



**Planning Proposal
Lot 1, DP 1208609,
Pine Creek Way Bonville**

6 June 2016

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INTRODUCTION

Purpose

The purpose of this report is to outline a Planning Proposal for Lot 1, DP 1208609, being No. 369 Pine Creek Way, Bonville. The Planning Proposal involves an amendment to Schedule 1 (Additional Permitted Uses) of Coffs Harbour City Local Environmental Plan 2013 (LEP 2013) by way of an additional “use of certain land” for the purpose of a caravan park and an associated sunset clause consisting of 5 years. The proposed amendment is sought in recognition of an existing and desired expansion of a caravan park occupying the land.

Summary and Background

Lot 104 DP 876697 (refer figure 1) has been used as a caravan park for over 40 years. In 2009 development consent was granted to extend the caravan park onto newly acquired adjacent land to the east (i.e. Lot 501 DP 606422 shown in Figure 1) and this approval provided for 43 long term sites (all located within Lot 104), 48 short term sites, a community hall and associated facilities (see Figure 2), where previously the caravan park was confined to Lot 104 DP 876697. According to the applicant, work on the development consent has commenced, but not completed at this stage, although the currency of the consent has not been confirmed.

The land where the original (existing) caravan park was located (Lot 104 DP 876697) was zoned Rural 1A Agriculture and Environmental Protection 7B Scenic Buffer under the Coffs Harbour City Local Environmental Plan 2000 (LEP 2000) at the time of the above-mentioned development consent (11 November 2009). The land to the east (Lot 501 DP 606422), which contained the above-mentioned approved caravan park extension was zoned Rural 1A Agriculture under LEP 2000.

Under LEP 2000, caravan parks were permitted with development consent within the Rural 1A Agriculture Zone for short term residency only and were prohibited in the Environmental Protection 7B Scenic Buffer Zone. In light of these facts, the application for development consent was made pursuant to Section 107 of the Environmental Planning and Assessment Act 1979 as a “continuing existing use” over the existing land parcel (Lot 104 DP 876697). The development consent provided for short term sites on the adjoining land (Lot 501 DP 606422) which was not subject to the same existing use provisions. The conditions associated with the development consent reinforced this fact.

With the introduction of Coffs Harbour Local Environmental Plan 2013, caravan parks became a prohibited use in the new RU2 Rural Landscape Zone that now applies to the land and, as a consequence, the entire caravan park now relies on existing use rights. As mentioned above, presently Lot 104 has existing use rights that allow long and short term sites and Lot 501 has existing use rights that only allow short term sites. The two lots have since been consolidated.

It has been determined that the most appropriate means of securing options for the future development of the caravan park is to lodge a Planning Proposal seeking an amendment to Schedule 1 (Additional Permitted Uses) of LEP 2013. A sunset clause will provide an impetus for the development to proceed in a timely manner.

Other options were considered, including a rezoning of the property to an RE2 Private Recreation Zone, however this was seen to be contrary to the future growth strategies associated with the Bonville area. This issue is discussed in more detail in Part 3 below.



Figure 1 - Allotments prior to consolidation



Figure 2 – Previously Approved layout of caravan park

PART 1 - OBJECTIVES / INTENDED OUTCOMES

The objectives of this planning proposal are:

- To seek a site specific amendment to Schedule 1 of LEP 2013;
- To enable the expansion of an existing caravan park on the subject lands;
- To provide an impetus for the development to proceed in a timely manner;
- To address the gateway assessment criteria under Part 3 of the EP&A Act 1979;
- To demonstrate that the planning proposal is consistent with the broad strategic direction for the locality; and
- To ensure the development of the land is in accordance with its environmental setting.

The intended outcomes from the planning proposal are:

- To allow an expanded caravan park development to be undertaken on land contained within the Bonville area; and
- To achieve broad community acceptance.

PART 2 - EXPLANATION OF PROVISIONS

This planning proposal seeks a site specific amendment to Schedule 1 of LEP 2013 to allow for the future expansion of an existing caravan park on the subject lands. This will be achieved within Schedule 1 of LEP 2013 by inserting the following additional permitted use:

1B Use of certain land at Pine Creek Way Bonville

- (1) This clause applies to land at Pine Creek Way Bonville, being Lot 1, DP 1208609, shown as “1B” on the Additional Permitted Uses Map.
- (2) Development for the purpose of a caravan park is permitted with consent.
- (3) Development consent under subclause (2) must not be granted after 5 years from the commencement of Coffs Harbour Local Environmental Plan 2013 (Amendment No XX)

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal has been commissioned in response to a landowner’s request and at the landowner’s expense.

