



Nambucca Shire Council

Planning Proposal Nambucca LEP Amendment no. 15

Reclassification and Rezoning of Part Lot 1 DP1004209 Centenary Parade Nambucca Heads

Prepared by:
*Department of Environment and Planning
Nambucca Shire Council*

Dated: 24 July 2013

File: SF

Table of Contents

1.0 PRELIMINARY.....	1
1.1 CONTEXT	1
1.2 SUBJECT LAND.....	1
1.3 CURRENT ZONING AND USE.....	3
1.4 BACKGROUND.....	3
PART 1 OBJECTIVES OR INTENDED OUTCOMES.....	6
PART 2 EXPLANATION OF PROVISIONS	6
PART 3 JUSTIFICATION.....	8
SECTION A – NEED FOR THE PLANNING PROPOSAL	8
APPENDIX 1 - STATE ENVIRONMENTAL PLANNING POLICIES.....	11
APPENDIX 2 - SECTION 117 DIRECTIONS	14

1.0 Preliminary

1.1 Context

This planning proposal has been drafted in accordance with section 55 of the *Environmental Planning and Assessment Act 1979*, and 'A guide to preparing planning proposals' (DoPI, 2012). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

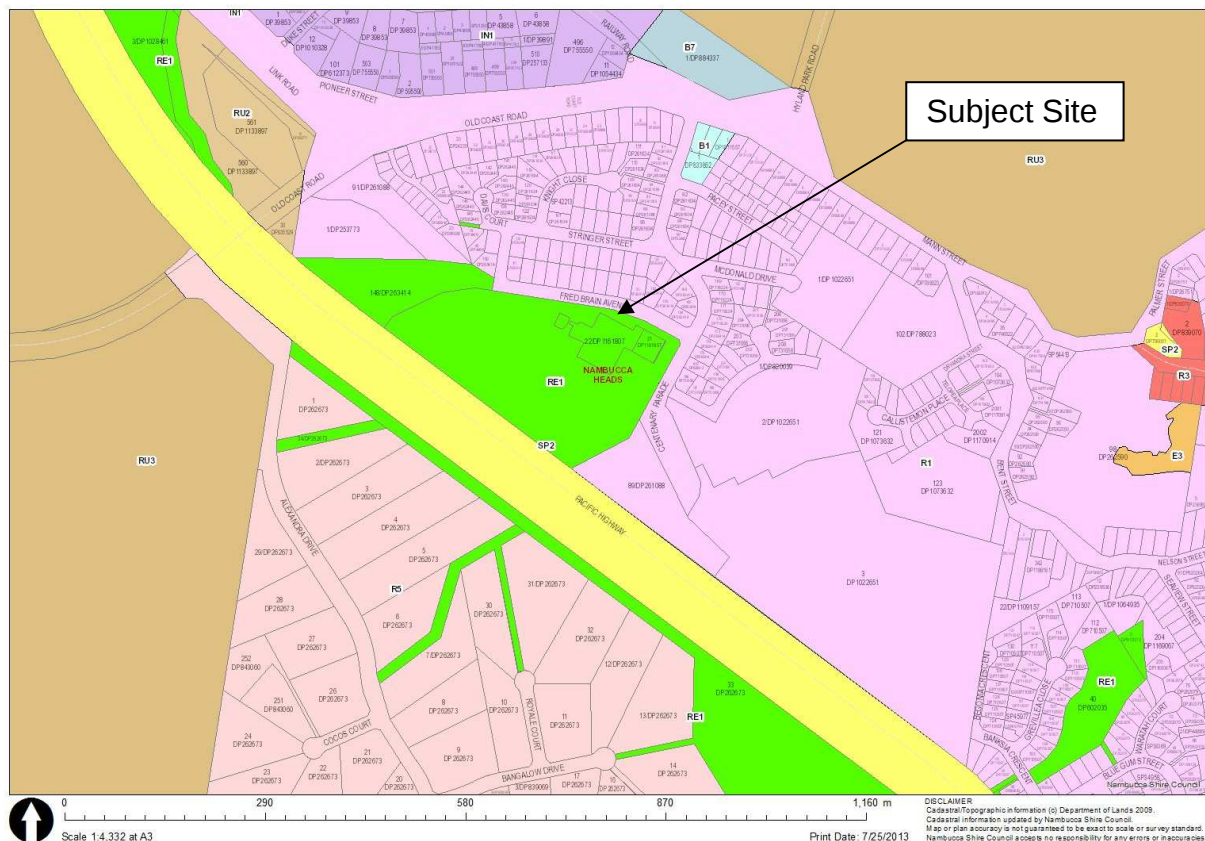
This Planning Proposal applies to Part Lot 1 DP1004209 in the Nambucca Shire Council Local Government Area, being Part of EJ Biffin fields on Centenary Parade, Nambucca Heads. As identified in the following figure.

