



Coffs Harbour LEP 2013 – Bonville Rural Residential Rezoning.

Proposal Summary : The planning proposal seeks to amend Coffs Harbour LEP 2013 by rezoning land at Bonville from RU2 Rural Landscape to R5 Large Lot Residential and E2 Environmental Conservation. The rezoning will enable the R5 zoned land to be developed for rural residential purposes while the E2 zone will protect land containing significant native vegetation.

PP Number : **PP 2014 COFFS 004 00** Dop File No : **14/17726**

Date Planning Proposal Received :	20-Nov-2014	LGA covered :	Coffs Harbour
Region :	Northern	RPA :	Coffs Harbour City Council
State Electorate :	COFFS HARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Street : _____

Suburb : _____ City : _____, Postcode : _____

Land Parcel : **The planning proposal applies to numerous land parcels within the Bonville Rural Residential Investigation Area.**

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Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

Coffs Harbour LEP 2013 – Bonville Rural Residential Rezoning.

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of objectives adequately describes the intention of the planning proposal. The proposal intends to rezone suitable land at Bonville from RU2 Rural Landscape to R5 Large Lot Residential to enable rural residential development. The proposal will also revise the E2 Environmental Conservation zone to include additional areas of high conservation value land in the area.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal seeks to amend Coffs Harbour LEP 2013 by amending the Land Zoning Map, Lot Size Map, Terrestrial Biodiversity Map, Drinking Water Catchment Map; Riparian Lands and Watercourses Map, to apply appropriate zones and other planning controls to the land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.4 Oyster Aquaculture

1.5 Rural Lands

2.1 Environment Protection Zones

2.2 Coastal Protection

- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building
SEPP No 21—Caravan Parks
SEPP No 22—Shops and Commercial Premises
SEPP No 30—Intensive Agriculture
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 36—Manufactured Home Estates
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 60—Exempt and Complying Development
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 71—Coastal Protection
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **See assessment section of this report**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land, the current zones and the proposed zones, minimum lot sizes and other planning controls. Detailed maps for each candidate area are contained in the supporting planning proposal report. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal does not nominate a community consultation period. The planning proposal refers to the community consultation undertaken for the Rural Residential Strategy.**

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is not a low impact planning proposal as it is not consistent with the strategic planning framework. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore recommended that a community consultation period of 28 days is appropriate and affected and adjoining properties should be notified in writing.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Time Line**
The planning proposal includes a project timeline which estimates the completion of the planning proposal in April 2015. To ensure the RPA has adequate time to complete the additional investigations, exhibition, reporting, and legal drafting, it is recommended that a time frame of 12 months is appropriate.

Delegation.
The RPA has not requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be of local planning significance however is inconsistent with the strategic planning framework, particularly Council's Rural Residential Strategy which was endorsed by the Department and the Mid North Coast Regional Strategy. It is recommended that an Authorisation for the execution of delegation not be issued to the RPA in this instance.

Overall Adequacy
The planning proposal satisfies the adequacy criteria by;
1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Coffs Harbour LEP 2013 is in force. This planning proposal seeks an amendment to the Coffs Harbour LEP 2013.**

Assessment Criteria

Need for planning
proposal :

The proposal implements the recommendations of the Coffs Harbour City Rural Residential Strategy 2009 (RRS). The RRS identifies candidate areas to be further investigated for rural residential development. The candidate areas at Bonville, which amount to approximately 441ha of land, are nominated as stage 1 of the rural residential land release program in the RRS.

The RRS was endorsed by the Director General on 3 May 2010. In this letter, Council was advised that endorsement of the RRS did not mean that all the land in the candidate areas would be available for rezoning, rather more detailed investigation of the constraints of the land would need to be undertaken as part of the rezoning process.

Council engaged deGroot and Benson Pty Ltd to prepare a report which supports the planning proposal. This report further investigates the constraints of land within an investigation that extends beyond the candidate areas identified by the RRS. This wider investigation area is referred to as the Bonville Rural Residential Investigation Area (BRRIA). The BRRIA includes land in the RRS candidate areas as well as land outside of these candidate areas which was not identified in the RRS. The proposal intends to zone 499ha of land R5 Large Lot Residential to enable its development for rural residential purposes.