There are two local policy documents that are used to guide planning policies and development decisions within the Coffs Harbour City Local Government Area. The main documents of relevance to this proposal are:

- Our Living City Settlement Strategy; and
- Coffs Harbour Local Environmental Plan 2013.

Our Living City Strategy

The Our Living City Settlement Strategy (OLC Strategy) is part of Council's Growth Management Strategy and was prepared in 2007. The OLC Strategy was prepared pursuant to Clause 38(3) of the North Coast Regional Environmental Plan 1988, and sets out a future for the growth and development of the Local Government Area until 2031. The goal of the OLC Strategy is to foster healthy urban communities which contribute to delivering the Vision for the City:

The Healthy City, the Smart City and the Cultural City for our future.

The OLC strategy projects a population of 99,000 people by 2031 with 94,000 accommodated in existing zoned areas and the balance of 6000 people expected to be accommodated in Greenfield sites. The OLC Strategy states that:

"Projected population growth indicates that, at existing rates of consumption, additional land will be required for residential purposes by the period 2016-2021 in proximity to the Coffs Harbour Township [City]."

The OLC Strategy identifies the Bonville area as an area for rural residential development (i.e., large lot housing) and residential development (i.e. conventional housing lots). The OLC Strategy envisages the population of Bonville to grow to 2,830 by the year 2031.

The key strategies for the Bonville area are:

- Develop as a Coastal Hinterland area;
- Undertake environmental studies to determine appropriate zonings (environmental constraints) and action accordingly;
- Enhance riparian corridors to provide ecological links between coast and hinterland;
- Maintain and enhance the rural residential character;
- Ensure development addresses impacts of Pacific Highway and Pacific Highway Strategy;
- Ensure new development areas have regard to topography, access and other environmental constraints;
- Recognise holiday, tourism and recreation appeal; and
- Prepare a Place Management Plan.

As can be seen by the extract from OLC Strategy map (Figure 3), the Bonville Area is identified as a possible future urban investigation area to be bounded by existing and future rural residential development. It is to be noted that the Bonville Rural Residential Planning Proposal has progressed and should it be finalised as planned, will eventually provide for the rezoning of the rural residential (Large Lot Residential) areas nominated under the OLC Strategy.

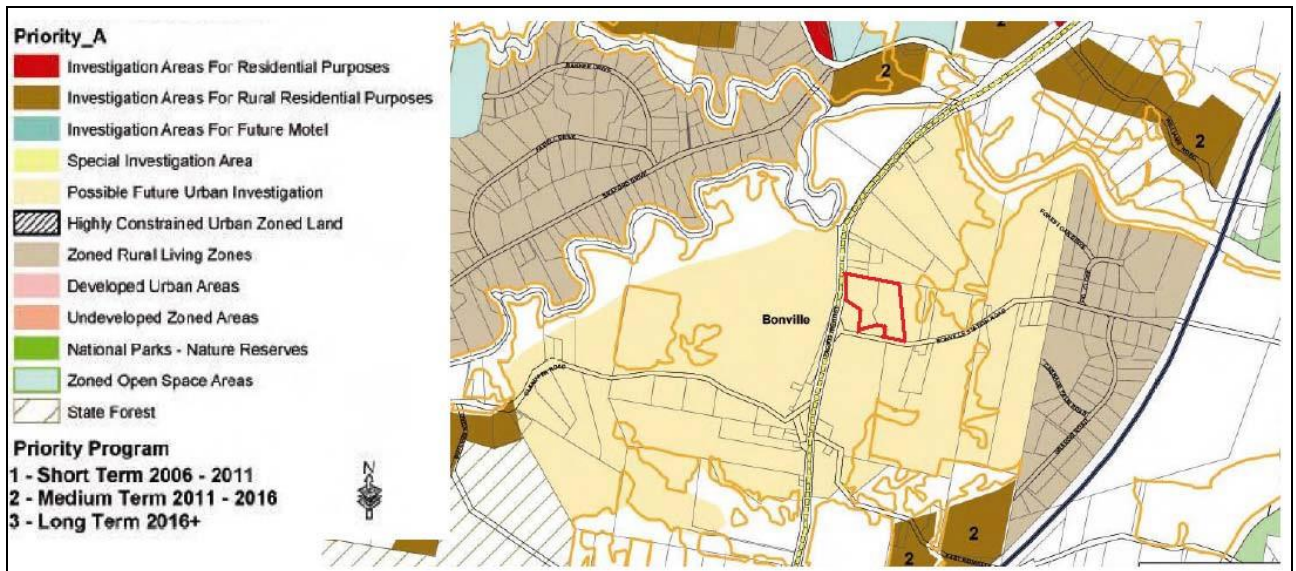


Figure 3 - Extract from OLC Strategy Map

The subject land is located in the centre of the future urban investigation area and in close proximity to a potential future commercial village centre. Figure 4 shows the structure plan for the future urban investigation area.



