.** Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may

include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area of neighbourhood shops. Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note.** Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for

parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.** Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Potential Rural Landsharing Community Development Map** means the Lismore Local Environmental Plan 2011 Potential Landsharing Community Development Map.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.** Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or

periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**relic** has the same meaning as in the *Heritage Act 1977*.

**Note.** The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note.** Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note.** Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note.** Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

**Note.** Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,



- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note.** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note.** Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note.** Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note.** Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note.** Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note.** Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note.** Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note.** Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.** Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note.** Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note.** Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.** Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**Note.** Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Note.** Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.** Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

*swimming pool* has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.** Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.** Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or

(h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note.** Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**urban release area** means an area of land shown on the Urban Release Areas Map.

**Urban Release Areas Map** means the Lismore Local Environmental Plan 2011 Urban Release Areas Map.

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note.** Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note.** Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from

gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note.** Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note.** Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**Water Supply Protection Map** means the Lismore Local Environmental Plan 2011 Water Supply Protection Map.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note.** Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**Note.** Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note.** Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,

- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note.** Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,



- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

***wholesale supplies*** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

## ATTACHMENT 11: DRAFT LISMORE LEP 2011 SUBMITTERS NAME AND ADDRESS DATABASE

Name	Surname	Company	Street	Town
Gary	Ablett		C/- Nimbin Post Office	Nimbin NSW 2480
Goldie	Adams		16 Kelsie Street	Goonellabah NSW 2480
Keith	Ainsworth		20 Federation Drive	Eltham NSW 2480
Gary and Frances	Alcock		PO Box 6135	SOUTH LISMORE NSW 2480
Ian and Christine	Alexander		5 Ewandale Close	Clunes NSW 2480
Mr John	Allan		346 The Channon Road	THE CHANNON NSW 2480
Robin	Allan		346 The Channon Road	THE CHANNON NSW 2480
Brett	Allen		18 Engine Street	South Lismore NSW 2480
Cheryl	Allen		177 Munro Wharf Road	Tucki Tucki NSW 2480
David	Allen		177 Munro Wharf Road	Tucki Tucki NSW 2480
H	Allen		45 Lillian Rock Road	Blue Knob NSW 2480
Ron	Allen		45 Lillian Rock Road	Blue Knob NSW 2480
Trevor	Allen		11 Parmenter Road	Coffee Camp NSW 2480
Bill	Allison		166 Fredericks Road	Caniaba NSW 2480
Carol	Allison		166 Fredericks Road	Caniaba NSW 2480
Ken	Allport		13 Connor Road	Tregeagle NSW 2480
M	Altinier		58 Altinier's Road	TUNCESTER NSW 2480
Ken and Jacqueline	Anderson		293 Rosebank Road	Rosebank NSW 2480
Kimberley	Anderson		107 Wyrallah Road	East Lismore NSW 2480
Lionel	Anderson		67 Nimoola Road	Caniaba NSW 2480
Ms C	Anderson		360 Connor Road	TREGEAGLE NSW 2480
Sue	Anderson		67 Nimoola Road	Caniaba NSW 2480
Mark and Christine	Andews-Govett		97 Taylors Road	Chilcotts Grass NSW 2480
Grace	Andrew	gracemandrew@gmail.com	74 Bishops Creek Road	Coffee Camp NSW 2480
M	Ianna		56 Nielson Street	Lismore NSW 2480
Bortola	Antoniolli		166 Ballina Street	Lismore NSW 2480
Barbara and Neville	Armbruster		370 Corndale Road	Corndale NSW 2480
Glen and Colleen	Armbruster		402 Corndale Road	Corndale NSW 2480
Ian W	Armstrong		198 Union Street	SOUTH LISMORE NSW 2480
Lawrence	Armstrong		173 Cross Road	Numulgi NSW 2480
Sharon	Armstrong		1322 Jiggi Road	Jiggi NSW 2480
Mr A	Ashburner		25 Billen Road	GEORGICA NSW 2480
Rosemary	Ashford		57 Newbridge Street	South Lismore NSW 2480

Name	Surname	Company	Street	Town
A	Auckrom		671 Koonorigan Road	Koonorigan NSW 2480
B	Auckrom		671 Koonorigan Road	Koonorigan NSW 2480
J	Auckrom		671 Koonorigan Road	Koonorigan NSW 2480
K	Auckrom		671 Koonorigan Road	Koonorigan NSW 2480
R	Austin		512C Boatharbour Road	Eltham NSW 2480
Ian Robert	Bailey		23 Wheat Street	Casino NSW 2470
Mr W	Bailey		11 Sarah Court	GOONELLABAH NSW 2480
Mrs Enid	Bailey		751 Rock Valley Road	Rock Valley NSW 2480
Susana	Bailey		392 Boatharbour Road	Boatharbour via Lismore NSW 2480
Ian and Anne	Baird		341 Rous Road	Chilcotts Grass NSW 2480
Maria	Baisi		41 Deegan Drive	Goonellabah NSW 2480
A	Baker		207 Casino Street	South Lismore NSW 2480
Bruno	Baldo		159 Dunoon Road	LISMORE NSW 2480
Paul	Baldwin		395 Skyline Road	Goonellabah NSW 2480
Mr G	Ball		43 Gray Road	ELTHAM NSW 2480
Scott	Barber		Clunes Landcare	yella11@bigpond.com
Alan R	Barkas		10 Parade Street	EAST LISMORE NSW 2480
Lee M	Barkas		10 Parade Street	EAST LISMORE NSW 2480
R	Barkas		25 Clark Road	Jiggi NSW 2480
Trudy	Barkas		25 Clark Road	Jiggi NSW 2480
S and D	Barker		PO Box 3009	LISMORE NSW 2480
Scott	Barker		120 Casino Street	South Lismore NSW 2480
Peter	Barlow		125 Bentley Road	Tullera NSW 2480
John	Barnes		4 Oliver Street	East Lismore NSW 2480
R K and N W	Barnes		91-93 Wyrallah Road	Girards Hill NSW 2480
Ms J	Barnett		12 Garrard Street	EAST LISMORE NSW 2480
Margaret	Barratt		192 Pinchin Road	GOOLMANGAR NSW 2480
Wilson J	Barratt		192 Pinchin Road	GOOLMANGAR NSW 2480
Julie	Bartlett		3/8 Allison Avenue	Lennox Head NSW 2478
Mr Frank	Basso		1441A Keerong Road	THE CHANNON NSW 2480
Ms Sylvia	Basso		1441A Kerrong Road	THE CHANNON NSW 2480
Clive	Bateman		5 Hensen Road	Nimbin NSW 2480
Gary L	Bates		PO Box 5047	East Lismore NSW 2480
Dennis	Bazzana		29 Allambie Drive	Goonellabah NSW 2480
Terry	Beadle		336 The Channon Road	The Channon NSW 2480

Name	Surname	Company	Street	Town
GE and JM	Beddoes		146 Pinchin Road	Goolmangar NSW 2480
A	Behan		512 Boatharbour Road	Via Lismore NSW 2480
K	Behan		512 Boatharbour Road	Via Lismore NSW 2480
L	Behan		512 Boatharbour Road	Via Lismore NSW 2480
P	Behan		512 Boatharbour Road	Via Lismore NSW 2480
Duncan	Bell		91 Terania Creek Road	The Channon NSW 2480
Gregory	Bell		900 Pinchin Road	Goolmangar NSW 2480
Joi	Bell		900 Pinchin Road	Goolmangar NSW 2480
Peter	Bellew		185 Magellan Street	Lismore NSW 2480
Norbert	Bels		815 Mountain Top Road	Nimbin NSW 2480
Colin and Kim	Benbow		374 Davis Road	Jiggi NSW 2480
Greg	Bennett		1005 Tuntable Creek Road	Nimbin NSW 2480
Helen	Bennett		2 Bagotville Road	Dungarabba NSW 2480
Warren	Bennett		159 Yeager Road	Leycester NSW 2480
Joseph	Berg		784 Whian Whian Road	Whian Whian NSW 2480
Kelvin and Vicki	Berger	Vickiberger123@aol.com		
Marie	Best		221 Alphadale Road	Lindendale NSW 2480
Adam	Betts		769 Dunoon Road	Tullera NSW 2480
Melissa	Betts		769 Dunoon Road	Tullera NSW 2480
Adriana	Bianco		705 Spring Grove Road	SPRING GROVE NSW 2480
Robert	Bianco		705 Spring Grove Road	SPRING GROVE NSW 2480
Mr Michael	Bienke		2486 Nimbin Road	NIMBIN NSW 2480
Arthur	Bilski		9 McConnell Drive	Richmond Hill NSW 2480
Marjorie	Binnie		Duncan Road	Numulgi NSW 2480
Ann	Birbbeck		17 Garrard Street	Lismore NSW 2480
Mr R and Mrs E	Bird		PO Box 226	WARDELL NSW 2477
Mr Robert	Birney		126 Keerong Road	VIA LISMORE NSW 2480
Mrs Fay	Birney		126 Keerong Road	VIA LISMORE NSW 2480
Kathy	Birumingham		220 Invercauld Road	Goonellabah NSW 2480
Cameron	Black		222 Cross Road	Numulgi NSW 2480
Elliott	Black		222 Cross Road	Numulgi NSW 2480
Fraser	Black		222 Cross Road	Numulgi NSW 2480
Lynette	Black		222 Cross Road	Numulgi NSW 2480
Mr D C	Black		73 Cross Road	NUMULGI NSW 2480
Mr F J	Black		238 Cross Road	NUMULGI NSW 2480

Name	Surname	Company	Street	Town
Mrs L J	Black		238 Cross Road	NUMULGI NSW 2480
Trevor	Black		222 Cross Road	Numulgi NSW 2480
DR	Boland		PO Box 17	Woodburn NSW 2472
Joseph	Boland		89 Kilgin Road	Woodburn NSW 2472
JT, RM and AJ	Boland		89 Kilgin Road	WOODBURN NSW 2477
Julianne	Boland		2208 Wyrallah Road	Tuckurimba NSW 2480
Kellie	Boland		Paff Lane	East Coraki NSW 2471
Michael	Boland		Paff Lane	East Coraki NSW 2471
Ms Kym	Boland		2 Paff Lane	EAST CORAKI NSW 2471
Ms M	Boland		510 Tuckurimba Road	EAST CORAKI NSW 2480
Paul	Boland		510 Tuckurimba Road	East Coraki NSW 2471
Rhonda M	Boland		89 Kilgin Road	Woodburn NSW 2472
Robert	Boland		2208 Wyrallah Road	Tuckurimba NSW 2480
Stephen J	Boland		510 Tuckurimba Road	East Coraki NSW 2471
William J	Bolland		2208 Wyrallah Road	Tuckurimba NSW 2480
Des	Boorman		132a Northcott Road	South Gundurimba via Lismore NSW 2480
Vince and Celeste	Boss		179 Henson Road	Wyrallah NSW 2480
Rick and Le-anne	Bostock		PO Box 12261	CLUNES 2480
AW	Boston		27 Minyon Falls Road	Rosebank NSW 2480
S	Bowie		56 Nielson Street	Lismore NSW 2480
Michael	Bowles		59 Abbey Road	Jiggi NSW 2480
Lisa	Bowman		11 Waterford Parade	Skennars Head NSW 2478
Mr K	Bowman		6 Hillcrest Avenue	GOONELLABAH NSW 2480
Andrew	Boyd		894 Nimbin Road	Goolmangar NSW 2480
Darryl	Boyd		894 Nimbin Road	Goolmangar NSW 2480
Leanne	Boyd		894 Nimbin Road	Goolmangar NSW 2480
Warwick and Lee	Boyd		32 Garden Street	NORTH NARRABEEN NSW 2101
Vicki	Boyes		PO Box 180	Nerang QLD 4211
Elizabeth	Bradfield		195 Rosebank Road	Rosebank NSW 2480
R & S	Brandley		63 Cowlong Road	MCLEANS RIDGES 2480
B & D	Bressar		442 Dunoon Road	Lismore NSW 2480
Jean	Brien		8 Parade Street	EAST LISMORE NSW 2480
H and D	Brockington		66 Fig Tree Drive	GOONELLABAH NSW 2480