[illegible]

1.3 Current Zoning and Use

The land is Council owned land which is presently zoned RE1 Public Recreation and classified as mixture of community and operational land. The EJ Biffin reserve is an active recreation presently used for cricket, athletics, touch football and other such sports. Concept plan for the area incorporates a number of track and field areas including a 400m running track bounding a soccer/football field, discus, javlin and high jump area.

The planning proposal aims to rezone the land to permit a health services facility which will be located at the northern end of the reserve.



1.4 Background

In May 2012 the Mid North Coast Local Health District sought the support of Council for a funding application for the establishment of a community health facility in Nambucca Heads with a satellite centre at Bowraville. Specifically, the Local Health District advised they intended to apply for funding to construct a HealthOne Community Health Facility and also for recurrent funding for improved service delivery. Whilst existing Health District clinicians would have access to the facility, funding was being sought for improved clinical services such as Chronic Care, Dental Care, Mental Health, Drug and Alcohol Services, Community Nursing, Health promotion and Aboriginal Health.

The key objectives of the HealthOne facility is to:

- Prevent illness and reduce the risk and impact of diseases and disability
- Improve chronic disease management in the community
- Reduce avoidable admissions and unnecessary demand on hospital care
- Improve services access and health outcomes for the disadvantaged and vulnerable groups
- Build a sustainable model of health care delivery

The proposed facility would aim to provide more efficient primary health care by bringing Commonwealth funded general practice and State funded health care services together. To date the NSW Government has provided funding for 21 sites across NSW.

On 2 May 2012 Council's General Manager provided a letter in support of the Health District's funding application emphasizing Council's support for improved health outcomes for the local community and referencing the community's relative disadvantage.

In consultation with the Local Area Health district, Council reviewed a number of potential sites including EJ Biffin Reserve. Council staff and the President of the E J Biffin Fields Committee of Management met with the Chief Executive of the Local Health District on-site on 14 March 2013 to discuss the concept plan. The following matters have been raised.

- The land is zoned Public Recreation RE1 under Nambucca Local Environmental Plan 2010. The land use tables for the public recreation zone are structured such that there are a restricted range of land uses permissible with development consent with all other uses being prohibited. A health services facility meaning a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health ... of persons, and including ... community health service facilities, is not listed as a permissible use and hence is a prohibited use. Neither is the HealthOne Facility permissible under the State Environmental Planning Policy (Infrastructure) 2007. Part of the purpose of this planning proposal is to rezone a portion of the land SP2 Infrastructure (Health Services Facility).
- The land identified for future extension of the facility provides limited setback to a proposed 400m running track which is part of a master (concept) plan for the development of the E J Biffin Playing Fields. This matter is being examined as a development application is prepared for the subdivision and health facility.
- The proposed site between the Bridge Club and the amenities block is mainly operational land being the site of the former leased tennis courts. However the land fronting Fred Brain Avenue is Community land and will require reclassifications as part of this Planning Proposal.
- Council's Community Strategic Plan includes objective 3.3 to improve the overall health and wellbeing of the community of the Nambucca Valley. It incorporates specific strategies including to support public health initiatives which will benefit the residents of the Nambucca Valley (3.3.1) and also to lobby the State Government for infrastructure to provide adequate health services (3.3.3). The context of these strategies is that the Nambucca Valley has a relatively aged population and also a higher proportion of Aboriginal people, both key factors in requiring a higher level of health care funding than the average. Even though we are living longer, many people in the Nambucca Valley live their lives with chronic illnesses and lifestyle restrictions brought about by poor health.
- Council's Community Strategic Plan suggests that Council should be actively supporting public health initiatives such as the proposed HealthOne initiative.