Figure 4 - Extract from OLC Structure Plan

Caravan parks located close to a commercial hub can be viewed as a compatible use that contributes to the viability and vibrancy of commercial centres, as well as providing an affordable housing option. A caravan park at this location is therefore not incompatible with the OLC Strategy and the flexible nature of caravan parks allows for potential land use changes in the future in accordance with the Strategy.

Coffs Harbour Local Environmental Plan

The proposal is for an amendment to the Coffs Harbour Local Environmental Plan (LEP 2013) by way of an additional permitted use added to Schedule 1 of LEP 2013.

LEP 2013 has a number of provisions that provide for the orderly development of the land and any future development of the land; the relevant Clauses are 2.3, 2.5, 4.1, 4.3, 7.1, 7.8, 7.11, 7.12, 7.13 and these are addressed below:

Clause 2.3 Zone Objectives and Land Use Table: This clause requires the consent authority to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The zoning of the land is shown in Figure 5:

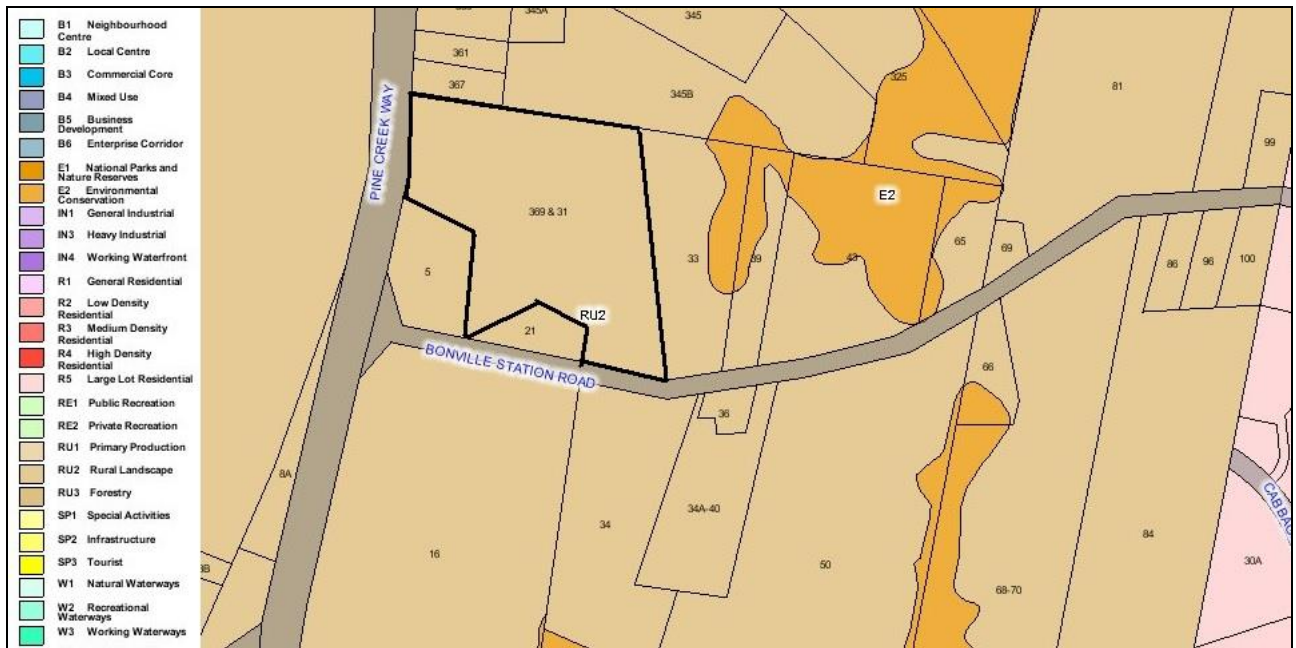


Figure 5 – Existing zone of site

The objectives of the RU2 Zone are:

- *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 minimise the fragmentation and alienation of resource lands.*

Whilst a caravan park does not strictly meet these zone objectives, half of the land has been lawfully used as a caravan park for over 40 years, and there is a potential expansion of the park over the other half of the site in line with a previous development consent issued by Council as shown in Figure 2. Although currently zoned RU2, the future strategic planning intentions of the site include investigations for urban purposes, specifically residential as noted above. With this in mind, a potential residential zoning includes the R2 Low Density Residential Zone, whose objectives include:

- *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.*

A caravan park is development permitted with consent in the R2 Zone and is more able to meet these objectives. With this, and the existing development and previous approval in mind the Planning Proposal is considered to be acceptable.