The inconsistencies of the proposal with the RRS are discussed later in this report.

The proposal also reviews the application of the E2 zone in the BRRIA. As a result of further investigations in the BRRIA, an additional 254ha of land with high ecological value is proposed to be zoned E2.

The proposal to rezone the land is the most appropriate means of achieving the intent of the planning proposal. The proposed R5 zone will enable the development of suitable land for rural residential purposes, while the proposed E2 zone will protect land with high ecological value.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

Some aspects of the proposal are consistent with some of the actions and outcomes in the MNCRS. However, there are some aspects of the proposal which are inconsistent with the MNCRS. These inconsistencies are detailed below.

An action of the MNCRS states;

Future rural residential land will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines

The proposal seeks to zone land R5 Large Lot Residential which is outside of the candidate areas identified in the RRS. The proposal is therefore inconsistent with this action of the MNCRS. The proposal does not quantify the amount of land proposed to be zoned R5 which is outside the candidate areas.

An action of the MNCRS states;

Regionally significant farmland will not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report 2008.

The proposal seeks to apply an R5 zone to land outside of the RRS candidate areas which is identified as regionally significant farmland (RSF) by the Mid North Coast Farmland Mapping Project. The Farmland Mapping project does not enable RSF to be zoned for rural residential purposes, unless the land is identified in a strategy agreed to by the Department; or is part of a growth area identified by the MNCRS; or the land is already zoned, subdivided or approved for an urban or rural residential use under an LEP.

The planning proposal does not adequately address the area of RSF to be rezoned nor does it address why the land outside of the candidate areas is proposed to be zoned R5.

The MNCRS also provides that if land is to be zoned for urban purposes and that land is not identified in an approved Strategy, then an assessment against the Sustainability Criteria contained in Appendix 1 of the MNCRS is necessary. The proposal states that an assessment against the sustainability criteria has not been undertaken as Council considers the proposal to be consistent with the intent of the RRS. It is considered that the proposal is not consistent with the MNCRS for the reasons previously discussed.

It is considered that these inconsistencies have not been adequately justified as being either of minor significance, or consistent with the intent of the strategy. It is recommended that the PP be amended to include further justification for the inconsistency and an assessment against the sustainability criteria of those areas of land outside of the candidate areas in the RRS.

Consistency with Council's Local Strategies.

Coffs Harbour City Rural Residential Strategy 2009.

The Coffs Harbour City Rural Residential Strategy 2009 (RRS) identifies approximately 441ha of land at Bonville as suitable for rural residential development. The RRS nominates this land for release as stage 1 in the short term (before 2019). The RRS identifies specific candidate areas for further investigation for rural residential development.

The proposal is inconsistent with Council's RRS as the proposal seeks to rezone land outside of these candidate areas to R5 Large Lot Residential.

Council states that the proposal is consistent with the intent of the RRS. The RRS is clear in its mapping of specific candidate areas and identifies the need for further investigation of identified short term release areas.

Coffs Harbour Our Living City Settlement Strategy (the 'Settlement Strategy')

The proposal is inconsistent with the Settlement Strategy which also limits the area of land for investigation for rural residential purposes to the individual candidate areas. The proposal seeks to apply an R5 Large Lot Residential zone to land outside of these

candidate areas.

It is acknowledged that additional fine grained investigation has been undertaken in the de Groot and Benson Planning Proposal Report 2014 (the G&B Report). However the mechanism for consideration of land for urban purposes outside of areas identified in approved local strategies is the sustainability criteria contained in the MNCRS.

SEPPs

The proposal lists the State environmental planning policies (SEPPs) applicable to the land. Many SEPPs apply to the subject land and in most cases the proposal is not inconsistent with these SEPPs. However, it is considered that inconsistencies exist with the following SEPPs.