Name	Surname	Company	Street	Town
Michael & Diane	Brombal		38 Faulkner Road	WYRALLAH 2480
Mr Kevin	Brown		49 Skyline Road	EAST LISMORE NSW 2480
Ms Leila	Brown		18 Borton Street	BALLINA NSW 2478
RJ and MA	Brown		188 Union Street	SOUTH LISMORE 2480
Mr James	Bruce		Ross Road	THE CHANNON NSW 2480
Marceliena	Brumley	<a href="mailto:Marceliena.brumley@hotmail.com">Marceliena.brumley@hotmail.com</a>	28 Hensen Road	Nimbin NSW 2480
Matthew	Brumley		28 Hensen Road	Nimbin 2480 NSW
Arthur J	Bryant		61 Tulk Road	Wyrallah NSW 2480
Brenda	Bryant		61 Tulk Road	Wyrallah NSW 2480
Ken	Bryant		214 Cosy Camp Road	Bexhill NSW 2480
Kerry	Bryant		410 Rous Road	Tregeagle NSW 2480
M N and A G	Bryant		247 Alphadale Road	Lindendale NSW 2480
N and B	Bryant		498 Tregeagle Road	Tregeagle NSW 2480
Neville	Bryant		Leycester Road	Leycester NSW 2480
Noel	Bryant		Rifle Range Road	Tuncester NSW 2480
Noel	Bryant		94B Ruane Road	Tuncester NSW 2480
Trevor	Bryant		120 Smiths Road	Tatham NSW 2471
Wendy	Bryant		120 Smiths Road	Tatham NSW 2471
Ken	Buckie		1052 Tuntable Creek	Tuntable Creek 2480
Joan	Budden		9 Tulk Road	Wyrallah NSW 2480
Peter	Budden		9 Tulk Road	Wyrallah NSW 2480
N and J	Budge		495 Wyrallah Road	Monaltrie NSW 2480
Jamie	Bull		19 Oliver Street	East Lismore NSW 2480
Shanelle	Bull		19 Oliver Street	East Lismore NSW 2480
Luigi	Buongiorno		556 Skyline Road	Lismore NSW 2480
Ralph	Burnell		1/53 Pindari Crescent	Goonellabah NSW 2480
S	Butler		201 Casino Street	South Lismore NSW 2480
Denis	Byrne		191 Repentance Creek Road	ROSEBANK NSW 2480
John	Cade		648 Cowlong Road	McLeans Ridges NSW 2480
Carl	Cadonetti		729 Dunoon Road	Tullera NSW 2480
M and G	Cairns		PO Box 643	Casino NSW 2470
KR and L	Caisley		PO Box 8004	DUNOON NSW 2480
Brent	Calcutt		1 Rose Road	Tuntable Creek NSW 2480
Anita	Calder		977 Jiggi Road	Jiggi NSW 2480

Name	Surname	Company	Street	Town
Andrew and Leisa	Callaghan		andrew@acaccountants.com	
Mr J	Callaghan		528 Booerie Creek Road	LISMORE NSW 2480
Alex	Cameron		340 Leycester Road	Leycester NSW 2480
Amanda	Cameron		4 Anstey Street	Girards Hill NSW 2480
Judy	Cameron		340 Leycester Road	Leycester NSW 2480
Mr David and Mrs Louise	Cameron		PO Box 5237	EAST LISMORE NSW 2480
Wayne	Cameron		688 Eltham Road	Eltham NSW 2480
Jeff	Canin		119 Elliot Road	CLUNES NSW 2480
Alicia	Carter		Lot 7 Fox Road	ROSEBANK NSW 2480
Darran	Carter		146 Oakey Creek Road	Georgica NSW 2480
Florence H	Carter		1742 Nimbin Road	Via Lismore NSW 2480
Neville W	Carter		1742 Nimbin Road	Via Lismore NSW 2480
Trudi	Carter		146 Oakey Creek Road	Georgica NSW 2480
Trudy	Carter		1742 Nimbin Road	Lismore NSW 2480
William	Carter		1472 Nimbin Road	Lismore NSW 2480
Anthony	Carusi		431 Kilgin Road	Woodburn NSW 2472
Mr Ivan	Casagrande		PO Box 9017	ROCK VALLEY NSW 2480
G	Cassidy		84 Nightcap Range Road	DORROUGHBY NSW 2480
G	Cattell		179 Casino Street	South Lismore NSW 2480
Ms Claudia	Catterall		683 Eltham Road	ELTHAM NSW 2480
JC	Challis		892 Boatharbour road	Eltham NSW 2480
James	Chamberlain		'Buncrana' 49 Norton Road	Caniaba NSW 2480
L	Chamberlain		'Buncrana' 49 Norton Road	Caniaba NSW 2480
C	Champion		PO Box 5261	East Lismore NSW 2480
Diana	Champion		PO Box 5261	East Lismore NSW 2480
Jeff	Champion		PO Box 5261	EAST LISMORE NSW 2480
Matthew	Champion		Lot 5 Hazelmount Lane	Tucki NSW 2480
Paul and Debbie	Chapman		246 Connor Road	Tregeagle NSW 2480
Peter	Chapman		PO Box 2196	Port Macquarie NSW 2444
Richard	Chapman		977 Jiggi Road	Jiggi NSW 2480
Aaron	Charters		856 Wyrallah Road	Wyrallah NSW 2480
Emma	Charters		856 Wyrallah Road	Wyrallah NSW 2480
Mr Nathan	Charters		2 Paff Lane	EAST CORAKI NSW 2471

Name	Surname	Company	Street	Town
Ron and Lyn	Chittick		1 Ridgewood Road	Rosebank NSW 2480
Dr Helen and Dr S. H.	Choo		230 Richmond Hill Road	Richmond Hill NSW 2480
Angela	Church		44 Gray Road	Eltham NSW 2480
Mr D	Cierpiol		72 Gaden Road	NUMULGI NSW 2480
Mr F A	Cierpiol		72 Gaden Road	NUMULGI NSW 2480
Ms Heidi	Cierpiol		72 Gaden Road	NUMULGI NSW 2480
Ms Narelle	Cierpiol		72 Gaden Road	NUMULGI NSW 2480
Cheryl	Cittolin		168 Cawongla Road	Rock Valley NSW 2480
Gino	Cittolin		169 Cawongla Road	Rock Valley NSW 2480
Greg	Clark		Molly's Grass Road	Tregeagle NSW 2480
V	Clark		76 Molly's Grass Road	TREGEAGLE NSW 2480
Carmel	Clarke		201 Reardons Lane	Swan Bay NSW 2471
John	Clarke		664 Caniaba Road	Caniaba NSW 2480
J	Claydon		359 Nimbin Road	Via Lismore NSW 2480
Jaimee E	Claydon		34 Cross Road	Numulgi NSW 2480
Matthew J	Claydon		34 Cross Road	Numulgi NSW 2480
Neil	Claydon		34 Cross Road	Numulgi NSW 2480
Patricia	Claydon		34 Cross Road	NUMULGI NSW 2480
Sianne	Cleaver		16 Monaltrie Lane	Monaltrie NSW 2480
Mr DJ, RE & BM	Clift		Frame Road	North Codrington NSW 2471
John	Clunie		392 Boatharbour Road	Via Lismore NSW 2480
Cheryl and Michael	Cochran		103 Nightcap Range Road	Dorrroughby NSW 2480
John	Coghlan		88 Rous Road	GOONELLABAH 2480
Sandra	Coghlan		88 Rous Road	Goonellabah NSW 2480
Louise M	Collins		391 Boatharbour Road	Lismore NSW 2480
Rebecca	Collins		391 Boatharbour Road	Lismore NSW 2480
Rodney	Collins		391 Boatharbour Road	Lismore NSW 2480
Barry	Conlan		Lot 62 Tuckurimba Road	Tuckurimba NSW 2480
Mark and Anita	Conlan		Lot 276 Tucki Road	Tucki Tucki NSW 2480
Juliana	Connell		162 Boundary Creek Road	Larnook via Lismore NSW 2480
Michael	Connell		162 Boundary Creek Road	Larnook via Lismore NSW 2480
John and Teresa	Conte		769 Dunoon Road	Tullera NSW 2480
Shane	Conte		769 Dunoon Road	Tullera NSW 2480
P	Convery		650 Cawongla Road	Cawongla NSW 2480
Jacqueline	Cook		Eltham Road	Booyong NSW 2480



Name	Surname	Company	Street	Town
C and C	Cooper		U67 110 Scrub Road	CARINDALE QLD 4152
Joanne	Cooper		219 Molesworth Street	Lismore NSW 2480
Laurie	Cooper		175 Connor Road	Tregeagle NSW 2480
N	Cooper		175 Connor Road	Tregeagle NSW 2480
Sean	Cooper		207 Davis Road	JIGGI NSW 2480
Wayne	Cootes		4 Parade Street	Girards Hill NSW 2480
Karen	Copper		207 Davis Road	Jiggi NSW 2480
Brenda and Michael	Cordin		206 Upper Coopers Creek Road	Repentance Creek NSW 2480
Sherie	Cormack		645 Jiggi Road	Jiggi NSW 2480
Marlene	Cormick		2/3 Pidcock Place	Goonellabah NSW 2480
Patricia	Corndale		29 Allambie Drive	Goonellabah NSW 2480
Peter and Lorraine	Cottam		65B Osborne Road	Bexhill NSW 2480
Karla	Cox		700 Jiggi Road	Jiggi NSW 2480
Ron	Cox		700 Jiggi Road	Jiggi NSW 2480
Warren	Cox		1 Ingram Road	Wyrallah NSW 2480
Warren	Cox		PO Box 776	Lismore NSW 2480
Jess	Crampton		Fox Road	Rosebank NSW 2480
Geoff	Crawford		537 Eltham Road	Via Lismore NSW 2480
Mr David	Crawford		31 Graham Road	MAROM CREEK NSW 2480
Mr R and Mrs B	Creighton		PO Box 7073	Lismore Heights NSW 2480
Hans-Gunter	Cross		17 Minyon Falls Road	Rosebank NSW 2480
Owen and Robin	Crowley		15 Daniel Roberts Drive	Mcleans Ridges NSW 2480
Zac	Crowley		6 Warrawee Circuit	Goonellabah NSW 2480
John	Crowther		2 Donlon Road	Monaltrie NSW 2480
R	Crump		140 Casino Street	South Lismore NSW 2480
T	Crump		138 Casino Street	South Lismore NSW 2480
Terry	Crump		140 Casino Street	LISMORE NSW 2480
Peter	Cullen		Parmenter Road	Coffee Camp NSW 2480
F C	Currie		13 Flick Road	TULLERA NSW 2480
Jeffrey	Currie		650 Duncan Road	Dunoon NSW 2480
Marilyn	Currie		562 Duncan Road	Dunoon NSW 2480
Peter	Currie		519 Cross Road	Numulgi NSW 2480
D	Da Fre		550 Gores Road	SPRING GROVE NSW 2480
G	Da Fre		13 Clare Street	GOONELLABAH NSW 2480

Name	Surname	Company	Street	Town
Garry	Da Fre		550 Gores Road	SPRING GROVE NSW 2480
S	Da Fre		13 Clare Street	GOONELLABAH NSW 2480
F	Dack		173 Casino Street	South Lismore NSW 2480
Nancy	Daleluz		120 Nielson Street	Lismore NSW 2480
Mr L and Mrs N	Daley		44 Borton Road	TULLERA NSW 2480
Mr V	Daneluz		120 Nielson Street	LISMORE NSW 2480
Mrs N	Daneluz		120 Nielson Street	LISMORE NSW 2480
Jodie	Dardengo		11 Rosella Chase	Goonellabah NSW 2480
O and T	Dardengo		29 Rock Valley Road	Blakebrook NSW 2480
Mr Peter	Davey		<a href="mailto:Peterdavey1@bigpond.com">Peterdavey1@bigpond.com</a>	
B	Davidson		18 Selena Avenue	Lismore NSW 2480
Deborah	Davidson		3 Julie Crescent	Goonellabah NSW 2480
A and D	Davies		93 Caniaba Street	SOUTH LISMORE NSW 2480
Mr Steven	Davies		219 Upper Coopers Creek Road	REPENTANCE CREEK NSW 2480
Ross	Davies		42A Gollan Road	Marom Creek NSW 2480
Dennis	Davis		93 Caniaba Street	South Lismore NSW 2480
Geoff	Davis		36-78C Davis Road	Jiggi NSW 2480
Graham	Davis		408 Alphadale Road	Tregeagle NSW 2480
Jennifer	Davis		Keerrong Road	The Channon NSW 2480
Leanne	Davis		863 Kyogle Road	Fernside NSW 2480
Lucy	Davis		359 Nimbin Road	Via Lismore NSW 2480
Neville	Davis		74 Keerrong Road	The Channon NSW 2480
Lynne and Jim	De Weaver		9 Pamela Drive	CHILCOTTS GRASS NSW 2480
Rachelle	Deaker		34 Soward Close	McLeans Ridges NSW 2480
Richard	Deaker		34 Soward Close	McLeans Ridges NSW 2480
David	Dean		24 Corndale Road	Bexhill NSW 2480
Kathy	Dean		24 Corndale Road	Bexhill NSW 2480
Rhonda	Deegan		25 Savins Road	Woodlawn via Lismore NSW 2480
Kristin	Den Exter		29 Ridgeland Close	Boatharbour NSW 2480
Maria	Deneluz		96C Yeager Road	Leycester NSW 2480
M	Dewhurst		102 Casino Street	South Lismore NSW 2480
Adam	Dicato		394 Skyline Road	Goonellabah NSW 2480
Mr G	DiCerto		394 Skyline Road	GOONELLABAH NSW 2480
Robert	Dicerto		394 Skyline Road	Goonellabah NSW 2480