Clause 2.5 Additional permitted uses for particular land: This clause outlines that development on particular land that is described or referred to in Schedule 1 may be carried out with development consent, or without development consent (if the Schedule so provides) in accordance with any conditions specified in the Schedule in relation to that development. It also states that Schedule 1 has effect despite anything to the contrary in the Land Use Table or other provision of the LEP.

Clause 4.1 Minimum Subdivision Lot Size: Under this clause 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. Presently the land is subject to a minimum lot size of 40 hectares which is appropriate for a rural zone. This planning proposal will not alter the 40 hectare lot size standard.

Clause 4.3 Height of Buildings: Under this clause 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. The subject land is subject to an 8.5m height limit and this is considered appropriate for the subject land which can tolerate buildings with a two storey height limit. Any future development will be subject to this height limit which will need to ensure the scenic qualities of the existing semi-rural area and possible future urban investigation area can be protected and the current relaxed 'sense of place' can be retained.

Clause 7.1 Acid Sulfate Soils: Under this clause development consent is required for the carrying out of works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water-table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The subject land is partly mapped as a low risk (i.e. Class 5) of potential acid sulphate soils. Given the nature of the likely development which will not involve any considerable excavation, it is considered that any development of the land is likely to have neutral impact in terms of acid sulphate soils disturbance.

Clause 7.3 Flood Planning: This clause applies to the subject land which is mapped as flood prone land. Under this clause development consent must not be granted unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard that applies to the land, and
- Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood, and
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Flood mapping indicates that the site will be affected by the estimated 1 in 100 year flood extent; refer Figure 6.

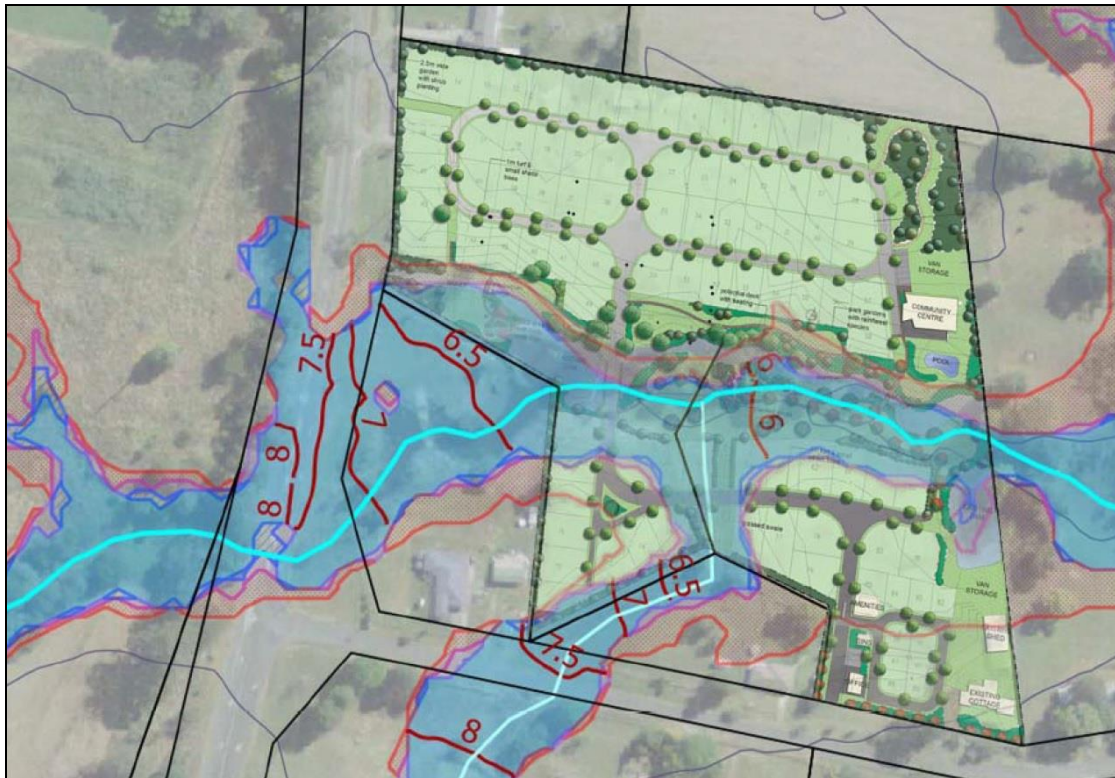


Figure 6 - Flood Prone Land

Flooding Assessment

The Bonville Food Study shows a 1 in 100 year flood level generally of 6.5-6.6m Australian Height Datum for the waterway traversing the subject land. Figure 6 shows that the subject land is subject to localised flooding. However, the proposed caravan park layout can be achieved with minimal landform modification and channel changes to manage flood risks as the majority of the area for the caravan park sites and access roads are above these levels and sufficient land area is available to provide additional flood storage to offset any potential afflux effects if required. Any new development application for expansion or alteration of the caravan park will be subject to the flooding controls imposed by Council under the principal Local Environmental Plan 2013 and the accompanying Development Control Plan 2015.