SEPP 55 Remediation of Land

Clause 6 of SEPP 55 requires that contamination and remediation be considered in a rezoning proposal. According to the G&B Report, the potential for contamination from previous agricultural activities was considered. No specific field testing was undertaken in the candidate areas because of the large area involved and the extensive sampling program that would have been required. The report relied on previous investigations on existing residential sites in the wider study area. From the report it appears only 4 of these sites are located within the candidate areas. The sites which contained chemical levels above the adopted thresholds were able to be successfully remediated.

The report concludes that it is likely that contamination of some land proposed to be zoned R5 may exist, however, as with other areas in the vicinity, contamination can usually be remediated, and the matter should be further addressed at development application stage. The report acknowledges that Council has an existing land contamination policy that would require further investigation at development application stage.

The SEPP 55 Planning Guidelines state in relation to preliminary investigations;

3.5.2 Stage 1—Preliminary Investigation

The preliminary investigation contains a detailed appraisal of the site's history and a report based on a visual site inspection and assessment. It is important that all relevant information about the site is assessed to determine the potential for site contamination. Where contaminating activities are suspected to have had an impact on the land, sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal. Through the assessment of sampling results, an assessment of contamination can be established.

It is considered that the investigations into potential land contamination in the G&B Report do not satisfy the requirements of a preliminary investigation of the land as required by the contaminated land planning guidelines and that further investigation is required. The additional investigations should include a soil sampling analysis of areas where contamination is expected to be highest, based on known land use history, for example, but not limited to, the banana cultivation areas proposed to be zoned R5 to the north of candidate area 2 and in candidate area 11.

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RLSEPP) establishes Rural Planning Principles to guide development on rural land. It is considered the proposal is inconsistent with the Rural Planning Principles as it proposes to rezone regionally significant farmland R5 and therefore does not recognise the importance of rural lands and agriculture and does not promote or protect opportunities for agriculture.

The proposal also does not demonstrate consistency with regional or local strategies for housing in rural areas. These matters are discussed earlier in this report.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.4 Oyster Aquaculture, 1.5 Rural Lands,

2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 1.2, 1.5, 4.1, 4.3, 4.4 and 5.1.

Direction 1.2 Rural Zones is relevant to the proposal. The direction provides that a planning proposal must not rezone land from a rural to a residential zone. The planning proposal seeks to rezone areas of the subject land from RU2 Rural Landscape to R5 Large Lot Residential. The direction provides that the planning proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or study or is of minor significance.

Part of the land to be zoned R5 is outside of the candidate areas identified for rural residential purposes in the RRS. The area of proposed R5 land outside of these candidate areas has not been quantified in the planning proposal and therefore it is not possible to consider this inconsistency as being of minor significance. It is considered that the inconsistency of the proposal with the direction is therefore not justified in accordance with the terms of the direction.

Direction 1.5 Rural Lands is relevant to the proposal. The direction provides that a planning proposal that will affect land in a rural zone must be consistent with the Rural Planning Principles in SEPP (Rural Lands) 2008.

The planning proposal seeks to rezone areas of the subject land from RU2 Rural Landscape to R5 Large Lot Residential. As discussed previously in this report, it is considered that the proposal is inconsistent with some of the Rural Planning Principles in SEPP (Rural Lands).

The direction provides that a proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or is of minor significance. The inconsistencies with the principles are not considered to be justified by the RRS. Equally, it has not been demonstrated that the inconsistencies are of minor significance. Therefore it is considered that the inconsistencies of the proposal with the direction have not been justified in accordance with the terms of the direction.

Direction 4.1 Acid Sulfate Soils is relevant to the proposal. The Direction provides that a planning proposal must not propose intensification of land uses on land identified as having a probability of containing acid sulfate soils unless an acid sulfate soil study has been prepared.

Investigations have indicated that the subject land contains class 3, 4 and 5 acid sulfate soils. The direction provides that a planning proposal may be inconsistent with the direction if the inconsistency is of minor significance. The rezoning is expected to enable an intensification of land uses however the class 3, 4 and 5 acid sulfate soils are lower risk classes and only pose a risk of exposure to acid soils during significant excavations over 1 metre deep. It is unlikely that the proposed rural residential development will require such works. Provisions exist within the Coffs Harbour LEP 2013 to address acid sulfate soils at development application stage should a proposal include extensive works in the area containing potential acid sulfate soils. Therefore the inconsistency is considered to be of minor significance and justified in accordance with the terms of the direction.