Name	Surname	Company	Street	Town
S	Dillon		198 Casino Street	South Lismore NSW 2480
Paul	Dolby		Dolby Lane	East Coraki NSW 2471
Robert and Louise	Donadel		225 Blue Knob Road	Nimbin NSW 2480
Rob	Doolan		PO Box 36	Bangalow NSW 2479
Ms Lisa	Dooner		20 Quilty Road	ROCK VALLEY NSW 2480
Nicole	Doran		71 Ballina Road	Lismore NSW 2480
Bree-Anna	Dorrington		96C Yeager Road	Leycester NSW 2480
John and Maria	Dorrington		96c Yeager Road	Leycester via Lismore 2480
Joshua	Dorrington		96C Yeager Road	Leycester NSW 2480
Mark	Dransfield		340 Rosehill Road	Tuncester NSW 2480
Sharon	Dransfield		340 Rosehill Road	Tuncester NSW 2480
Mr Nick	Drew		1 Ashlin Road	WHIAN WHIAN NSW 2480
Ms Jacqueline	Drew		1 Ashlin Road	WHIAN WHIAN NSW 2480
N & J	Drew		<a href="mailto:gndrew@bigpond.net.au">gndrew@bigpond.net.au</a>	
BI	Driscoll		589 Wyrallah Road	Monaltrie NSW 2480
Duane	Duff		181 Casino Street	South Lismore NSW 2480
Stewart	Duff		158 Casino Street	South Lismore NSW 2480
Vivienne	Duffy		783 Boatharbour Road	Eltham NSW 2480
Ian	Duley		31 Nixon Road	South Gundurimba NSW 2480
Judy	Duley		31 Nixon Road	South Gundurimba NSW 2480
RJ and YJ	Duncan		49 Munro Road	Dunoon NSW 2480
Heather and Stephan	Dunn		195 Cameron Road	McLeans Ridges NSW 2480
Linda	Dusina		30 Mullers Road	Tregeagle NSW 2480
Daphne	Dux		139 Hull Road	Rosebank NSW 2480
Norman	Eatock		211 Munro Road	Dunoon NSW 2480
Judy and Ross	Edgerton		PO Box 475	LISMORE NSW 2480
Leslee	Eglington		<a href="mailto:Leslee_toadee@hotmail.com">Leslee_toadee@hotmail.com</a>	
Gisela	Eider		28 Ravenswood Drive	Goonellabah NSW 2480
Edward	Elford		121 Gundurimba Road	Monaltrie NSW 2480
GM	Elliott		72 Gaden Road	NUMULGI NSW 2480
Kerri	Elliott		154 Casino Street	South Lismore NSW 2480
WJ	Elliott		72 Gaden Road	NUMULGI NSW 2480
Lesley	Evans		10 Richardson Street	Goonellabah NSW 2480
George and Marie	Everingham		312 Caniaba Road	Caniaba NSW 2480

Name	Surname	Company	Street	Town
Mr Edward A	Everingham		623 Dunoon Road	TULLERA NSW 2480
Noel	Everingham		17 Town Road	The Channon NSW 2480
Peter	Everingham		623 Tuntable Creek Road	The Channon NSW 2480
RG	Everingham		579 Dunoon Road	Lismore NSW 2480
Anne	Eyles		162 Casino Street	South Lismore NSW 2480
Jan	Fadelli		383 Bice Road	Leycester NSW 2480
Julieanne	Falkner		287 Dorroughby Road	Via Lismore NSW 2480
WD and JL	Farrell		446 Pinchin Road	GOOLMANGAR NSW 2480
Raymond	Faulkner		287 Dorrougnby Road	Via Lismore NSW 2480
Dan	Faux		64 Hazlemount Lane	Tucki NSW 2480
Aline	Feebrey		112 Rayward Road	Dunoon NSW 2480
Ms S	Ferris		354 Kyogle Road	TUNCESTER NSW 2480
William	Ferris		354 Kyogle Road	Tuncester NSW 2480
Daryl and Christine	Firth		199 James Gibson Road	Clunes NSW 2480
Angelika	Fischer		170 Martin Road	Larnook NSW 2480
Meril	Fisher		211 Munro Road	Dunoon NSW 2480
JF and JA	Fitzhenry		11 Geraghty's Access	RICHMOND HILL NSW 2480
Coleen	Flanagan		161 Hoare Lane	Green Forest, Dungarubba NSW 2480
KA	Flanagan		161 Hoare Lane	Green Forest, Dungarubba NSW 2480
S	Flanagan		201 Casino Street	South Lismore NSW 2480
Grant and Susan	Fleming		1112 Jiggi Road	Jiggi NSW 2480
Peter and Joanne	Fletcher		641 Dunoon Road	Tullera NSW 2480
Stephen	Fletcher		Po Box 5334	East Lismore NSW 2480
Peter	Flower		17 Tildon Drive	Clunes NSW 2480
Mr Barry	Flynn		14 Fathers Road	BOOERIE CREEK NSW 2480
Ms Jan	Flynn		14 Fathers Road	BOOERIE CREEK NSW 2480
Giovanni	Foltran		109 Phyllis Street	South Lismore NSW 2480
Mrs Beryl	Ford		816 Dunoon Road	LISMORE NSW 2480
Scott	Forster		Site 3, 136 Davis Road	JIGGI NSW 2480
Mr L	Forsyth		480 Bruxner Highway	SOUTH GUNDURIMBA NSW 2480
Graham and Lynn	Foster		613 Skyline Road	Goonellabah NSW 2480
R	Foster		126A Casino Street	South Lismore NSW 2480
Janet	Fowler		26 Booerie Creek Road	Booerie Creek NSW 2480
Malcolm	Fox		103 Rox Road	ROSEBANK NSW 2480
Aloo	Fraire		PO Box 6122	South Lismore NSW 2480

Name	Surname	Company	Street	Town
Carmen	Fraire		PO Box 6122	South Lismore NSW 2480
Mr LC and Mrs EC	Frame		410 Jiggi Road	GOOLMANGAR NSW 2480
Richard	Freeman		120 Jacobson Road	Georgica NSW 2480
M	Freier		199 Casino Street	South Lismore NSW 2480
K and N	Friend		4 Warrawee Court	GOONELLABAH NSW 2480
Amanda	Furze		483 Tuntable Creek Road	THE CHANNON NSW 2480
Roland	Gaidier		183 Cross Road	Numulgi NSW 2480
Greg	Galea		<a href="mailto:gregchooks@yahoo.com.au">gregchooks@yahoo.com.au</a>	
Jane	Gardiner		16 Valley Drive	ALSTONVILLE NSW 2477
Robin and Michelle	Garrett		580 Oakland Road	East Coraki NSW 2471
Jill	Garsden		12 Sheridan Drive	GOONELLABAH 2480
K	Gasteen		352 Wallace Road	The Channon NSW 2480
PA	Gaudron		12 Lockton Road	Numulgi NSW 2480
Karen and Keven	Gava		PO Box 5127	East Lismore NSW 2480
Mr E	Gava		1 East Skyline Road	GOONELLABAH NSW 2480
Mr Peter	Gava		<a href="mailto:pdgava1@bigpond.com">pdgava1@bigpond.com</a>	
Ms E	Gava		1 East Skyline Road	GOONELLABAH NSW 2480
Ms N	Gava		2/21 Trinity Drive	GOONELLABAH NSW 2480
Karen	George		73 Caniaba Street	South Lismore NSW 2480
Thomas	George MP		Po Box 52	Lismore NSW 2480
Gary	Georgeson	<a href="mailto:Amanda.agent99@gmail.com">Amanda.agent99@gmail.com</a>		
Susan	Germein		Rivers Learning and Development	<a href="mailto:info@riverslearning.com.au">info@riverslearning.com.au</a>
Mr Toby	Gerrish		52 James Street	DUNOON NSW 2480
Ms Julie	Gerrish		12 Simmons Street	LISMORE NSW 2480
Bruno and Vilma	Giacomini		273 Dunoon Road	North Lismore NSW 2480
Lachlan	Gibbons		185 Billen Road	Georgica NSW 2480
EC	Gibbs		783 Boatharbour Road	Eltham NSW 2480
Mrs	Gibbs		596 Tregeagle Road	Tregeagle NSW 2480
Neville and Kay	Gibbs		35 Fernside Road	Fernside NSW 2480
NG	Gibbs		54 Rosehill Road	Tuncester NSW 2480
Jack	Gibson		707 Tregeagle Road	Tregeagle NSW 2480
R	Gibson		41 Eltham Road	Bexhill NSW 2480
Wilga	Gibson		707 Tregeagle Road	Tregeagle NSW 2480

Name	Surname	Company	Street	Town
Les	Gilleard		Satinwood Drive	MCLEANS RIDGES 2480
Brian	Gittings		119 Alphadale Road	Lindendale NSW 2480
Julie	Gittings		119 Alphadale Road	Lindendale NSW 2480
M and R	Gittoes		1 Plenkovich Road	Broadwater NSW 2472
Norm and Cheryl	Godwin		5 Highview Crescent	Modanville NSW 2480
J	Gollan		75 Mathieson Lane	Tucki Tucki NSW 2480
Phil & Shirley	Goodrich		144 Boundary Road	Lindendale NSW 2480
Mr and Mrs	Goodwin		178 Union Street	SOUTH LISMORE NSW 2480
Mr J G	Goodwin		7/110 Woodlark Street	LISMORE NSW 2480
Carmel	Gooley		120 Durham Road	Monaltrie NSW 2480
John and Sari	Gordon		356 Ridgewood Road	ROSEBANK NSW 2480
M	Gosper		195 Nortcots Road	SOUTH GUNDURIMBA NSW 2480
Wayne	Gough		76 Caniaba Street	South Lismore NSW 2480
Malcolm and Catherine	Goulding		177 Bentley Road	Tullera NSW 2480
G B Bryen and W J	Goward		PO Box 5075	South Murwillumbah NSW 2484
D	Grace		197 Casino Street	South Lismore NSW 2480
Janelle	Graham		C/- Vince Boss & Associates PO Box 1330	BALLINA NSW 2478
Kelvin	Graham		C/- Vince Boss & Associates PO Box 1330	BALLINA NSW 2478
Mr A	Graham		107 Wyrallah Road	EAST LISMORE NSW 2480
Nancy	Graham		3 Cavendish Road	Goonellabah NSW 2480
Robert	Graham		16 Koonorigan Road	Goolmangar Via Lismore NSW 2480
Robert	Grant		383 Bice Road	Leycester NSW 2480
Shane	Grant		2 Bice Road	Leycester NSW 2480
C	Gray		446 Corndale Road	Corndale NSW 2480
PK	Gray		377 Pinchin Road	Goolmangar NSW 2480
Shane	Gray		<a href="mailto:Leslee_toadee@hotmail.com">Leslee_toadee@hotmail.com</a>	
Beverley	Green		229 Connor Road	Tregeagle NSW 2480
BJ & MM	Green		1281 Jiggi Road	GEORGICA NSW 2480
E R	Green		502A Jiggi Road	GOOLMANGAR NSW 2480
Robert	Green		788 Keerong Road	The Channon NSW 2480
Trevor	Green		229 Connor Road	Tregeagle NSW 2480
P	Greene		259 Koonorigan Road	KOONORIGAN NSW 2480
Susanne	Johnson	Department of Education and	GPO Box 33	Sydney NSW 2000

Name	Surname	Company	Street	Town
		Manager Planning – Planning & Delivery Asset Management Directorate		
RK & PJ	Gregor		40 Whispering Valley Drive	RICHMOND HILL 2480
John W	Gregory		Intersection Duncan Road x Hunters Hill Road	Dunoon via Lismore NSW 2480
CF	Griffiths		162 Alphadale Road	Via Lismore NSW 2480
Donna	Griffiths		PO Box 911	Lismore NSW 2480
KB	Griffiths		PO Box 6256	SOUTH LISMORE NSW 2480
Ms J	Griffiths		PO Box 6256	SOUTH LISMORE NSW 2480
Scott	Griffiths		162 Alphadale Road	Via Lismore NSW 2480
Darryl	Grissell		1038 Jiggi Road	Jiggi NSW 2480
Erin	Gulliver		71 Phyllis Street	South Lismore NSW 2480
Rhana	Haddin		2/8 Eden Place	EAST LISMORE NSW 2480
Angelina	Hall		9 Felicity Drive	East Lismore NSW 2480
Don and Kim	Hall		30 Clark Road	Jiggi NSW 2480
Garry	Hall		15 Tamarind Close	Richmond Hill NSW 2480
Jeffrey	Hall		188 Numulgi Road	Numulgi NSW 2480
Mark	Hall		9 Felicity Drive	East Lismore NSW 2480
Michael	Hall		28 Roder Place	RICHMOND HILL 2480
Sarah	Hall		483 Davis Road	Jiggi NSW 2480
Beryl	Hamilton		371 Quilty Road	Rock Valley NSW 2480
Geoffrey	Hamilton		371 Quilty Road	Rocky Valley NSW 2480
Graham	Hamilton		10 Killara Court	Goonellabah NSW 2480
Mr M	Hammond		96A Yeager Road	LEYCESTER NSW 2480
Rochelle	Hammond		64 Minyon Falls Road	Repentance Creek NSW 2480
Catherine	Hampson		25 Peachtree Avenue	Constitution Hill NSW 2145
DW	Hampson		117 Bice Road	Leycester NSW 2480
H	Hampson		117 Bice Road	Leycester NSW 2480
KE	Hampson		327 Bice Road	Leycester NSW 2480
Sandra	Handley		500 Duncan Road	Numulgi NSW 2480
PA	Hannigan		60 Cross Road	Numulgi NSW 2480
Paul	Hannigan		3 Hannigan Road	Numulgi NSW 2480
Sharon	Hannigan		379 Richmond Hill Road	Lismore NSW 2480