The approved plan for the caravan park provides for all the habitable areas to be above the flood level. The approved plan locates all sites away from the waterway and provides a significant buffer to the waterway; refer Figure 2.

As such, the proposed rezoning will not result in any additional risk in terms of flooding.

Clause 7.6 Riparian land and watercourses: This clause applies to land mapped as a watercourse on the Riparian Lands and Watercourses Map. Under this Clause the consent authority must consider:

- whether or not the development is likely to have any adverse impact on the following:
 - the water quality and flows within the watercourse,
 - aquatic and riparian species, habitats and ecosystems of the watercourse,
 - the stability of the bed and banks of the watercourse,
 - the free passage of fish and other aquatic organisms within or along the watercourse,
 - any future rehabilitation of the watercourse and riparian areas, and
- whether or not the development is likely to increase water extraction from the watercourse, and
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The clause also requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- if that impact cannot be reasonably avoided; the development is designed, sited and will be managed to minimise that impact, or
- if that impact cannot be minimised; the development will be managed to mitigate that impact.

In granting consent to the park in 2009, master-plan investigations were undertaken in relation to the means to preserve water quality and in particular the means of managing wastewater disposal; a copy of the Wastewater Disposal report has been included with the planning proposal. The report states that a likely development can meet Council's water quality standards.

The previous approval issued by Council in 2009 also required a Controlled Activity Approval from the Department of Primary Industries - Water. The work provided for significant rehabilitation of the watercourse which has been outlined in a Vegetation Management Plan that applies to the riparian area (proposed to be zoned E2). The proposal also included the provision of water quality swales to mitigate impacts and protect the water course.

Clause 7.8 Koala Habitat: This clause requires the Coffs Harbour City Koala Plan of Management (KPOM) to be taken into account. The KPOM applies to the whole of the LGA and applies to land mapped as Koala Habitat and land adjoining land mapped as Primary Koala Habitat. The KPOM maps koala habitat in terms of the level of importance with 'Primary Habitat' being the most important resource for koalas and 'Tertiary Habitat' being the least important. The vegetation along the waterway and extending through the middle of the site is identified as Primary Koala Habitat (Classified as N52A Flooded Gum - Eucalyptus grandis). The KPOM is supplemented by Biodiversity Guideline No 5 which sets out criteria for development that may impact upon Koala habitat.

Although the area in the centre of the land is mapped as Koala Habitat (refer figure 7), it contains cleared land occupied by the existing caravan park structures and access roads.