On the 28th March 2013 Council received a report from the General Manager in regards to the proposed facility and preferred location at EJ Biffin fields. In consideration of this matter Council resolved the following:

- 1 The Mid North Coast Local Health District be advised that Council supports in principle making available a site for the facility on E J Biffin Fields either with a reconfigured building and larger car park between the Bridge Club and the amenities building that remains clear of the proposed 400m athletic track, or else is located at the western end of the fields.**
- 2 The Mid North Coast Local Health District be advised that subject to the satisfactory completion of the required rezoning, reclassification and development assessment processes, that Council would be agreeable to offering a site for acquisition by the Health District in accordance with a valuation determined by the Valuer General. Further the Health District be liable for all application fees, council contributions, legal, survey,**

registration costs and government charges associated with the creation of the title and its transfer to the Health District and for the development application for the facility.

- 3 That Council resolve to prepare a gateway proposal to make a health services facility a permissible use with consent on E J Biffin Fields and undertake any consequential re-categorisation of the land from community to operational as may be required for the proposal to proceed.**
- 4 The Mid North Coast Local Health District be advised that Council will provide in-kind assistance to the project by undertaking the required rezoning and any re-categorisation from community to operational land at no cost.**
- 5 That there be a further report to Council on an agreed concept plan prior to the lodgement of a development application.**
 - It is intended to exhibit the Planning Proposal and Development Application together pursuant to Division 4b 72i of the Environmental Planning and Assessment Act. Prior to exhibition the proposed SP2 Infrastructure zone may be modified to ensure consistency with the lodged development application plans.
 - Other matters such as carparking will be considered in accordance with Council's Development control once a DA is lodged.
 - The proposed site between the Bridge Club and the amenities block is mainly operational land being the site of the former leased tennis courts. However the land fronting Fred Brain Avenue is Community land and will require reclassifications as part of this Planning Proposal.

Part 1 Objectives or Intended outcomes

The primary objective of this LEP Amendment is to:

- a. Reclassify parts of the EJ Biffin Fields from community to operational in order to allow for its future disposal; and
- b. Rezone the land proposed to be used for the Health facility to SP2 Infrastructure (Health Services Facility)

Part 2 Explanation of Provisions

The objectives of the LEP amendment will be achieved by:

- a. amending Schedule 4 to include Locality and description and any trusts not discharged into the relevant fields within PART 2 as prepared below.

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Eungai Creek, Little Tamban Road	Lot 163, DP 822649 (known as Eungai Pre School)

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nambucca Heads	Part of Lot 1 DP1004209 as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Macksville, Yarrowonga Street	Part of Lot 31, DP 248561, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil
Nambucca Heads, Kingsworth Estate, Old Coast Road	Part of Lot 40, DP 711098, as shown edged heavy red on the Land Reclassification (Part Lots) Map	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

- b. Amending the Land Zoning Map from RE1 Public Recreation to SP2 Infrastructure (Health Services Facility) on land identified as Lot 22 DP1161807 4 Fred Brain Avenue and part Lot 1 DP1004209 Centenary Parade.

Part 3 Justification

Section A – Need for the Planning Proposal

1 Is the Planning Proposal the Result of any Strategic study or Report

No other than those identified below.

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

Yes. A schedule 1 amendment allowing a health services facility could also achieve the same outcome, however allowing the amendment through SP2 Infrastructure Zone is considered a better approach as the land will no longer be a public reserve and thus would not require the RE1 zone title.

3 Is the planning proposal consistent with the objects and actions of the applicable regional or subregional strategy?

Yes, also refer to the responses to the relevant 117 Directions.

4 Is the planning proposal consistent with the local Council's Community Strategic Plan, or other strategic plan?

Yes, Councils Community Strategic Plan states that Council should be supportive of public health initiatives such as the proposed Healthone facility. Further the Planning Proposal supports the intent of the following state strategies.

- NSW State Health Plan (Towards 2010) highlights the importance of establishing integrated health facilities throughout the state under the strategic direction titled, 'Strengthen primary health and continuing care in the community'.
- The Mid North Coast Regional Strategy states the following in relation relation to a changing demographic:

Provide a framework for the planning of new infrastructure and facilities for the growing and ageing population

5 if the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

No interest to be extinguished.

6 The concurrence of the landowner, where the land is not owned by the relevant planning authority

N/A

7 Is the planning proposal consistent with applicable state environmental polices?

Yes. Applicable SEPP's are addressed in following parts of this proposal.