Name	Surname	Company	Street	Town
Helen	Hargreaves		<a href="mailto:harginter@westnet.com.au">harginter@westnet.com.au</a>	
Ruth	Harlow		27 Bent Street	Lismore NSW 2480
A	Harris		437 Crofton Road	Nimbin NSW 2480
C	Harris		437 Crofton Road	Nimbin NSW 2480
Debbie	Harris		310 Clark Road	JIGGI NSW 2480
E	Harris		437 Crofton Road	Nimbin NSW 2480
ER	Harris		20 Silky Oak Drive	Nimbin NSW 2480
J	Harris		31D Clark Road	Jiggi NSW 2480
J	Harris		437 Crofton Road	Nimbin NSW 2480
M	Harris		437 Crofton Road	Nimbin NSW 2480
Mr Cecil J	Harris		312 Leycester Road	LEYCESTER NSW 2480
Mr J	Harris		Po Box 787	LISMORE NSW 2480
Ms Caterina	Harris		312 Leycester Road	LEYCESTER NSW 2480
Ms N	Harris		6 Hillcrest Avenue	GOONELLABAH NSW 2480
Sharmaine	Harris		78 Caniaba Street	South Lismore NSW 2480
Sue	Harris		419 Lodge Road	Nimbin NSW 2480
Kerry	Harrison		2148 Dunoon Road	Dorrroughby NSW 2480
Ms JM	Harrison		PO Box 1	Goolmangar NSW 2480
Peter	Harrison		2148 Dunoon Road	Dorrroughby NSW 2480
James	Hartcher		23 Willis Road	Tregeagle NSW 2480
David	Hartmann		GPO Box 1620	Sydney NSW 2001
Christine	Harvey		4 Parade Street	Girards Hill NSW 2480
Lisa	Haselsberger		1037 Jiggi Road	Jiggi NSW 2480
Clyde	Havilah		258 Corndale Road	Bexhill NSW 2480
Bruce and Kay	Hawthorn		269 Alphadale Road	Lindendale NSW 2480
Bruce and Kay	Hawthorn		<a href="mailto:b.khawthorn@bigpond.com">b.khawthorn@bigpond.com</a>	
Barry Thomas	Hayes		951 Pinchins Road	Goolmanagar NSW 2480
Heather EM	Hayes		951 Pinchins Road	Goolmanagar NSW 2480
Robert	Hayes		368 Fredericks Road	Caniaba NSW 2479
Tom and Jane	Hayes		642 Keerrong Road	Keerrong via Lismore NSW 2480
D, R, B and J	Haynes		2716 Wyrallah Road	Buckendoon NSW 2472
Karen	Headford		10 Garrard Street	EAST LISMORE NSW 2480
John	Heath		21 Rosebank Road	Corndale NSW 2480
RJ	Heffernan		867 Bangalow Road	Bexhill NSW 2480
T	Heir		595 Caniaba Road	Caniaba NSW 2480



Name	Surname	Company	Street	Town
John	Henderson		762 Duncan Road	Dunoon NSW 2480
Mr Peter	Henderson		PO Box 5090	EAST LISMORE NSW 2480
C	Henkel		U67 110 Scrub Road	CARINDALE QLD 4152
Harvey and Marcia	Herne		15 Dalley Street	East Lismore NSW 2480
Elizabeth	Hetherington		2557 Nimbin Road	Nimbin NSW 2480
Sandra	Heuston		387 Ridgewood Road	Rosebank NSW 2480
RW and JM	Hewett		826 Wyrallah Road	WYRALLAH NSW 2480
Stan	Heywood		Fox Road	Rosebank NSW 2480
Margaret	Hildebrand		412 Borton Road	Tullera NSW 2480
Russell	Hill		543 Cross Road	Numulgi NSW 2480
Patchasee	Hillborn		20/5 Dixon Place	Lismore NSW 2480
Tobias	Hillborn		20/5 Dixon Place	Lismore NSW 2480
T	Hillborn		PO Box 5261	East Lismore NSW 2480
Jim and Kay	Hindmarsh		"Rosewood Hill" 2 Hull Road	Rosebank NSW 2480
Alleena	Hodson		11 Parmenter Road	Coffee Camp NSW 2480
Amber	Hodson		11 Parmenter Road	Coffee Camp NSW 2480
Annie	Hodson		11 Parmenter Road	Coffee Camp NSW 2480
Viola	Hoffmann		50 Macauley Street	Lismore NSW 2480
Ulrich	Hofmann		50 Macauley Street	Lismore NSW 2480
I	Hooper		203 Billen Road	Georgica NSW 2480
Ms Genevera	Hooper		445 Eltham Road	ELTHAM NSW 2480
Adrian	Horridge		76 Mueller Street	Yarralumla NSW 2600
Rebecca	Horridge		76 Mueller Street	Yarralumla NSW 2600
Dianne	Horton		344/33 Main Road	CLUNES 2480
AW	Hoskins		33 Atfield Street	South Gundurimba NSW 2480
Elma	Hoskins		378 Tregagle Road	Tregagle NSW 2480
W & W	Hoskins		336 Tregagle Road	Wyrallah NSW 2480
William	Hovell		34 McGuinness Road	Larnook NSW 2480
Andrew	Hume		413 Boatharbour Road	Eltham NSW 2480
Elizabeth	Hume		413 Boatharbour Road	Eltham NSW 2480
Esther	Hume		Boatharbour Road	Eltham NSW 2480
Les	Hume		413 Boatharbour Road	Eltham NSW 2480
Margaret	Hume		413 Boatharbour Road	Eltham NSW 2480

Name	Surname	Company	Street	Town
Norman and Colleen	Hunt		21 Mckenzie's Road	Eltham NSW 2480
David	Hunter		Corndale via	Lismore NSW 2480
L	Hunter		116 Casino Street	South Lismore NSW 2480
Robert	Hunter		445 Corndale Road	Corndale NSW 2480
Richard	Hurley		3 Arthur Road	Corndale NSW 2480
Laurel	Hyde		210 Leycester Road	Leycester NSW 2480
Anthony	Ianna		923 Dunoon Road	Modanville NSW 2480
J	Ianna		869 Dunoon Road	Modanville NSW 2480
Mr Richard	Ianna		873 Dunoon Road	Via LISMORE NSW 2480
Ms J	Ianna		921 Dunoon Road	MODANVILLE NSW 2480
Shayne	Ianna		71 Phyllis Street	South Lismore NSW 2480
Kevin	Jarrett		PO Box 4	Bangalow NSW 2479
Robert and Christine	Jarrett		119 Skyline Road South	Monaltrie NSW 2480
Neil and Fiona	Jeffer		5 Newbridge Street	South Lismore NSW 2480
Ms C	Jezeric		3 Winchester Drive	GOONELLABAH NSW 2480
Ms J	Jezeric		3 Winchester Drive	GOONELLABAH NSW 2480
Ms M	Jezeric		3 Winchester Drive	GOONELLABAH NSW 2480
Ms N	Jezeric		3 Winchester Drive	GOONELLABAH NSW 2480
A	Johnson		208 Leycester Road	LEYCESTER NSW 2480
Boyd	Johnson		308 Leycester Road	Leycester NSW 2480
M	Johnson		308 Leycester Road	LEYCESTER NSW 2480
Mr Andrew	Johnson		308 Leycester Road	LEYCESTER NSW 2480
Mr David	Johnson		21 Roder Place	RICHMOND HILL NSW 2480
Ms M	Johnson		308 Leycester Road	LEYCESTER NSW 2480
Allan, Dawn and Geoffrey	Johnston		87 Jiggi Road	Goolmangar NSW 2480
Gl	Johnston		59B Greengate Road	Bexhill NSW 2480
Glen	Johnston		22 Hopf Road	Tucki Tucki NSW 2480
JE	Johnston		980A Eltham Road	Booyong NSW 2480
Lynette	Johnston		59B Greengate Road	Bexhill NSW 2480
Mr Kevin E	Johnston		213 Channon Road	VIA LISMORE NSW 2480
Peter	Johnston		63 Alphadale Road	Alphadale NSW 2480
Robert and Nives	Johnston		2404 Nimbin Road	Nimbin NSW 2480
Tom	Johnston		59B Greengate Road	Bexhill NSW 2480
Bevan	Jolley		127 Cawongla Road	Rock Valley NSW 2480
J E	Jolley		Quilty Road	Rock Valley via Lismore NSW 2480

Name	Surname	Company	Street	Town
M	Jolley		127 Cawongla Road	Rock Valley NSW 2480
Wayne	Jolly		322 Cawongla Road	Rock Valley NSW 2480
David	Jones		PO Box 7183	LISMORE HEIGHTS NSW 2480
Ken	Jones		Nimbin Rocks Cooperative PO Box 61	Nimbin NSW 2480
Lynette	Jones		42A Gollan Road	Marom Creek NSW 2480
Ms Robyn	Jones		168 Pearson Road	MCLEANS RIDGES 2480
Stephen	Jones		79/265 Martin Road	LARNOOK 2480
Stephen	Jones		Martin Road	Larnook NSW 2480
Ms S	Jullian		28 Crown Street	South Lismore NSW 2480
Jack	Jung		454 Rous Road	Tregeagle NSW 2480
Mavis	Jung		390 Rous Road	Chilcotts Grass NSW 2480
Neil	Jung		454 Rous Road	Tregeagle NSW 2480
David	Kanaley		<a href="mailto:David.kanaley@gmail.com">David.kanaley@gmail.com</a>	
Mr David	Keeler		PO Box 4008	GOONELLABAH NSW 2480
Mr Paul	Kelly		536 Ridgewood Road	ROSEBANK NSW 2480
Thomas	Kemp		62 Hopf Road	TUCKI TUCKI NSW 2480
Mr Mike	Kena		1492 Cawongla Road	LARNOOK NSW 2480
S	Kennedy		209 Casino Street	South Lismore NSW 2480
Ms Annie	Kia		98 Tuntable Creek Road	THE CHANNON NSW 2480
B A	King		1118 Keerrong Road	Via Lismore NSW 2480
Colleen	King		1118 Keerrong Road	Via Lismore NSW 2480
Mavis	King		34 Rocky Creek Dam Road	Dunoon NSW 2480
J	Kinthead		374 Connor Road	Tregeagle NSW 2480
Clare	Kirkland		69 Connor Road	Tregeagle NSW 2480
Scot	Kirkland		71 Connor Road	Tregeagle NSW 2480
Jennifer	Kirton		22 Ravenswood Drive	GOONELLABAH 2480
John and Margaret	Knight		5 Bellara Court	Goonellabah NSW 2480
Desiree	Koppen		PO Box 785	Lismore NSW 2480
Heather	Koppen		PO Box 785	Lismore NSW 2480
Melissa	Koppen		PO Box 785	Lismore NSW 2480
Robbie	Koppen		PO Box 785	Lismore NSW 2480
Russell	Koppen		PO Box 785	Lismore NSW 2480
Birgit	Kruger		14 Phillip Street	Goonellabah NSW 2480
Peter	Kruger		14 Phillip Street	Goonellabah NSW 2480

Name	Surname	Company	Street	Town
Darrell	Kuskey		100 Crown Street	SOUTH LISMORE 2480
John	La Mela		20 Silky Oak Drive	Nimbin NSW 2480
Wendy and Arie	Lageman		"Murrwarra" 538 Ballina Road	Goonellabah NSW 2480
Nicholas	Lake		395 Corndale Road	BEXHILL 2480
Jeanette	Landrigan		210 Leycester Road	Leycester NSR 2480
G and J	Lane		945 Byole Road	Coffee Camp NSW 2480
Gianetta	Lane		31 Hillside Drive	Junction Hill NSW 2460
Gregory C	Lane		392 Skyline Road South	Wyrallah NSW 2480
Mr K and Mrs A	Lane		218 Cameron Road	MCLEANS RIDGES NSW 2480
Peter	Larsen		9 Rose Road	Tuntable Creek NSW 2480
Jeff Larsson on behalf of JK, TC, KW and MJ	Larsson		516 Dunoon Road	Lismore NSW 2480
Kym	Lavelle		C/- Rous Water PO Box 230	Lismore NSW 2480
Michael	Lawrence		61 Hayden Road	Goolmangar NSW 2480
Susan	Lawrence		61 Hayden Road	Goolmangar NSW 2480
Peter	Laws		114 Pelican Creek Road	South Gundarimba NSW 2480
Gwenda	Lawther		<a href="mailto:Gwenda.lawther@bigpond.com">Gwenda.lawther@bigpond.com</a>	
M	Laycock		206 Davis Road	Jiggi NSW 2480
RC and SM	Leadbeatter		3 Bellara Court	Goonellabah NSW 2480
Gregory and Elizabeth	Lee		531 and 514 Dorroughby Road	Dorroughby NSW 2480
Joyce M	Lee		640 Dorroughby Road	Dorroughby NSW 2480
Sandra	LeeHollands		895 Pinchins Lane	Goolmangar NSW 2480
AE	Lees		40 Eastment Lane	SOUTH GUNDURIMBA NSW 2480
R	Lees		40 Eastment Lane	SOUTH GUNDURIMBA NSW 2480
Pauline	Leeson		729 Dunoon Road	Tullera NSW 2480
Robyn	Leitch		2 Williams Road	Corndale NSW 2480
Ms	Lewis		17 Sheridan Drive	GOONELLABAH NSW 2480
B	Lisetto		814 Cawongla Road	Larnook NSW 2480
David	Lisetto		<a href="mailto:Debbie.lisetto@scu.edu.au">Debbie.lisetto@scu.edu.au</a>	
Eileen	Lisetto		404 Rock Valley Road	Via Lismore NSW 2480
F	Lisetto		201 Keerrong Road	Blakebrook NSW 2480
J and B	Lisetto		1011 Cawongla Road	Larnook NSW 2480
Jed	Lisetto		404 Rock Valley Road	Via Lismore NSW 2480