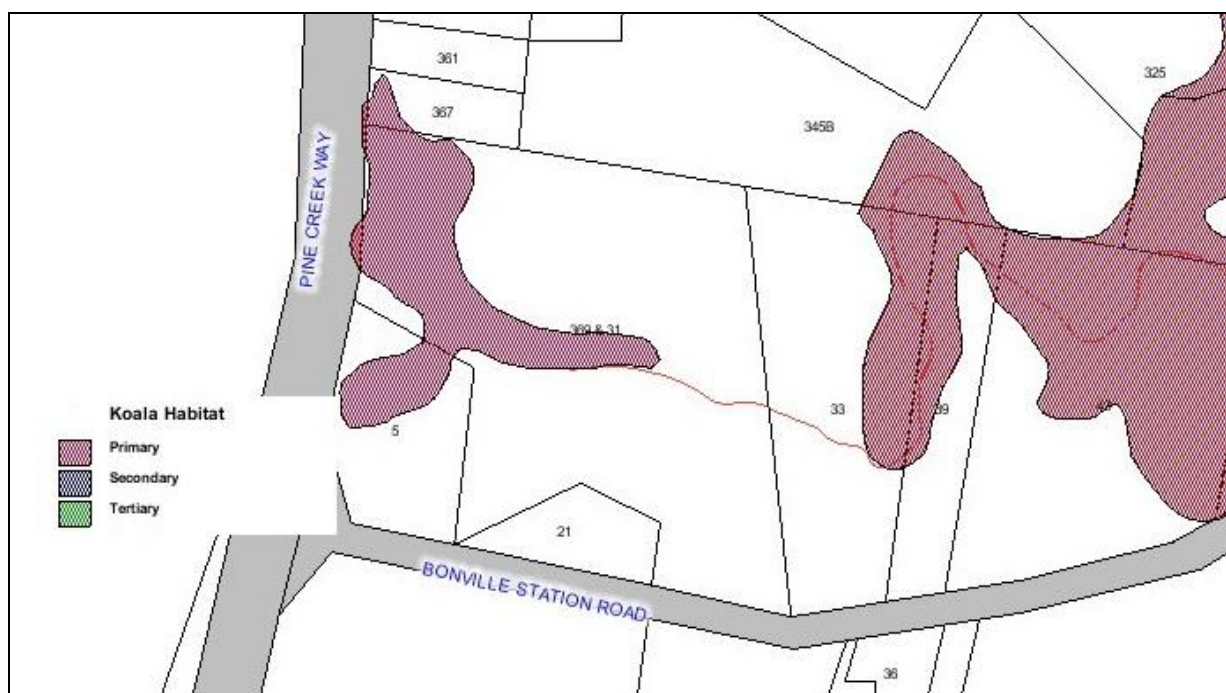


Figure 7 - Koala Habitat

In relation to Primary Koala Habitat, the Coffs Harbour City KPoM provides a number of management actions that must be considered by Council. In response to these actions the approval issued in 2009 stated that ultimate development of the land as described earlier can result in a zero net loss of Koala Habitat with no koala trees being removed. Moreover, the proposal can result in no threat to koala movement, with vehicles to and from the site moving at very low speeds (i.e. 15km/hr as required under the Local Government Act 1993 and no fences planned to be erected. Any subsequent development approval can include similar requirements.

A Biodiversity Assessment was prepared to accompany the 2009 development approval to assess the impacts upon threatened species including the Koala. The Assessment made the following recommendations in relation to measures to protect Koala Habitat:

- retention of Koala food trees on site;
- retention of trees along the creek to maintain existing, albeit fragmented, links to adjoining like habitat;
- enhancement planting of areas connecting with remaining trees on site and adjoining like habitat;
- use of Koala food trees as part of the enhancement plantings/landscape plantings including, but not limited to Flooded Gum (*Eucalyptus grandis*) and Broad-leaved Paperbark (*Melaleuca quinquenervia*);
- boundary fencing be designed to facilitate Koala movement and not to form a barrier to wildlife movement;
- strict controls on dog ownership/dog movement within the proposed development be initiated; and
- weed control measures be implemented in conjunction with a Weed/Habitat Management Plan for the development.

A Landscape Plan and Vegetation Management Plan associated with the previous 2009 development consent provides for rehabilitation of the riparian vegetation along the waterway which will enhance the habitat values of the site. The development of the land undertaken in accordance with Figure 2 will be likely to have a neutral impact on the function of the waterways as a habitat link.

Clause 7.11 Essential Services: This clause requires that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation, and
- suitable road access.

The servicing issues are addressed later in this Planning Proposal Report, where it is demonstrated that the land has adequate services for the current and future development of the caravan park.

Clause 7.12 Design Excellence: This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies. The clause states that development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In considering whether the development exhibits design excellence, the consent authority must have regard to the listed matters, which include:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- whether the development detrimentally impacts on view corridors,
- the requirements of the Coffs Harbour DCP,
- how the development addresses the following matters:
 - the suitability of the land for development,
 - existing and proposed uses and use mix,
 - heritage issues and streetscape constraints,
 - the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - bulk, massing and modulation of buildings,
 - street frontage heights,
 - environmental impacts such as sustainable design, overshadowing, solar access, wind and reflectivity,
 - the achievement of the principles of ecologically sustainable development,
 - pedestrian, cycle, vehicular and service access, circulation and requirements, and
 - the impact on, and any proposed improvements to, the public domain.

These matters are addressed at any development application stage and would be relevant for any new buildings or alterations.

Clause 7.13 Central Business District: Under this clause consent must not be granted to development on any land unless the consent authority has considered whether the development maintains the primacy of the CBD as the principal business, office and retail hub of the Coffs Harbour City. The CBD covers the land in the area identified as “CBD” on the Central Business District Map as the principal business, office and retail hub of the Coffs Harbour City Centre; the subject land is outside the CBD.

The primacy of the CBD is derived from the collective functions of civic services, retail outlets, recreation facilities, and entertainment facilities. The CBD has the largest commercial area in the Local Government Area and it contains the Regional Art Gallery, City Library, Council Administration Centre, large Swimming Centre, extensive retail areas and some medium and high density housing. The City Centre hosts the farmer’s market and other festivals and is to be embellished with a City Park and Performance Centre in the future. The City Centre is also home to the LGA’s largest conglomeration of community and social service providers.