8 Is the planning proposal consistent with relevant ministerial directions (117 directions)?

Yes. Applicable 117 directions are addressed in following parts of this proposal.

9 Is there any likelihood that critical habitat or threatened species population or ecological communities or their habitats will be adversely affected as a result of this proposal?

No the land is public open space and managed as grassland.

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

Nil. The proposal will allow for the disposal of the land

- 11 *Has the planning proposal adequately addressed any social and economic effects?***

Yes. The future of the Playing Fields and public reserve needs to be given consideration in relation to the proposed use of the adjoining land. An adequate setback will be required to allow for the continued use of the playing fields without obstruction.

- 12 *Is there adequate public infrastructure for the planning proposal?***

yes

- 13 *What are the views of the relevant state and commonwealth authorities consulted in accordance with the gateway determination?***

N/A.

- 14 *if the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.***

There are presently no interests on the land that are required to be retained.

- 15 *The concurrence of the landowner, where the land is not owned by the relevant planning authority***

Council is the owner of the land, although Council has received submissions from the EJ Biffin Fields Committee of Management, Council has resolved to proceed with the disposal giving weight to the community benefit a health facility of this type will provide to the area.

Part 4 Community Consultation

The proposal is not considered to be a low impact proposal in accordance with Section 4.5 of '*A guide to preparing local environmental plans*'. As such it is intended that exhibition period for the planning proposal will be a minimum of 28 days and the exhibition will be undertaken in accordance with Section 5.5.4 of '*A guide to preparing local environmental plans*' .

Pursuant with the requirements of the *Local Government Act* and clause 56E of the *Environmental Planning and Assessment Act 1979* a public hearing is required to be held in relation to the reclassification of this land.

Appendix 1 - State Environmental Planning Policies

The following State Environmental Planning Policies (SEPP) have been considered in the preparation of the planning proposal for the Valla Urban Growth Area:

- **State Environmental Planning Policy No. 44 – Koala Habitat Protection**

SEPP 44 encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

Under SEPP 44, potential koala habitat is defined as areas of native vegetation where the trees listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. A koala habitat assessment is required for any significant development in such areas.

The proposal will not result in the removal of any potential or Core Koala Habitat. The subject site is part of a Council Managed Reserve.

- **State Environmental Planning Policy No 71 – Coastal Protection**

The object of this policy is to provide for the protection and management of sensitive and significant areas within the coastal zone. Part of the subject land is located within the coastal zone. Therefore, in preparing the final LEP, Council must consider the natural, cultural, recreational and economic attributes of land within the coastal zone to ensure that public access to foreshore areas, Aboriginal heritage, visual amenity, coastal flora and fauna, coastal processes and cumulative impacts are addressed.

The subject site is located within the Coastal Zone nevertheless it does not have direct access to the Coast. Responses to clause 8 matters associated with this proposal are presented below.

(a) the aims of this Policy set out in clause 2,

The planning proposal is reclassifying the part of the land from community to operational and rezoning land to SP2 Infrastructure (Health Services Facility). This process would not be inconsistent with aims of the policy.

(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

The site does not provide any access to the coastal foreshore.

(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

The site does not lend itself to foreshore access.

(d) the suitability of development given its type, location and design and its relationship with the surrounding area,

The proposal will result in the permissibility of a Health Services Facility to be constructed on the site. In relation to making such a facility permissible at this location, there are no hard constraints or surrounding land uses that would create unmanageable conflicts with this type of development.

Aspects of the facility will be designed to take into consideration the local land uses as well as the available site area. These matters will be considered as part of a future development application for the site.

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

The site does not adjoin coastal foreshore, this part is not applicable.

(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

Any future development on the site is unlikely to impact on the scenic qualities of the NSW Coast.

(g) measures to conserve animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,

The land is general urban/ managed reserve and it is unlikely that future development will have a detrimental impact on any threatened species, populations or their habitats.

(h) measures to conserve fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats

The land is general urban/ managed reserve and it is unlikely that future development will have a detrimental impact on any threatened species, populations or their habitats.

(i) existing wildlife corridors and the impact of development on these corridors,

The land is presently a managed reserve, approval of any future development is likely to require landscaping on the site which would contribute to the existing environmental qualities of the site.

(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

Nil

(k) measures to reduce the potential for conflict between land-based and water-based coastal activities

Stormwater management will be given appropriate consideration as part of any future development on the site.