Name	Surname	Company	Street	Town
John	Lisetto		404 Rock Valley Road	Via Lismore NSW 2480
Marlene	Lisetto		201 Keerrong Road	Blakebrook NSW 2480
Olivia	Lisetto		404 Rock Valley Road	Via Lismore NSW 2480
Sabrina	Lisetto		404 Rock Valley Road	Via Lismore NSW 2480
FJ	Lock		77 Somerville Road	Blakebrook NSW 2480
Neil and Judith	Lollback		Po Box 17	Woodburn NSW 2472
J and M	Lombard		PO Box 817	LISMORE NSW 2480
Andrea	Loquet		4 Range Court	Goonellabah NSW 2480
Brian and Colleen	Loudon		343 Dunoon Road	NORTH LISMORE NSW 2480
Mr G	Love		633 Casino Road	SOUTH GUNDURIMBA NSW 2480
Paul	Lowe		375 Repentance Creek Road	ROSEBANK 2480
J	Luck		c/o 199 Casino Street	South Lismore NSW 2480
William	Lulham		229 Eastern Avenue	Kentucky NSW 2354
C	Lumley		PO Box 5272	East Lismore NSW 2480
TD and RA	Lynch		514 Cross Road	DUNOON 2480
BE	Lyons		39 Riverbank Road	Wyrallah NSW 2480
Ass Professor Geoffrey	M Boyce		23 Dalley Street	LISMORE NSW 2480
G J and SA	Mackney		1 Mackney Road	Goolmangar NSW 2480
Jeff	Mackney		1 Mackney Road	Goolmangar NSW 2480
Julia	Mackney		1 Mackney Road	Goolmangar NSW 2480
Loretta	Mackney		1 Mackney Road	Goolmangar NSW 2480
M J and J N	Mackney		308 Rosehill Road	Goolmangar NSW 2480
Susan	Mackney		1 Mackney Road	Goolmangar NSW 2480
Lorraine	Makings		36 McDermott Avenue	Goonellabah NSW 2480
Anthony and Rochelle	Malone		236 Upper Coopers Creek Road	ROSEBANK NSW 2480
Neil Harris and Anais	Malot		47 Pindari Cesent	Goonellabah NSW 2480
A	Maluta		424 Boatharbour Road	Eltham NSW 2480
R	Maluta		424 Boatharbour Road	Eltham NSW 2480
C	Marciniak		119 Elliot Road	Clunes NSW 2480
Robyn	Marshall-Jung		454 Rous Road	Tregeagle NSW 2480
BE and JK	Martin		12 Compton Road	GOONELLABAH 2480
Bohun	Martin		2 Dietrich Place	CHISHOLM 2905
Catherine	Martin		596 Tregeagle Road	Tregeagle NSW 2480
David	Martin		194 Rosehill Road	Blakebrook NSW 2480

Name	Surname	Company	Street	Town
Dorothy	Martin		194 Rosehill Road	Blakebrook NSW 2480
Graham	Martin		596 Tregeagle Road	Tregeagle NSW 2480
Holly	Martin		923 Dunoon Road	Modanville NSW 2480
J	Martin		1238 Wyrallah Road	Tucki Tucki NSW 2480
Ray	Martin		194 Rosehill Road	Blakebrook NSW 2480
S	Martin		1238 Wyrallah Road	Tucki Tucki NSW 2480
Sharron	Martin		194 Rosehill Road	Blakebrook NSW 2480
Trent	Martin	C/- Doc Dorahy Tractors and Machinery	30 Tweed Street	North Lismore NSW 2480
Linda	Maslen		648 Cowlong Road	McLeans Ridges NSW 2480
M	Maso		114 Maso Road	Rosebank NSW 2480
Mr Jack and Mrs Marcia	Matthes		9 Apsley Street	BALLINA NSW 2480
Bronwyn	Matthews		Lot 2 Pinchins Road	Goolmangar NSW 2480
FA	Matthews		61 Caniaba Street	South Lismore NSW 2480
RW	Matthews		39 Charles Street	South Lismore NSW 2480
John	Maxwell		504 Cowlong Road	McLeans Ridges NSW 2480
Edwin	Maynes		204 James Gibson Road	Clunes NSW 2480
P J and L E	Mazzer		334 Rock Valley Road	Lismore NSW 2480
D and S	McBain		PO Box 6245	South Lismore NSW 2480
Mrs Fay	McDonald		129 Hull Road	ROSEBANK NSW 2480
S	McDonald		175 Dibbs Street	LISMORE NSW 2480
John	McDonogh		91 Skyline Road South	Goonellabah NSW 2480
Wayne and Susan	McGettigan		PO Box 6403	SOUTH LISMORE 2480
Mr IA	McGrath		PO Box 1	Goolmangar NSW 2480
Ben	McGrigor		26 Fox Road	Rosebank NSW 2480
Jess	McGrigor		26 Fox Road	Rosebank NSW 2480
Sharon	McGrigor		26 Fox Road	Rosebank NSW 2480
Eileen	McGuinness		10 Eden Place	Girards Hill NSW 2480
David	McIntyre		338 Nimbin Road	Boorie Creek NSW 2480
EJ	McIntyre		420 Nimbin Road	Blakebrook NSW 2480
Jean	McIntyre		420 Nimbin Road	Blakebrook NSW 2480
John	McIntyre		420 Nimbin Road	Blakebrook NSW 2480
Robert	McIntyre		386 Gwynne Road	Georgica NSW 2480
Tricia	McIntyre		38 Gardner Road	Jiggi NSW 2480
Tom	Mclvor		483 Davis Road	Jiggi NSW 2480

Name	Surname	Company	Street	Town
Bob	McKenzie	McKrob Group of Companies	202 Molesworth Street	Lismore NSW 2480
JP, CJ and T	McKeough		140 Riley's Hill Road	Broadwater NSW 2480
Michael	McKeough		120 Riley's Hill Rd	Broadwater NSW 2472
Mr M	McKey		2/21 Trinity Drive	GOONELLABAH NSW 2480
Peter and Wendy	McKey		2 Parade Street	Lismore NSW 2480
Helen	McKinnon		6 Opal Crescent	Lismore Heights NSW 2480
NJ	McKinnon		20 Silky Oak Drive	Nimbin NSW 2480
R	McKinnon		6 Opal Crescent	Lismore Heights NSW 2480
Robert Pirlo and Julie	McLaughlin		76 Willis Road	Tregeagle NSW 2480
Julie	McLean		<a href="mailto:Travelling20092009@hotmail.com">Travelling20092009@hotmail.com</a>	
Mr D	McLean		75 Mathieson Lane	TUCKI TUCKI NSW 2480
Fiona	McLeod		708 Boyle Road	Goolmangar NSW 2480
M	McLeod		150 Casino Street	South Lismore NSW 2480
Michael	McMahon		252 McMahon Road	South Gundurimba NSW 2480
ML and PA	McMillan		44 Gray Road	Eltham NSW 2480
Patricia	McMillan		44 Gray Road	Eltham NSW 2480
Peter	McMillan		44 Gray Road	Eltham NSW 2480
Michael	McNab		321 Yeager Road	Leycester NSW 2480
Anthony	McNamara		4 Act Circuit	Alexandra Hills QLD 4160
Christopher and Christine	McNamara		PO Box 2021	Chatsworth Island NSW 2469
Greg	McNamara		PO Box 486	Lismore NSW 2480
Greg and Sue	McNamara		"Quamby" 441 Boyle Road	Goolmangar NSW 2480
James	McNamara		4 Tunberry Drive	Victoria Point QLD 4165
Margaret	McNamara		4 Act Circuit	Alexandra Hills QLD 4160
Patricia	McNamara		4 Tunberry Drive	Victoria Point QLD 4165
Phil	McNamara		421 Boyle Road	Koonorigan NSW 2480
Todd	McNamara		487 Boyle Road	Goolmangar NSW 2480
Zandra	McNamara		75 Esmonde Street	Girards Hill NSW 2480
Debbie	McPaul		1453 Bangalow Road	Clunes NSW 2480
Len	McPaul		1453 Bangalow Road	Clunes NSW 2480
Arthur W	McPherson		515 Skyline Road	Goonellabah NSW 2480
Elizabeth A	McPherson		515 Skyline Road	Goonellabah NSW 2480
Ian and Sally	McPherson		18 Minshul Crescent	NORTH LISMORE NSW 2480
John	McRae		1722 Nimbin Road	Coffee Camp NSW 2480

Name	Surname	Company	Street	Town
Rolf	Meier		500 Duncan Road	Numulgi NSW 2480
David	Menzies		Cecil Street	Nimbin NSW 2480
Sharon	Merin		241 Alphadale Road	Lindendale NSW 2480
Sharon	Merton		7 Vintage Drive	Chilcotts Grass NSW 2480
Natalie	Meyer	C/- Nimbin Neighbourhood and Information Centre	PO Box 20168	Nimbin NSW 2480
Phillip (Reg)	Milgate		19 Cashmore Lane	Evans Head NSW 2473
Yvonne	Milgate		19 Cashmore Lane	Evans Head NSW 2473
G	Millard		83 Caniaba Street	South Lismore NSW 2480
Tony	Millard		191 Tuckurimba Road	TUCKURIMBA NSW 2480
Ruth	Miller		PO Box 20163	Nimbin NSW 2480
T A	Mills		PO Box 200	Lismore NSW 2480
Tracey	Mills		210 Union Street	South Lismore NSW 2480
Colin	Mitchell		403 Alphadale Road	Tregeagle NSW 2480
Erin	Mitchell		428 Boatharbour Road	Eltham NSW 2480
Garry	Mitchell		372 Skyline Road	Goonellabah NSW 2480
Graham E	Mitchell		10 Pine Street	NORTH LISMORE NSW 2480
Jeff	Mitchell		362 Skyline Road	Goonellabah NSW 2480
Julie	Mitchell		362 Skyline Road	Goonellabah NSW 2480
Rodney	Mitchell		428 Boatharbour Road	Eltham NSW 2480
W	Mitchell		1 Duke Street	Coraki NSW 2471
William	Moffitt		19 Moffitt Road	Nimbin NSW 2480
Ms C	Montgomery		96A Yeager Road	LEYCESTER NSW 2480
John	Morelli		221 Alphadale Road	Lindendale NSW 2480
WE and JE	Morgan		218 Broadwater Road	Dungarubba NSW 2480
Amanda	Morris	South Lismore Action Partnership	PO Box 1095	Lismore NSW 2480
Amanda	Morris	Amanda.agent99@gmail.com		
Mr J	Morrissey		10 Elliot Road	SOUTH LISMORE NSW 2480
Mr W	Morrissey		81 Bright Street	LISMORE NSW 2480
Kerry and Gregory	Morrow		863 Eltham Road	Booyong NSW 2480
Allan	Morton		745 Cawongla Road	Larnook NSW 2480



Name	Surname	Company	Street	Town
Danny	Morton		18 Morton Road	Nimbin NSW 2480
Robert	Morton		17 Garrard Street	Lismore NSW 2480
Vicki	Morton		745 Cawongla Road	Larnook NSW 2480
J	Mossfield		374 Connor Road	Tregeagle NSW 2480
Janelle	Mulcany		102 Bice Road	Leycester NSW 2480
Raymond	Mulcany		102 Bice Road	Leycester NSW 2480
MJ	Muller		29 Cedar Drive	DUNOON NSW 2480
Geoff	Multelwit		354 The Channon Road	Lismore NSW 2480
Iain and Linda	Mumford		288 Nimbin Road	Lismore NSW 2480
Linda	Mumford		288 Nimbin Road	Lismore NSW 2480
JE and GM	Munce		'Skyline Park' 70 Monaltrie Lane	MONALTRIE NSW 2480
Linda	Munday		543 Cross Road	Numulgi NSW 2480
B, M and N	Muntelwit		354 The Channon Road	Lismore NSW 2480
Barry	Murray		155 Humpty Back Road	McLeans Ridges NSW 2480
Craig	Murray		163 Alexander Parade	North Lismore NSW 2480
Fiona	Murray		170 Alexander Parade	North Lismore NSW 2480
Fiona	Murray		RMB 101 Dunoon Road	Lismore NSW 2480
Kirrily	Myers		1040 Eltham Road	Pearces Creek NSW 2477
Kirrily	Myers		PO Box 7022	East Ballina NSW 2478
Vivienne	Myler		176 Cowlong Road	McLeans Ridges NSW 2480
B	Nanscawen		158 Fox Road	Rosebank NSW 2480
J	Nanscawen		'Merrindal' 158 Fox Road	Rosebank NSW 2480
Z	Nanscawen		5 Kruseana Avenue	Goonellabah NSW 2480
S	Natale		126 Casino Street	South Lismore NSW 2480
Catriena	Naughtin		5 Vera Street	Ballina NSW 2478
Robert	Needham		628 Tregeagle Road	Tregeagle 2480
Glen	Nepia		895 Pinchins Lane	Goolmangar NSW 2480
Susanne	Newberry		7 Whian Street	Mullumbimby NSW 2482
K M	Newton		251 Cooks Road	Dalwood NSW 2477
Christopher and Margit	Nicolia		1164 Bruxner Highway	McKees Hill NSW 2480
Paul	Nicolia		725 Eltham Road	Laureldale NSW 2480
Mrs Eileen	Niland		11 Pindari Crescent	GOONELLABAH NSW 2480
Geoff	Nilon		41A McKinnon Road	BOATHARBOUR ROAD via LISMORE