The proposal is to allow the continuation and expansion of a caravan park development which will have a neutral impact upon the primacy of the City Centre and its function as the foci for business, community and social services. In this context the planning proposal maintains the primacy of the CBD.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An addition to Schedule 1 (Additional Permitted Uses) is considered to be the most appropriate means of achieving the outcome and objectives of the Planning Proposal. Furthermore, in the context of the existing and proposed development it is seen as the most suitable planning mechanism to preserve the long term strategic vision for the Bonville area.

Alternative planning approaches to this Planning Proposal include:

- **A rezoning of the site from RU2 Rural Landscape to RE2 Private Recreation**

This is not considered to be an appropriate method of enabling an expansion to the caravan park as previously approved by Council. It would open up a range of other potentially undesirable land uses (with development consent) to the area. It would also not be in keeping with the long term strategic vision for the Bonville area.

- **The addition of “caravan park” to the RU2 Rural Zone land use table**

This is not considered to be an appropriate method of enabling an expansion to the caravan park as previously approved by Council. Although caravan parks were permitted with development consent in the Rural 1A Agriculture Zone under LEP 2000, they were prohibited in the Standard Instrument LEP. This site is viewed as an exception, given the long standing existing use and the previously granted development consent over the whole site.

3. Is there a net community benefit?

Overall, the benefits to the community include the following:

- Provision of employment opportunities during construction and post construction of an approved development proposal.
- Provision of an expanded location for a tourist attraction in the Bonville area.
- Provision of an affordable housing option in the Bonville area.
- Provision of an opportunity to protect and rehabilitate native vegetation within the riparian zone of the waterway on and adjacent to the site.

Section B - Relationship to strategic planning framework.

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Mid North Coast Regional Strategy (MNCRS) applies to the Coffs Harbour LGA.

The Planning Proposal is considered to be consistent with the Mid North Coast Regional Strategy with respect to maintaining and generating additional tourist lands and future employment opportunities at the site without compromising the environment.

The Draft North Coast Regional Plan has recently been publicly exhibited and will apply to the whole LGA.

The Planning Proposal is considered to be generally consistent with the draft plan with respect to maintaining and generating additional tourist lands (Direction 4.1) and future employment opportunities (Direction 2.1) at the site without compromising the environmental values of the site (Direction 1.3 & 2.3).

5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council's Community Strategic Plan is known as the Coffs Harbour 2030 Plan, which was adopted in March 2009.

Engagement with the community, by way of the exhibition of the Planning Proposal, provides an opportunity to achieve outcomes which are identified by the following objective and strategy of the Coffs Harbour 2030 Plan:

Objective - LC 3 We have strong civic leadership and governance.

Strategy - LC 3.2 Engage the community and other levels of government in securing outcomes.

Other relevant objectives and strategies that seek to achieve the creation of diverse and balanced options for places to live and work include:

Objective - PL 1 Our infrastructure and urban development is designed for sustainable living.

Strategy - PL 1.3 Create balanced pedestrian friendly communities with a mix of residential, business and services.

Strategy - PL 1.4 Create affordable housing options.

Council's 'Our Living City' Settlement Strategy is a complementary strategic planning document to the Coffs Harbour 2030 Plan. The OLC Strategy, and by reasoning those sections relevant to the Coffs Harbour 2030 Plan, this section of the report is seen to be adequately addressed. The proposal is therefore considered to be consistent with this clause.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The State Environmental Planning Policies (SEPP) relevant to the Planning Proposal are identified in Table 1 and discussed in the following section.

Table 1: Consistency with SEPP's

| State Environmental Planning Policy | Consistency |
|--|--|
| SEPP No 1 – Development Standards | N/A (repealed for CH) |
| SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development | N/A (substantially repealed for CH) |
| SEPP No 6 – Number of Storeys in a Building | N/A |
| SEPP No 10 – Retention of Low Cost Rental Accommodation | N/A |
| SEPP No 14 – Coastal Wetlands | N/A |
| SEPP No 15 – Rural Land-sharing Communities | N/A |
| SEPP No 19 – Bushland in Urban Areas | N/A |
| SEPP No 21 – Caravan Parks | Consistent. See additional comment below |
| SEPP No 22 – Shops and Commercial Premises | N/A |