(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

None required, no development is proposed, the land is an existing urban allotment.

(m) likely impacts of development on the water quality of coastal waterbodies,

Nil

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

there are no recognised heritage items on the site.

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

The proposal is not inconsistent with this part.

(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and

The land is presently managed reserve environmental impacts associated with future development will be managed as part of the development application process.

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

Future development of the site will comply with appropriate Australian standards and other relevant development controls or requirements.

Note. Clause 92 of the [Environmental Planning and Assessment Regulation 2000](#) requires the *Government Coastal Policy* (as defined in that clause) to be taken into consideration by a consent authority when determining development applications in the local government areas identified in that clause or on land to which the *Government Coastal Policy* applies.

- **State Environmental Planning Policy (Infrastructure) 2007**

The SEPP supports greater flexibility in the location of infrastructure and service facilities and allows efficient development, redevelopment or disposal of surplus government owned land.

The SEPP addresses Health Services Facility in division 10. Unfortunately the SEPP does not identify RE1 Public Recreation as a prescribed zone. As such an LEP amendment to the zone is required to permit the development.

- **State Environmental Planning Policy No 55 – Remediation of Land**

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Council has no knowledge of the site being previously contaminated and it has been used for recreational purposes for several years.

Appendix 2 - Section 117 Directions

A number of directions under Section 117 of the EP & A Act 1979 are relevant to this planning proposal.

1 Employment and Resources

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- a encourage employment growth in suitable locations,
- b protect employment land in business and industrial zones, and
- c support the viability of identified strategic centres.

This direction applies when a council prepares a draft LEP that affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

A draft LEP shall:

- a give effect to the objectives of this direction,
- b retain the areas and locations of existing business and industrial zones,
- c not reduce the total potential floor space area for employment uses and related public services in business zones,
- d not reduce the total potential floor space area for industrial uses in industrial zones, and
- e ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

This Direction is not applicable as the land is presently zoned RE1 Public Recreation.

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

This direction applies when a council prepares a draft LEP that affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

A draft LEP shall:

- a not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- b not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:

- a justified by a strategy which:
 - i gives consideration to the objectives of this direction,
 - ii identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and
 - iii is approved by the Director-General of the Department of Planning, or
- b justified by an environmental study prepared in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* which gives consideration to the objectives of this direction, or
- c in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- d is of minor significance.

This direction is not applicable as the land is zoned RE1 Public Recreation.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This direction applies when a council prepares a draft LEP that would have the effect of:

- a prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- b restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

In the preparation of a draft LEP affected by this direction, the council shall:

- a consult the Director-General of the Department of Primary Industries (DPI) to identify any:
 - i resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and
 - ii existing mines, petroleum production operations or extractive industries occurring in the area subject to the draft LEP, and
- b seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and
- c identify and take into consideration issues likely to lead to land use conflict between other land uses and :
 - i development of resources identified under (4)(a)(i), or
 - ii existing development identified under (4)(a)(ii).

The land is presently zoned RE1 Public Recreation and proposed to be zoned SP Special Purpose, it is unlikely that that an extractive industry would be a suitable use in a residential area within Nambucca Heads. Nevertheless, the proposal is unlikely to prohibit extractive industries.

Direction 1.4 Oyster Aquaculture

The objectives of this direction are:

- a to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a draft LEP,
- b to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

In the preparation of a draft LEP affected by this direction, the council shall:

- a identify any Priority Oyster Aquaculture Areas and oyster aquaculture leases outside such an area, as shown on the maps to the Strategy, to which the draft LEP would apply,
- b identify any proposed land uses which could result in any adverse impact on a Priority Oyster Aquaculture Area or oyster aquaculture leases outside such an area,
- c identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use incompatibility,
- d consult with the Director-General of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the draft LEP, and
- e ensure the draft LEP is consistent with the Strategy.

There are no priority oyster aquaculture areas or oyster leases within the Deep Ck Catchment.

The Planning proposal is consistent with this direction the proposed landuse is unlikely to have detrimental impact on local aquaculture industries.

Direction 1.5 Rural Lands

The objectives of this direction are to:

- a protect the agricultural production value of rural land,
- b facilitate the orderly and economic development of rural lands for rural and related purposes.

This direction applies when:

- a a council prepares a draft LEP that affects land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- b a council prepares a draft LEP that changes the existing minimum lot size on land within a rural or environment protection zone.