Name	Surname	Company	Street	Town
				NSW 2480
Gordon and Margaret	Nixon		35 Poole Road	Ruthven via Lismore NSW 2480
K	Nixon		93 Donnans Road	LISMORE HEIGHTS NSW 2480
B & C	Nott		PO Box 5340	East Lismore NSW 2480
Helen and Peter	Nott		RMB 654 Bruxner Hwy	South Gundarimba via Lismore NSW 2480
J	Nowlan		10 Maloney Avenue	SOUTH LISMORE 2480
Barry	Nugent		2 Lillian Rock Road	Via Nimbin NSW 2480
James	Nugent		2 Lillian Rock Road Blue Knob	Nimbin NSW 2480
DP and SL	O'Connor		'Cedarview' 274 Caniaba Road	CANIABA NSW 2480
M	O'Connor		683 Dunoon Road	TULLERA NSW 2480
Christine H and James J	O'Grady		67 Minyon Falls Road	Rosebank NSW 2480
Kevin	O'Rourke		60 East Skyline Road	Goonellabah NSW 2480
Ross	Oag		1 Nimbin Road	North Lismore NSW 2480
Owen	Oakes		7 Bellbird Place	GOONELLABAH NSW 2480
IM	Oliver		140 Duncan Road	Numulgi NSW 2480
Mr David	Oliver		35 Phyllis Street	SOUTH LISMORE NSW 2480
Mr John	Oliver		685 Boyle Road	KOONORIGAN NSW 2480
Mr Noel J	Oliver		140 Duncan Road	NUMULGI NSW 2480
Ms Kerri M	Oliver		140 Duncan Road	NUMULGI NSW 2480
R	Oliver		426 East Coraki	Coraki 2471
Betty	Olivieri		925A Rock Valley Road	Rock Valley NSW 2480
Geoff	Olivieri		925A Rock Valley Road	Rock Valley NSW 2480
I and R	Olley		PO Box 6088	South Lismore NSW 2480
Kenneth	Organ		54 Flood Reserve Road	RUTHVEN NSW 2480
Mr John	Orman		<a href="mailto:Gail_orman@bigpond.com">Gail_orman@bigpond.com</a>	
Mr A	Osborne			CORNDALE NSW 2480
Richard	Osborne		Cosy Camp Road	Corndale via Lismore NSW 2480
Sara	Osborne		14 Dunne Street	Toowoomba QLD 4350
Mr John	Owen		'The Bails' 1441A Kerrong Road	THE CHANNON NSW 2480
J P	Paddon		41 Schneider Lane	McKees Hill NSW 2480

Name	Surname	Company	Street	Town
Ashley	Pagotto		174 Union Street	South Lismore NSW 2480
Brady	Pagotto		4 Anstey Street	Lismore NSW 2480
Bronwyn	Pagotto		204 Union Street	South Lismore NSW 2480
Daniel	Pagotto		176 Munro Wharf Road	Tucki Tucki NSW 2480
Darren	Pagotto		4 Anstey Street	Girards Hill NSW 2480
Dean	Pagotto		204 Union Street	South Lismore NSW 2480
Jessica	Pagotto		174 Union Street	South Lismore NSW 2480
Paul	Pagotto		204 Union Street	South Lismore NSW 2480
Rino	Pagotto		4 Anstey Street	Lismore NSW 2480
Sue	Pagotto		4 Anstey Street	Lismore NSW 2480
Tonya	Pagotto		204 Union Street	South Lismore NSW 2480
John Edwin and Lynette J	Paisley		1457 Wyrallah Road	Tucki Tucki NSW 2480
Stephen	Paisley		97 Tucki Road	Wyrallah NSW 2480
Teresa	Parkes		18 Lucia Crescent	Lismore Heights NSW 2480
BM	Parmenter		Pelican Creek Road	Caniaba NSW 2480
C	Parrish		524 Cowlong Road	McLeans Ridges NSW 2480
Kara	Parrish		524 Cowlong Road	McLeans Ridges NSW 2480
Lynette	Parrish		PO Box 447	Port Macquarie NSW 2444
Mr K	Parry		179 Alphadale Road	LINDENDALE NSW 2480
Brian	Patch		49 Boatharbour Road	Lismore NSW 2480
Elizabeth	Patch		543 Caniaba Road	Caniaba NSW 2480
Kathy and Gary	Patch		81 Boatharbour Road	Via Lismore NSW 2480
Robin	Patch		543 Caniaba Road	Caniaba NSW 2480
James	Payne		713 Boatharbour Road	Eltham NSW 2480
Todd and Patricia	Pearson		165 Tregeagle Road	Wyrallah NSW 2480
Christina	Peebles		485 Ridgewood Road	ROSEBANK NSW 2480
Jane	Pengilley		Braidwood Road	Koonorigan NSW 2480
Jane and James	Pengilley		533 Koonorigan Road	Koonorigan NSW 2480
Ron	Perin		144 Henson Road	Wyrallah NSW 2480
CJ and ND	Perkins		475 Tucki Road	Marom Creek NSW 2480
Darren	Perkins		395 Cosy Camp Road	Corndale NSW 2480
Delinda	Perkins		905 / 930 Eltham Road	Eltham NSW 2480
Mr	Perkins		475 Tucki Road	Marom Creek NSW 2480
Delinda	Perkins-Towers		905/930 Eltham Road	Booyong NSW 2480
Barry	Perry		1522 Wyrallah Road	Tucki Tucki NSW 2480

Name	Surname	Company	Street	Town
Narissa	Phelps		1 Rosella Chase	Goonellabah NSW 2480
R	Phillips		206 Casino Street	South Lismore NSW 2480
RU	Phillips		351 Dorroughby Road	Via Lismore NSW 2480
John	Piper		520 Wyrallah Road	Wyrallah NSW 2480
JV	Piper		578 Wyrallah Road	Monaltrie NSW 2480
Muriel M	Piper		92 Tulk Road	WYRALLAH NSW 2480
Angelo and Alice	Pirlo		306 Cross Road	Numulgi NSW 2480
B and SJ	Pirlo		1159 Dunoon Road	MODANVILLE 2480
Frank and Naree	Pirlo		340 Cross Road	Numulgi NSW 2480
John and Rosalie	Pirlo		71 James Street	Dunoon NSW 2480
Kathy	Pirlo		1019 Dunoon Road	Modanville NSW 2480
Mr Paul	Pirlo		280 Cawongla Road	ROCK VALLEY NSW 2480
Ms Shirley	Pirlo		1159 Dunoon Road	MODANVILLE NSW 2480
Nicole	Pirlo		280 Cawongla Road	Rock Valley NSW 2480
Ron	Pirlo		1019 Dunoon Road	Modanville NSW 2480
Vanda	Pirlo		13 Fathers Road	Boorie Creek Via Lismore NSW 2480
Andrew and Joycelyn	Pittaway		6E Jacobson Road	Georgica NSW 2480
Bert	Plenkovich		64 Little Place	Alstonville NSW 2177
Melissa	Plim		210 Leycester Road	Leycester NSW 2480
B	Poles		617 Jiggi Road	Via Lismore NSW 2480
E	Poles		617 Jiggi Road	Jiggi NSW 2480
Paula	Poles		41 Pagotto's Ridge Road	Tullera NSW 2480
Peter	Priddle		PO Box 205	Fortitude Valley QLD 4006
John	Purcell		13 Wooley Road	Tregeagle NSW 2480
Lesley	Purcell		13 Wooley Road	Tregeagle NSW 2480
Ian	Pursey		215 Connor Road	Tregeagle NSW 2480
Louise	Pursey		215 Connor Road	Tregeagle NSW 2480
Andrew and Donna	Purtle		1 Sexton Road	North Lismore NSW 2480
Grahame J	Ramsay		125 Riverbank Road	Monaltrie NSW 2480
Jane L	Ramsay		125 Riverbank Road	Monaltrie NSW 2480
Mr Terry	Ramsay		75 Mountain View Drive	LISMORE NSW 2480
Alison	Randall		106 Yeager Road	Leycester NSW 2480
C R	Randall		106 Yeager Road	Leycester NSW 2480
Stephen	Randall		25 Sandiland Street	Casino NSW 2470
L	Randle		78 The Channon Road	Via Lismore NSW 2480

Name	Surname	Company	Street	Town
P	Randle		78 The Channon Road	Via Lismore NSW 2480
Maria	Rankin		71 Connor Road	Tregeagle NSW 2480
Charles	Rapmund		5 Crown Lane	Lismore NSW 2480
Jean-Rose	Rapmund		5 Crown Lane	South Lismore NSW 2480
Ian	Ratcliff		79 Coleman Street	Bexhill NSW 2480
Dr Paul	Recher		<a href="mailto:precher@bigpond.net.au">precher@bigpond.net.au</a>	
Julie	Reid		211 Davis Road	Jiggi NSW 2480
John	RemyNSE		30 William Blair Avenue	GOONELLABAH 2480
Julie	Rhodes		713 Boatharbour Road	Eltham NSW 2480
Denise and Robert	Richardson		632 Skyline Road	Goonellabah NSW 2480
Jim	Richardson		6 Tildon Drive	Clunes NSW 2480
R	Rickard		167 Casino Street	South Lismore NSW 2480
John De	Righetti		Gungas Road	NIMBIN 2480
Aimee	Riley		30 Fernside Road	Fernside NSW 2480
Beverley	Riley		30 Fernside Road	Fernside NSW 2480
Darren	Riley		30 Fernside Road	Fernside NSW 2480
Graham	Riley		35 Fernside Road	Fernside NSW 2480
Hayden	Riley		PO Box 1273	CASINO 2470
Jenny	Riley		PO Box 1273	CASINO 2470
Joyce	Riley		35 Fernside Road	Fernside NSW 2480
Lachlan	Riley		PO Box 1273	CASINO 2470
Madison	Riley		30 Fernside Road	Fernside NSW 2480
Olivia	Riley		30 Fernside Road	Fernside NSW 2480
Scott	Riley		PO Box 1273	CASINO 2470
A	Riordan		PO Box 4053	Goonellabah NSW 2480
John	Riordan		5 Wyrallah Road	Lismore NSW 2480
Tony and Fran	Riordan		43 McLeay Road	North Lismore NSW 2480
Mr Noel	Rippon		47 Victoria Park Road	DALWOOD NSW 2477
Anne	Rizzo		262 Keerrong Road	Blakebrook NSW 2480
Chloe	Rizzo		290 Leycester Road	Leycester NSW 2480
Chris	Rizzo		262 Keerrong Road	Blakebrook NSW 2480
Joel	Rizzo		290 Leycester Road	Leycester NSW 2480
Keran	Rizzo		290 Leycester Road	Leycester NSW 2480
Melissa	Rizzo		262 Keerrong Road	Blakebrook NSW 2480
Neville	Rizzo		290 Leycester Road	Leycester NSW 2480

Name	Surname	Company	Street	Town
Robert	Rizzo		262 Keerrong Road	Blakebrook NSW 2480
Gavin	Robb		PO Box 394	Alstonville NSW 2477
Kath	Robb		PO Box 394	Alstonville NSW 2477
Diana	Roberts		<a href="mailto:Diana@nimbinapothecary.com">Diana@nimbinapothecary.com</a>	
Bevan	Robertson		244 Skyline Road South	Wyrallah NSW 2480
Ms Anne	Robertson		101 Cook Road	TUCKI NSW 2480
Barry	Robinson		12 Penelope Place	Lismore NSW 2480
Helen	Robinson		182 Bentley Road	Tullera NSW 2480
T	Robinson		195 Casino Street	South Lismore NSW 2480
Wayne	Robinson		86 Fairfull Road	Numulgi NSW 2480
Helen	Robson		20 Silky Oak Drive	Nimbin NSW 2480
R and J	Roder		560 Tregeagle Road	Tregeagle NSW 2480
Simon	Romalis		245a Connor Road	Tregeagle NSW 2480
BM and BD	Ros		488B Kyogle Road	Tuncester NSW 2480
Anthony A	Rose		2 Daniel Roberts Drive	McLeans Ridges NSW 2480
Dennis	Rose		956 Nimbin Road	Goolmangar NSW 2480
Joy	Rose		107 Fernside Road	Fernside NSW 2480
Mr Darryl	Rose		956 Nimbin Road	GOOLMANGAR NSW 2480
Ms C	Rose		956 Nimbin Road	GOOLMANGAR NSW 2480
Nicholas	Rose		488 Cowlong Road	MCLEANS RIDGES NSW 2480
Sue-Ellen	Rose		504 Cowlong Road	McLeans Ridges NSW 2480
Cyril	Ross		18 Fletcher Road	Dunoon NSW 2480
Garry	Ross		18 Fletcher Road	Dunoon NSW 2480
Ken	Ross		396 Richmond Hill Road	Richmond Hill NSW 2480
Mr Andrew	Ross		<a href="mailto:comatross@hotmail.com">comatross@hotmail.com</a>	
Robyn	Ross		8/B Lee Crescent	Goonellabah NSW 2480
Vicki	Ross		6 Tildon Drive	Clunes NSW 2480
CG	Rowney		5 Ridgeland Clsoe	Richmond Hill NSW 2480
Lester	Rowsell		104 Gundurimba Road	East Lismore NSW 2480
P	Rsharma		215 Casino Street	South Lismore NSW 2480
Cathy	Ruigok		13 Invercauld Road	Goonellabah NSW 2480
John	Russell		600 Tregeagle Road	Tregeagle NSW 2480
C	Rutherford		166 Casino Street	South Lismore NSW 2480
Lib	Ruytenberg		878 Caniaba Road	Caniaba NSW 2480
John	Ryan		1533 Nimbin Road	Goolmangar NSW 2480