Direction 4.3 Flood Prone Land is relevant to the proposal. The direction provides that a draft plan must not rezone land in a flood planning area from rural to residential. The proposal seeks to rezone land that is subject to the 1in 100 year flood level from RU2 Rural Landscape to R5 Large Lot Residential.

The direction states that the proposal may be inconsistent with the direction if the proposal is consistent with a floodplain risk management plan or the inconsistencies are of minor significance. While flood studies have been undertaken for the Bonville area, a floodplain risk management plan has not been prepared.

It is agreed that a flood liable land assessment provision already appears in the Coffs Harbour LEP 2013. However, the planning proposal does not quantify the extent of flood prone land which is proposed to be zoned R5, nor does it consider the depth or velocity of the flood waters and therefore the suitability of the flood liable land for rural residential development. Therefore it is not possible to determine whether the inconsistency is of minor significance.

It is considered that the proposal is inconsistent with the direction and the inconsistency has not been adequately justified in accordance with the terms of the direction.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. Areas of the subject land are identified as being bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after the Gateway determination is issued and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.1 Implementation of Regional Strategies is relevant to the proposal. The direction provides that a planning proposal must be consistent with the regional strategy. A proposal may be inconsistent with the strategy if the proposal is of minor significance and achieves the overall intent of the strategy.

It is considered that the proposal's inconsistencies with the MNCRS have not been demonstrated as being of minor significance, nor does the proposal achieve the intent of the strategy. The inconsistencies are discussed previously in this report. It is considered that the inconsistency with the direction has not been adequately justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social economic impacts :

The BRRIA contains significant areas of native vegetation which provides a range of habitats for threatened fauna species. The proposal seeks to zone this land which constitutes an additional 254ha, as E2 Environmental Conservation. The proposal also seeks to apply a biodiversity overlay to remnant vegetation, corridor linkages, and first and second order streams. These approaches to protecting significant vegetation in the study area are considered to be appropriate.

The proposal will have a positive economic impact through the release of land for rural residential development. The expected lot yield of 340 lots will contribute to the development of Bonville as an urban centre as planned for in the Coffs Harbour 'Our Living City Settlement Strategy'.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Nil
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Minerals and Petroleum Transport for NSW NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons :

1. The proposal does not adequately address the inconsistencies with the strategic planning framework.
2. The proposal seeks to rezone 499ha of land for rural residential purposes and such a significant release of land should not postpone flooding and contamination issues until development application stage.

Identify any additional studies, if required. :

Flooding

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2014-11-18 Council cover letter for Bonville Rural Residential Planning Proposal .docx	Proposal Covering Letter	Yes
2014-11-20 Planning Proposal - Bonville Rural Residential.doc	Proposal	Yes
2014-11-20 Attachment_1_-_Information_checklist Bonville Rural Res.doc	Proposal	Yes
2014-11-20 Attachment_4_-_Evaluation_criteria_Bonville R Res.doc	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

**5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Additional Information :

It is recommended that the planning proposal be resubmitted with the following amendments;

- 1. Further justification for the inconsistencies with the MNCRS and the RRS. Such justification should include;**
 - a. an explanation of why the proposal seeks to rezone land outside of the candidate areas identified in the Coffs Harbour City Rural Residential Strategy 2009, to R5 Large Lot Residential;**
 - b. the amount of land, in hectares, outside of the candidate areas which is to be zoned R5 Large Lot Residential;**
 - c. an assessment against the sustainability criteria in the MNCRS for the land outside of the candidate areas identified in the RRS which is proposed to be zoned R5.**
- 2. Further justification for the proposal to rezone regionally significant farmland located outside of the identified candidate areas, to R5. Such justification should include;**
 - a. the size and current uses of the land identified as regionally significant farmland;**
 - b. whether the location of the regionally significant farmland to be included in the proposed R5 zone, in relation to other areas of regionally significant farmland, affects its ability to be used for productive agricultural land uses.**
- 3. Details of the area of land which is below the 1:100 ARI flood planning level that is proposed to be zoned R5, including;**
 - a. the depth of inundation and the velocity of flood waters, and whether these characteristics are compatible with rural residential development;**
 - b. whether the proposed minimum lot size of 1ha will enable lots to contain areas of land above the flood planning level.**
- 4. Further justification for the inconsistencies with S117 directions 1.2, Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land, and 5.1 Implementation of Regional Strategies.**