What a council must do if this direction applies

- a A draft LEP to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.
- b A draft LEP to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

This direction is not applicable to the land.

2 Environment and Heritage

Direction 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

This direction applies when a council prepares a draft LEP.

What a council must do if this direction applies:

- a A draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- b A draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "*Rural Lands*".

The land is presently a managed reserve, there are no environmentally sensitive land located on the site.

Direction 2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy.

This direction applies to the coastal zone, as defined in the *Coastal Protection Act 1979*.

This direction applies when a council prepares a draft LEP that applies to land in the coastal zone.

A draft LEP shall include provisions that give effect to and are consistent with:

- a the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, and
- b the *Coastal Design Guidelines 2003*, and
- c the manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993* (the *NSW Coastline Management Manual 1990*).

The comments and considerations given to clause 8 matters within SEPP 71 Coastal Protection cover the relevant provisions of the NSW Coastal Policy, coastal design guidelines and other documentation. No further consideration of these matters is necessary in this part.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies when a council prepares a draft LEP.

A draft LEP shall contain provisions that facilitate the conservation of:

- a items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- c Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Council has no knowledge of any aboriginal areas, objects, places or landscapes identified on the site.

3 Housing, Infrastructure and Urban Development

Direction 3.1 Residential Zones

The objectives of this direction are:

- a to encourage a variety and choice of housing types to provide for existing and future housing needs,
- b to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c to minimise the impact of residential development on the environment and resource lands.

This direction applies when a council prepares a draft LEP that affects land within:

- a an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- b any other zone in which significant residential development is permitted or proposed to be permitted.

A draft LEP shall include provisions that encourage the provision of housing that will:

- a broaden the choice of building types and locations available in the housing market, and
- b make more efficient use of existing infrastructure and services, and
- c reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d be of good design.

A draft LEP shall, in relation to land to which this direction applies:

- a contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- b not contain provisions which will reduce the permissible residential density of land.

This direction is not applicable as the land is not zoned residential nor is it proposed to zone the land residential.

3.2 Caravan Parks and Manufactured Home Estates

This planning proposal does not effect a manufactured home estate or caravan and as such is not applicable.

3.3 Home Occupations

This planning proposal does not result in any changes to residential areas or associated potential for home occupations.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a improving access to housing, jobs and services by walking, cycling and public transport, and
- b increasing the choice of available transport and reducing dependence on cars, and
- c reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d supporting the efficient and viable operation of public transport services, and
- e providing for the efficient movement of freight.

This direction applies when a council prepares a draft LEP that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

A draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- a *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- b *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The planning proposal is consistent with this direction. The location of the Health Facility serviced by regular bus routes (Busways route 358 - http://www.busways.com.au/sites/default/files/network_maps/CoffsRegionalTownMap141111_0.pdf) and pedestrian/ cycle path is available along Centenary Parade from other minor streets. Additional pedestrian access from Centenary Parade to the entrance of the facility would be beneficial.

Direction 3.5 Development Near Licensed Aerodromes

This direction is not applicable.

4 Hazard and Risk

Direction 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

This direction applies when a council prepares a draft LEP that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

Council shall consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a draft LEP that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

When a council is preparing a draft LEP to introduce provisions to regulate works in acid sulfate soils, those provisions shall be consistent with:

- a the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

- b such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. Council shall provide a copy of any such study with its statement to the Director-General of the Department of Planning under section 64 of the EP&A Act.

Where provisions referred to under paragraph (5) of this direction have not been introduced and council is preparing a draft LEP that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the draft LEP must contain provisions consistent with paragraph (5).

Clause 7.1 of the Nambucca LEP 2010 contains provisions which address the issue of acid sulphate soils. In response to this clause future development applications on the site will give appropriate consideration to acid sulphate soils. It is noted that topography of the site show that this area of the site has been filled previously and it is unlikely to be an issue.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- a to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- b to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land.

A draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

A draft LEP shall not contain provisions that apply to the flood planning areas which:

- a permit development in floodway areas,
- b permit development that will result in significant flood impacts to other properties,
- c permit a significant increase in the development of that land,
- d are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- e permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

A draft LEP must not impose flood related development controls above the residential flood planning level for residential development on land, unless a council provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

For the purposes of a draft LEP, a council must not determine a flood planning level that is inconsistent with the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a council provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

The subject land is not identified as being flood prone in Councils flood risk Management plan. However local records indicate a 3.7m flood level is relevant to the site. Future development will be required to take this level into consideration in building and footprint design.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- a to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b to encourage sound management of bush fire prone areas.