Name	Surname	Company	Street	Town
Noel	Ryan		67 Mountain View Drive	Goonellabah NSW 2480
R	Saad		171 Casino Street	South Lismore NSW 2480
Paul	Sandrin		346 Koonorigan Road	Koonorigan NSW 2480
Darren	Santin		31 Nimoola Road	Caniaba NSW 2480
Beverley	Savins		1 Roseview Road	McLeans Ridges NSW 2480
I E	Savins		110 Woodlark Street	Lismore NSW 2480
G	Sawtell		47a Caniaba Street	SOUTH LISMORE NSW 2480
John	Schaefer		54 Paff Lane	East Coraki NSW 2471
Christine	Scheibel		PO Box 50	Goolmangar NSW 2480
Craig and Loiose	Scheibel		PO Box 50	Goolmangar NSW 2480
Greg and Maree	Scheibel		340-375 Jiggi Road	Goolmangar NSW 2480
Mathew	Scheibel		375 Jiggi Road	Goolmangar NSW 2480
Mr Craig	Scheibel	C/- Justine Elliot Federal Member for Richmond	PO Box 6996	Tweed Heads South NSW 2486
P and M	Scheibel		PO Box 22	Goolmangar NSW 2480
Warren J	Scheibel		1020 Bruxner Highway	MCKEE'S HILL NSW 2480
Hans-Peter	Schelboegl		27/265 Martin Road	Larnook NSW 2480
Denise	Schiebel		1020 and 1076 Bruxner Highway	MCKEES HILL via LISMORE NSW 2480
N	Schlosser		63 Beardow Street	Lismore Heights NSW 2480
Hans-Peter	Schnelboegl		PO Box 1223	Lismore NSW 2480
Adrian	Schooth		127 High Street	Lismore Heights NSW 2480
Ms Lesley	Schreiber		Eltham Village Gallery	ELTHAM NSW 2480
GT and MJ	Scotcher		229 Invercauld Road	GOONELLABAH NSW 2480
Paul and Sue	Scott		Frazer Road	Dunoon NSW 2480
RR and HM	Scott		258 Cameron Road	MCLEANS RIDGES NSW 2480
Joy and Brendan	Seed		McMahon Road	South Gundurimba NSW 2480
B	Semmens		20B Bentick Street	Ballina NSW 2478
Blake	Semmens		10 Thomas Crescent	Ballina NSW 2478
Gordon A	Semmens		10 Thompson Crescent	Ballina NSW 2478
JD	Semmens		197B Billen Road	Georgica NSW 2478
R	Semmens		10 Thompson Crescent	Ballina NSW 2478
Charles	Serchen		177 Gungas Road	Nimbin NSW 2480
M	Serchen		177 Gungas Road	Nimbin NSW 2480

Name	Surname	Company	Street	Town
Gordon	Serone		56 O'Neil Road	Bentley NSW 2480
Patricia	Serone		56 O'Neil Road	Bentley NSW 2480
Keith	Shailes		81 Coopers Creek Road	Rosebank NSW 2480
Andrew	Shannon		29 Byrne Street	Rosebank NSW 2480
Patricia	Shannon		583 Koonorigan Road	Koonorigan NSW 2480
Bruce N	Shearman		621 Nimbin Road	Goolmangar NSW 2480
Leigh	Shearman		1335 Nimbin Road	Goolmangar NSW 2480
Nola M	Shearman		621 Nimbin Road	Goolmangar NSW 2480
Donald	Shedden		1335 Nimbin Road	Goolmangar NSW 2480
Shirley	Shedden		270 Dunoon Road	North Lismore NSW 2480
Beryl	Sheehy		1/8 Eden Place	EAST LISMORE NSW 2480
J	Sheehy		595 Caniaba Road	Caniaba NSW 2480
Jo	Shepherd		PO Box 6439	South Lismore NSW 2480
Jennifer and Neil	Short		17 Denbos Crescent	Lismore NSW 2480
Warren	Shreiber		1076 Bruxner Highway	McKees Hill NSW 2480
Helen	Simeoni		47 Nimoola Road	Caniaba NSW 2480
Mr Barry	Simpson		173 Leycester Road	VIA LISMORE NSW 2480
Darran	Singh		5 George Drive	CHILCOTTS GRASS 2480
Jaswinder	Singh		5 George Drive	CHILCOTTS GRASS 2480
Eleanor	Sivewright		Three Chain Road	South Lismore NSW 2480
Harold	Sivewright		Three Chain Road	South Lismore NSW 2480
Ian	Sivewright		Three Chain Road	South Lismore NSW 2480
John	Sivewright		Three Chain Road	South Lismore NSW 2480
Sarah	Sivewright		Three Chain Road	South Lismore NSW 2480
Jason and Jennifer	Skimmings		160 Spring Grove Rd	Spring Grove NSW 2470
Sheree	Small		129 Orion Road	Cedar Vale QLD 4285
B	Smith		184 Casino Street	South Lismore NSW 2480
C	Smith		210 Casino Street	South Lismore NSW 2480
Graham	Smith		12 Baxter Lane	Tuckurimba NSW 2480
JC	Smith		121 Bice Road	Leycester NSW 2480
Jim, Margaret and Shayne	Smith		147 Spring Grove Rd	Caniaba NSW 2480
Julian and Vanessa	Smith		Lot 1, 188 Fox Road	Rosebank NSW 2480
K	Smith		210 Casino Street	South Lismore NSW 2480
Kirsty	Smith		487 Boyle Road	Goolmangar NSW 2480
Leola	Smith		280 Cawongla Road	Rock Valley NSW 2480



Name	Surname	Company	Street	Town
MG	Smith		121 Bice Road	Leycester NSW 2480
Mr Colin	Smith		124 Boggumbil Road	GOOLMANGAR NSW 2480
Mr Daryl	Smith		280 Cawongla Road	ROCK VALLEY NSW 2480
Mr Rod	Smith		37 Alambie Drive	GOONELLABAH NSW 2480
Ms Christine	Smith		124 Boggumbil Road	GOOLMANGAR NSW 2480
Neville	Smith		280 Cawongla Road	Rock Valley NSW 2480
Rod	Smith		37 Allambie Drive	GOONELLABAH 2480
Phillip	Snape		104 Gwynne Road	Jiggi NSW 2480
JW and EA	Sneesby		PO Box 35	BROADWATER NSW 2472
Paul	Snellgrove		PO Box 20	Ballina NSW 2478
Carol A	Somerville		73 Rosehill Road	Tuncester NSW 2480
George	Somerville		86 Jiggi Road	Goolmangar NSW 2480
John M	Somerville		73 Rosehill Road	Tuncester NSW 2480
Suzanne	Somerville		Jiggi Road	Goolmangar NSW 2480
Vic	Somerville		45 Spring Grove Road	via Lismore NSW 2480
William	Somerville		86 Jiggi Road	Goolmangar NSW 2480
Yvonne M	Somerville		86 Jiggi Road	Goolmangar NSW 2480
Warwick	Somerville McPherson		50 East Skyline Road	Goonellabah NSW 2480
S	Sommervelle		27 Minyon Falls Road	Rosebank NSW 2480
MW	Spinaze		704 Dunoon Road	TULLERA NSW 2480
Mr R	Sproule		13 Felicity Drive	EAST LISMORE 2480
Rod	Sproule		3 Joel Place	Goonellabah NSW 2480
Peter	St.Clair		423A Gores Road	SPRING GROVE NSW 2480
Jenny	Staples		98 The Channon Road	Via Lismore NSW 2480
G	Starkey		488 Whian Whian Road	Whian Whian NSW 2480
J	Starkey		2 Starkey Road	Whian Whian NSW 2480
M	Starkey		488 Whian Whian Road	Whian Whian NSW 2480
S	Starkey		2 Starkey Road	Whian Whian NSW 2480
Anne	Stead		414 Davis Road	Jiggi NSW 2480
Rachael	Stead		140 Stead Road	Jiggi NSW 2480
Samuel	Stead		414 Davis Road	Jiggi NSW 2480
Shaun	Stead		414 Davis Road	Jiggi NSW 2480
KC	Stebbing		168 James Gibson Road	Clunes NSW 2480
Rondah	Stevenson		58 Youngmans Road	Marom Creek NSW 2480

Name	Surname	Company	Street	Town
Mr Bruce	Stewart		449 Repentance Creek Road	ROSEBANK NSW 2480
John and Leone	Stibbard		Dungarubba	Via Lismore NSW 2480
Jason	Stirk		140 Stead Road	Jiggi NSW 2480
Ray	Stone		63 Parmenter Road	Coffee Camp NSW 2480
Annette	Stuckey		65 Currie Road	The Channon NSW 2480
Katherine	Stuckey		531 Rock Valley Road	Lismore NSW 2480
Marie	Stuckey		RMB 189 The Channon Road	Via Lismore NSW 2480
Peter	Stuckey		531 Rock Valley Road	Lismore NSW 2480
Raymond R	Stuckey		189 The Channon Road	Via Lismore NSW 2480
Robert	Stuckey		65 Currie Road	The Channon NSW 2480
Mr Alex	Sudiro		143 Rosehill Road	TUNCESTER NSW 2480
Mr Kristian	Sudiro		4 Rifle Range Road	WOLLONGBAR NSW 2477
Ms Helen Sudiro	Sudiro		143 Rosehill Road	TUNCESTER NSW 2480
P	Sudiro		1461 Cawongla Road	Larnook NSW 2480
V	Sudiro		310A Leycester Road	VIA LISMORE NSW 2480
BR and LS	Suffolk		Po Box 1060	Lismore NSW 2480
Mr B and Ms L	Suffolk		2 Tucki Road	WYRALLAH NSW 2480
Mr Wayne	Sullivan		PO Box 6140	SOUTH LISMORE NSW 2480
Ms Sally	Sullivan		PO Box 6140	SOUTH LISMORE NSW 2480
Natalie	Suttle		223 Casino Street	South Lismore NSW 2480
Kelly	Sutton		120 Jacobson Road	Georgica NSW 2480
Jonathan	Swan		<a href="mailto:jonathanswan@hotmail.com">jonathanswan@hotmail.com</a>	
Elizabeth	Swift		72 Caniaba Street	South Lismore NSW 2480
Ben	Swindley		310 Leycester Road	Leycester NSW 2480
Tania	Swindley		310 Leycester Road	Leycester NSW 2480
Ahri	Tallon		9 Keith Street	GIRARDS HILL NSW 2480
J	Taylor		228 Connor Road	TREGEAGLE NSW 2480
Mr E	Taylor		228 Connor Road	TREGEAGLE NSW 2480
Ross	Taylor		181 Howards Grass Road	Lismore NSW 2480
Ross and Maree	Taylor		181 Howards Grass Road	Lismore NSW 2480
Margaret	Teggins		255 Alphadale Road	Lindendale NSW 2480
R	Thomas		47 Warby Road	Jiggi NSW 2480
John and Anne	Thompson		'Riverdale' 90 Johnston Street	Clunes NSW 2480
John M	Thompson		<a href="mailto:Jthompson18@bigpond.com">Jthompson18@bigpond.com</a>	