If the Panel decides that the planning proposal should proceed it is recommended that;

- 1. The planning proposal proceed as a 'routine' planning proposal.**
- 2. Prior to public exhibition the planning proposal is to be amended to include;**
 - a. further justification for the inconsistencies with the MNCRS and the RRS. Such justification should include;**
 - i. an explanation of why the proposal seeks to rezone land outside of the candidate areas identified in the Coffs Harbour City Rural Residential Strategy 2009, to R5 Large Lot Residential;**
 - ii. the amount of land, in hectares, outside of the candidate areas which is to be zoned R5 Large Lot Residential;**
 - iii. an assessment against the sustainability criteria in the MNCRS for the land outside of the candidate areas identified in the RRS which is proposed to be zoned R5.**
 - b. Further justification for the proposal to rezone regionally significant farmland located outside of the identified candidate areas, to R5. Such justification should include;**
 - i. the size and current uses of the land identified as regionally significant farmland;**
 - ii. whether the location of the regionally significant farmland to be included in the R5 zone, in relation to other areas of regionally significant farmland affects its ability to be used for productive agricultural land uses.**
 - c. Details of the area of land which is below the 1:100 ARI flood planning level that is proposed to be zoned R5, including;**
 - i. the depth of inundation and the velocity of flood waters, and whether these characteristics are compatible with rural residential development;**
 - ii. whether the proposed minimum lot size of 1ha will enable lots to contain areas of land above the flood planning level.**

d. Further justification for the inconsistencies with S117 directions 1.2, Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land, and 5.1 Implementation of Regional Strategies.

3. Prior to public exhibition the following additional investigations are to be prepared and placed on exhibition with the planning proposal;

a. an assessment of the potential for land contamination which should include a soil sampling analysis of areas where contamination is expected to be highest, based on known land use history, for example, but not limited to the mapped banana cultivation areas proposed to be zoned R5 to the north of candidate area 2 and in candidate area 11.

b. a flood plain risk management plan for the subject land or a report on the flood extent, depth and expected velocities and whether the use of the land for rural residential development is appropriate given these flooding characteristics.

4. In accordance with S57(2) of the Act, the amended planning proposal is to be forwarded to the Department's General Manager, Northern Region for approval prior to the planning proposal being placed on public exhibition.

5. A community consultation period of 28 days is necessary.

6. The planning proposal is to be completed within 12 months.

7. The RPA is to consult with the following State agencies;

a. The NSW Office of Environment and Heritage in relation to flooding, potential land contamination and biodiversity;

b. The NSW Department of Primary Industries in relation to impacts on agricultural land and natural resources;

c. The NSW Roads and Maritime Services;

d. The local aboriginal land council in relation to matters of Aboriginal cultural heritage.

e. The NSW Rural Fire Service;

8. A delegate of the Director General agree that the inconsistency of the proposal with S117 Direction 4.1, is justified in accordance with the terms of the direction.

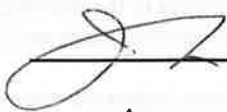
9. A written authorisation to exercise delegation not be issued to Coffs Harbour City Council.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposal does not adequately address the inconsistencies with the strategic planning framework.

2. The proposal seeks to rezone 499ha of land for rural residential purposes and such a significant release of land should not postpone flooding and contamination issues until development application stage.

Signature:



Printed Name:

JIM CLARK

Date:

27 September 2014