This direction applies when a council prepares a draft LEP that affects, or is in proximity to land mapped as bushfire prone land.

In the preparation of a draft LEP a Council shall consult with the Commissioner of the NSW Rural Fire Service under section 62 of the EP&A Act, and take into account any comments so made.

A draft LEP shall:

- a have regard to *Planning for Bushfire Protection 2006*,
- b introduce controls that avoid placing inappropriate developments in hazardous areas, and
- c ensure that bushfire hazard reduction is not prohibited within the APZ.

A draft LEP shall, where development is proposed, comply with the following provisions, as appropriate:

- a provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - ii an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- b for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the draft LEP permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
- c contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- d contain provisions for adequate water supply for fire fighting purposes,
- e minimise the perimeter of the area of land interfacing the hazard which may be developed,
- f introduce controls on the placement of combustible materials in the Inner Protection Area.

Lot 22 DP1161807 4 Fred Brain Avenue is not identified as being Bushfire Prone Land however Lot 1 DP1004209 Centenary Parade is captured by a minor encroachment of a buffer area in the south eastern corner of the lot.

It is unlikely the proposed future use of the site as a Health Service Facility would be detrimentally impacted by Bushfire.

5 Regional Planning

Direction 5.1 Implementation of Regional Strategies

Objective

(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Where this direction applies

(2) This direction applies to land to which the following regional strategies apply:

(a) Far North Coast Regional Strategy

- (b) Lower Hunter Regional Strategy
- (c) Illawarra Regional Strategy
- (d) South Coast Regional Strategy
- (e) Sydney–Canberra Corridor Regional Strategy
- (f) Central Coast Regional Strategy, and
- (g) Mid North Coast Regional Strategy.

When this direction applies

(3) This direction applies when a council prepares a draft Local Environmental Plan (LEP).
What a council must do if this direction applies

(4) Draft LEPs shall be consistent with a regional strategy released by the Minister for Planning.
Consistency

(5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

- (a) is of minor significance, and
- (b) the draft LEP achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

The Mid North Coast contains very little reference, actions or strategies relating to Health Infrastructure or provision. The planning proposal is considered consistent with the Mid North Coast Regional Strategy.

Direction 5.2 Sydney Drinking Water Catchments

Not applicable

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Not applicable

Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Not applicable.

Direction 5.8 Second Sydney Airport: Badgerys Creek

Not applicable

6 Local Plan Making

Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

A draft LEP shall:

- a minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- b not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the council has obtained the approval of:
 - i the appropriate Minister or public authority, and
 - ii the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),
 prior to a certificate under section 65 of the Act being issued, and
- c not identify development as designated development unless the council:
 - i can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and

- ii has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to a certificate being issued under section 65 of the Environmental Planning and Assessment Act 1979.

The planning proposal is consistent with this direction.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this direction are:

- a to facilitate the provision of public services and facilities by reserving land for public purposes, and
- b to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

A draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

When a Minister or public authority requests a council to reserve land for a public purpose in a draft LEP and the land would be required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, the council shall:

- a reserve the land in accordance with the request, and
- b include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and
- c identify the relevant acquiring authority for the land.

When a Minister or public authority requests a council to include provisions in a draft LEP relating to the use of any land reserved for a public purpose before that land is acquired, the council shall:

- a include the requested provisions, or
- b take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.

When a Minister or public authority requests a council to include provisions in a draft LEP to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the council shall rezone and/or remove the relevant reservation in accordance with the request.

A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- a with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or
- b the provisions of the draft LEP that are inconsistent with the terms of this direction are of minor significance.

This direction refers to land that may be required for acquisition for a public purpose at later date. The Nambucca LEP 2010 does not contain any land identified within the Land Reservation Acquisition Map. This planning proposal is consistent with this direction.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

This direction applies when a council prepares a draft LEP to allow a particular development to be carried out.

A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:

- a allow that land use to be carried out in the zone the land is situated on, or
- b rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- c allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A draft LEP shall not contain or refer to drawings that show details of the development proposal.

It is intended to ensure the planning proposal is consistent with this direction. No site specific provisions will be applied to the land.