Name	Surname	Company	Street	Town
Andrew	Tickle		PO Box 27	Wardell NSW 2477
Colin and Jean	Tickle		306 Rosebank Road	Rosebank NSW 2480
Mr Peter	Toedter		2205 Dunoon Road	DORROUGHBY NSW 2480
Chris and Louise	Toohy		281 Rosehill Road	Blakebrook NSW 2480
Margaret	Towers		C/- 980 Eltham Road	Pearces Creek NSW 2480
Suskia	Travis		158 Casino Street	South Lismore NSW 2480
Clive	Tresserer		114 Casino Street	South Lismore NSW 2480
Daniel Jose	Trestrail		PO Box 1182	Lismore NSW 2480
Rowan	Trimble		800 Eltham Road	Booyong NSW 2480
Ronald	Trute		158 Croftons Road	Nimbin NSW 2480
Susan	Turcato		270 Dunoon Road	Modanville NSW 2480
Ivan	Turner		121 Graham Road	Marom Creek NSW 2480
A	Unger		128 Casino Street	South Lismore NSW 2480
Michele-Karin	Valterio		PO Box 620	ALSTONVILLE NSW 2477
Linda	Varga		International Macadamias Ltd 2 Cowlong Road	Alphadale via Lismore NSW 2480
Lorraine	Vass		'Bandelier' 319 Tregoogle Road	Lismore NSW 2480
Rick	Vass		'Bandelier' 319 Tregoogle Road	Lismore NSW 2480
G and C	Vause		182 Quilty Road	Rock Valley NSW 2480
Judy	Veen		33 Sheridan Drive	GOONELLABAH 2480
Taya	Verkuil		Site 5 136 Davis Road	JIGGI NSW 2480
David	Verrall		122B Munro Wharf Road	Wyrallah NSW 2480
T and P	Verrall		1322 Wyrallah Road	Tucki Tucki NSW 2480
Brett and Myra	Virtue		PO Box 6008	South Lismore NSW 2480
Glenna	Virtue and Family		28 Pelican Creek Road	South Gundurimba NSW 2480
Guido	Volpatti		472 Dunoon Road	Tullera NSW 2480
Sabina	Volpatti		472 Dunoon Road	Tullera NSW 2480
DH	Waddell		181 Cosy Camp Road	Bexhill NSW 2480
TC and EJ	Waddell		123 Cosy Camp Road	Bexhill NSW 2480
Ms L	Wadsworth		1566 Wyrallah Road	TUCKI TUCKI NSW 2480
Stephen	Wagner		3052 Wyrallah Road	Wyrallah NSW 2480
Marlene	Walker		233 Alphadale Road	Lindendale NSW 2480

Name	Surname	Company	Street	Town
Terry	Walker		233 Alphadale Road	Lindendale NSW 2480
David	Wallace		51 James Street	Dunoon NSW 2480
John G	Wallace		1205 Jiggi Road	Jiggi NSW 2480
Matthew	Wallace		39 Lawndale Avenue	North Rocks NSW 2151
Christine	Wallis		140 Stead Road	Jiggi NSW 2480
Phillip	Wallis		863 Pinchin Road	Goolmangar NSW 2480
Sally	Wallis		140 Stead Road	Jiggi NSW 2480
Timothy	Wallis		140 Stead Road	Jiggi NSW 2480
Tony	Wallis		140 Stead Road	Jiggi NSW 2480
David	Walmsley		4 McIntosh Road	Chilcotts Grass NSW 2480
Pam	Walmsley		4 McIntosh Road	Chilcotts Grass NSW 2480
Dale	Walsh		Site 4 136 Davis Road	JIGGI NSW 2480
Marty	Walsh		2 McIntosh Road	Chilcotts Grass NSW 2480
Colin & Doreen	Walters		PO Box 551	MURWILLUMBAH 2484
Anne	Walton		465 Rous Road	Tregeagle NSW 2480
Mr	Wand		475 Tucki Road	Marom Creek NSW 2480
Geoffrey	Warmsley		202 Caniaba Road	Caniaba NSW 2480
Paul	Warry		17 Crane Street	Ballina NSW 2478
Karen	Warwick		778 Koonorigan Road	Koonorigan NSW 2480
Andrew	Watson		Clunes Landcare	yella11@bigpond.com
M and S	Watson		Bellara Court	GOONELLABAH NSW 2480
Mr Glen	Weir		'Bona Vista'	MCKEES HILL NSW 2480
Paul	Weir		119 Kyogle Road	Tuncester NSW 2480
Ron	Weir		2 Ruane Road	Tuncester NSW 2480
Arthur George	Weis		Marom Creek Road	Marom Creek NSW 2480
Julie	Weis		Tuckean Island Road	Marom Creek via Lismore NSW 2480
Phillip	Weis		Tuckean Island Road	Marom Creek via Lismore NSW 2480
Josh	Wellman		308 Keerrong Rd	Keerrong NSW 2480
Georgia	Wells		13 Wooley Road	Tregeagle NSW 2480
L	Wells		13 Wooley Road	Tregeagle NSW 2480
Terry	Wells		13 Wooley Road	Tregeagle NSW 2480
Mr	Weston		475 Tucki Road	Marom Creek NSW 2480
G	Westwood		208 Casino Street	South Lismore NSW 2480
C & B	White		PO Box 386	LISMORE 2480

Name	Surname	Company	Street	Town
Chrystal	White		2168 Nimbin Road	Coffee Camp NSW 2480
Eddie	White		Tuckean Island Road	Marom Creek NSW 2480
Edith	White		58 Youngmans Road	Marom Creek NSW 2480
Ellen	White		Northern River Greens 128 Jacobson Road	Georgica NSW 2480
Genevieve	White		140 Hazlemount Lane	Tuckurimba NSW 2480
Jason	White		PO Box 6044	Lismore NSW 2480
John	White		140 Hazlemount Lane	Tuckurimba NSW 2480
Peter FJ	White		6 Opal Crescent	Lismore Heights NSW 2480
Stuart	Whitla		13 Coree Road	ARTARMON 2064
Bevan	Whitney		549 Mountain Top Road	Nimbin NSW 2480
Brett	Whitney		1335 Nimbin Road	Goolmangar NSW 2480
Corinne M	Whitney		Unit 1 55 Swinburne Street	Lutwyche QLD 4030
Daphne	Whitney		615 Mountain Top Road	Nimbin NSW 2480
Denise	Whitney		565 Mountain Top Road	Georgica NSW 2480
Dennis	Whitney		26 Lodge Road	Mountain Top NSW 2480
Dian	Whitney		26 Lodge Road	Mountain Top NSW 2480
Harold	Whitney		615 Mountain Top Road	Nimbin NSW 2480
Katie	Whitney		549 Mountain Top Road	Nimbin NSW 2480
Owen and Denise	Whitney		565 Mountain Top Rd	Georgica NSW 2480
Regan	Whitney		1335 Nimbin Road	Goolmangar NSW 2480
Walter	Whitney		14 Dunne St	Toowoomba QLD 4350
Wendy	Whitney		75 Pearson Road	Mcleans Ridges NSW 2480
Kim	Wilks		Lot 5 Hazlemount Lane	Tucki NSW 2480
Diana	Williams		137 Rosehill Road	Tuncester NSW 2480
Terry	Williams		137 Rosehill Road	Tuncester NSW 2480
Kate	Willcock		40 Woodland Avenue	Lismore Heights NSW 2480
J	Wilson		177 Casino Street	South Lismore NSW 2480
Janine	Wilson		48 Nielson Road	East Lismore NSW 2480
Marie	Wilson		409 Numulgi Road	Woodlawn NSW 2480
Mark C	Wilson		433A Woodlawn Road	Woodlawn NSW 2480
Mr Ken	Wilson		120 Henson Road	WYRALLAH NSW 2480
Stan	Wilson		38 Hindmarsh Street	Lismore NSW 2480

Name	Surname	Company	Street	Town
T	Wise		123 Taylor Road	Chilcotts Grass NSW 2480
Amanda	Witchard		210 Leycester Road	Leycester NSW 2480
Toni	Woodland		29 Byrne Road	Rosebank NSW 2480
Clara and Peter	Woodward		135 Brunswick Street	Lismore NSW 2480
Ms J	Woodward		"Koonorigan Farm" 34 Braidwood Road	KOONORIGAN NSW 2480
Chris and Kim	Woolley		139 Hazelmound Lane	Tuckurimba NSW 2480
Gary John	Woolley		Dungarubba	Via Lismore NSW 2480
Gary and Sharon	Wotherspoon		7 Vintage Drive	CHILCOTTS GRASS 2480
Suzanne	Wraight		18 Keerrong Road	Lismore NSW 2480
Ian	Wunsch		90 Boundry Creek Road	Broadwater NSW 2472
James	Wunsch		Boundry Creek Road	Broadwater NSW 2472
Marie	Wynd		26 James Gibson Road	Clunes NSW 2480
Margaret	Young		56 O'Neil Road	Bentley NSW 2480
Chris and Pat	Yung		805 Corndale Road	Corndale NSW 2480
B	Zambelli		914 Dunoon Road Road	Modanville NSW 2480
L	Zambelli		936 Dunoon Road	Modanville NSW 2480
Adrian	Zammit		110 Casino Street	South Lismore NSW 2480
Mr J	Zanette		61 Borton Road	TULLERA NSW 2480
		Australian Macadamia Society	Suite 1 113 Dawson Street	Lismore NSW 2480
John	Purcell (Regional Property Manager-North)	Australian Rail Track Corporation Ltd	Locked Bag 1	BROADMEADOW 2292
Matthew	Wood	Ballina Shire Council	PO Box 450	BALLINA NSW 2478
		Bill Farrell Fabrications Pty Ltd	446 Pinchin Road	GOOLMANGAR NSW 2480
		BJ & C Edmonds Pty Ltd	PO Box 982	LISMORE NSW 2480
		Buckley Vann Town Planning Consultants	PO Box 205	Fortitude Valley QLD 4006
		Bushnuts Traders Pty Ltd and Bushnuts Australia	PO Box 1081	LISMORE NSW 2480
		Chris Albertini Automotive	150 Terania Street	NORTH LISMORE NSW 2480
Department of Lands		Crown Lands Division	Po Box 272	Grafton NSW 2480

Name	Surname	Company	Street	Town
		Ebon Wren Community	136 Davis Road	JIGGI NSW 2480
Sue	Higginson	Environmental Defender's Office (Northern Rivers) Ltd	PO Box 868	LISMORE NSW 2480
		F Jung Partnership	390 Rous Road	Tregeagle NSW 2480
		Friends of the Koala Inc	PO Box 5034	EAST LISMORE NSW 2480
		GM Project Development and Management	43 Beaumont Drive	Lismore NSW 2480
Keith J	Graham	Grahams Solicitors	PO Box 1100	LISMORE NSW 2480
Stuart	Herne	Hernes Freight Service Pty Ltd	PO Box 6398	SOUTH LISMORE 2480
		Infrastructure Assets PAG c/- LCC	PO Box 23A	Lismore NSW 2480
		Jacana Plantation	192 Lindendale Road	LINDENDALE NSW 2480
Shaun	Stead	Jiggi Valley Volunteer Fire Brigade	414 Davis Road	Jiggi NSW 2480
		Kyogle Council	PO Box 11	KYOGLE NSW 2474
		Lina Asset Services Pty Ltd	PO Box 32	Lismore NSW 2480
		Macadamia International Australia Pty Ltd	PO Box 8031	DUNOON NSW 2480
		Malcolm Scott Consultant Town Planner	8 Beardow Street	LISMORE NSW 2480
Noel	Parker	McLeans Ridges Community Group	Pearson Road	McLeans Ridges NSW
		Mistral Plantations	37 Lindendale Road	LINDENDALE NSW 2480
Mr D	Fryer	Navara Pty Ltd	13 Felicity Drive	EAST LISMORE 2480
		Newton Denny Chapelle	PO Box 1138	LISMORE 2480
Ken Bryant		North Coast Dairy Industry Group	214 Cosy Camp Road	BEXHILL 2480
David	Davis	Resource Department of Trade & Investment, Regional Infrastructure & Services Yanco Agricultural Institute	Private Mail Bag	YANCO NSW 2703
		Northern Rivers Wildlife	PO Box 6439	South Lismore NSW 2480

Name	Surname	Company	Street	Town
		Carers		
		NSW Department of Education and Training	GPO Box 33	Sydney NSW 2001
		NSW Farmers Association	GPO Box 1068	SYDNEY NSW 2001
		NSW Farmers Association – Lismore/Alstonville Branch	PO Box 394	ALSTONVILLE NSW 2477
Mr	Martindale	Dept of Environment, Climate Change & Water	Locked Bag 914	COFFS HARBOUR NSW 2450
E	Blair	Dept of Environment, Climate Change and Water	Locked Bag 914	COFFS HARBOUR NSW 2450
Paul	McCarthy	Policy and Return NSW Communities (Office of Liquor, Gaming and Racing)	GPO Box 7060	SYDNEY 2001
Jeff	Larsson	President Richmond Banana Growers Association	<a href="mailto:jefflarsson@hotmail.com">jefflarsson@hotmail.com</a>	
		Richmond River County Council	PO Box 230	LISMORE NSW 2480
Michael	Baldwin	Roads and Traffic Authority	PO Box 576	GRAFTON 2460
Leisa	Sedger	Roads and Traffic Authority	PO Box 576	GRAFTON 2460
		Rosada Pty Ltd	12 Penelope Place	LISMORE 2480
Greg Bennett		RRALI	C/- PO Box 1081	LISMORE NSW 2480
		Somerville Laundry Lomax	PO Box 26	Lismore NSW 2480
		Sustainable Environment Policy Advisory Group	Service Officer	<a href="mailto:Nick.stephens@lismore.nsw.gov.au">Nick.stephens@lismore.nsw.gov.au</a>
The General Manager		Northern Rivers CMA	PO Box 618	GRAFTON 2460
David	Hartman	Transport Planning NSW Transport and Infrastructure	GPO Box 1620	SYDNEY 2001
C/- Corena Wynd		Upper Tucki Tucki Creek Landcare	Unit 1/2 Janice Court	GOONELLABAH NSW 2480
		Vamgin Pty Ltd	PO Box 100	MURWILLUMBAH 2484
		Wilsons River Landcare Group Inc.	29 Ridgeland Close	Boatharbour NSW 2480
		WIRES NR	PO Box 1356	Lismore NSW 2480