| State Environmental Planning Policy | Consistency |
|--|---|
| SEPP No 26 – Littoral Rainforests | N/A |
| SEPP No 29 – Western Sydney Recreation Area | N/A |
| SEPP No 30 – Intensive Agriculture | N/A |
| SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land) | N/A |
| SEPP No 33 – Hazardous and Offensive Development | N/A |
| SEPP No 36 – Manufactured Home Estates | Consistent. See additional comment below |
| SEPP No 39 – Spit Island Bird Habitat | N/A |
| SEPP No 41 – Casino Entertainment Complex | N/A |
| SEPP No 44 – Koala Habitat Protection | N/A |
| SEPP No 47 – Moore Park Showground | N/A |
| SEPP No 50 – Canal Estate Development | N/A |
| SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas | N/A |
| SEPP No 53 – Metropolitan Residential Development | N/A |
| SEPP No 55 – Remediation of Land | N/A |
| SEPP No 59 – Central Western Sydney Regional Open Space and Residential | N/A |
| SEPP No 60 – Exempt and Complying Development | N/A (repealed for CH) |
| SEPP No 62 – Sustainable Aquaculture | N/A |
| SEPP No 64 – Advertising and Signage | Consistent. See additional comments below |
| SEPP No 65 – Design Quality of Residential Flat Development | N/A |
| SEPP No 70 – Affordable Housing (Revised Schemes) | N/A |
| SEPP No 71 – Coastal Protection | N/A – land not within the Coastal Zone |
| SEPP (Affordable Rental Housing) 2009 | N/A |
| SEPP (Building Sustainability Index: BASIX) 2004 | N/A |
| SEPP (Exempt and Complying Development Codes) 2008 | N/A |
| SEPP (Housing for Seniors or People with a Disability) 2004 | N/A |
| SEPP (Infrastructure) 2007 | Consistent. See additional comment below |
| SEPP (Kosciuszko National Park – Alpine Resorts) 2007 | N/A |
| SEPP (Major Development) 2005 | N/A |

| State Environmental Planning Policy | Consistency |
|--|-----------------------|
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | N/A |
| SEPP (Rural Lands) 2008 | N/A |
| SEPP (Sydney Region Growth Centres) 2006 | N/A |
| SEPP (Temporary Structures) 2007 | N/A |
| SEPP (Western Sydney Employment Area) 2009 | N/A |
| SEPP (Western Sydney Parklands) 2009 | N/A |
| SEPP (North Coast REP), 1988 | N/A (repealed for CH) |

SEPP No 21 – Caravan Parks

This SEPP aims to promote the orderly and economic use and development of land used or intended to be used as a caravan park, and to provide for the proper management of the land from a social and environmental point of view.

As outlined above the existing caravan park has been subject to a development consent issued by Council that has previously addressed the above-mentioned aims. Specific matters relating to economic, social and environmental issues are discussed at length elsewhere in this report.

The Planning Proposal is therefore considered to be consistent with the SEPP.

SEPP No 36 – Manufactured Home Estates

This SEPP aims to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements.

The changes proposed in this Planning Proposal do not propose the establishment of a manufactured home estate at the site.

The Planning Proposal is consistent with the SEPP.

SEPP No 64 – Advertising and Signage

SEPP No 64 applies to advertising and signage within NSW and the relevant aims of the policy as it applies to this Planning Proposal are:

- (1) This Policy aims:
 - (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
 -
 - (d) to regulate the display of advertisements in transport corridors, and
 - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The development consent issued by Council over the caravan park addressed matters relating to signage on the then Pacific Highway (the Pacific Highway has since been diverted to bypass Bonville). As there are no specific amendments relating to advertising or signage, the Planning Proposal is considered to be consistent with the SEPP.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) is a wide ranging document that covers a myriad of issues and processes. None of the actions within this Planning Proposal are directly affected by this SEPP and therefore the Planning Proposal is considered to be consistent with the SEPP.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency with the s117 Directions is assessed in the following Table 2.

Table 2 Consistency with s117(2) Directions

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
|-----------------------------------|---|--|---|
| 1. Employment and Resources | | | |
| 1.1 Business and Industrial Zones | Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). | This planning proposal does not affect land within an existing or proposed business or industrial zone. | N/A |
| 1.2 Rural Zones | <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(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).</p> | <p>This planning proposal will allow an expansion of an existing caravan park within a RU2 Rural Landscape Zone under LEP 2013. It will increase the permissible density of development within rural zoned land, albeit related to an existing, approved caravan park, with an expansion to the park already previously approved by Council.</p> <p>The location and surrounds are also earmarked for future urban investigation under the Coffs Harbour Local Growth Management Strategy (Our Living City Settlement Strategy component).</p> <p>An approval for a variation to this 117 Direction is</p> | Justifiably inconsistent for reasons listed |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | | considered to be reasonable under the circumstances and is requested. | |
| 1.3 Mining, Petroleum Production and Extractive Industries | <p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (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. | Nothing in this planning proposal will prohibit or restrict exploration or mining. | N/A |
| 1.4 Oyster Aquaculture | <p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none"> (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses. | This planning proposal does not impact on a Priority Oyster Aquaculture Area. | N/A |
| 1.5 Rural Lands | <p>Applies when:</p> <ul style="list-style-type: none"> (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment | This planning proposal applies to land located in an RU2 Rural Landscape Zone. However, the location and surrounds are earmarked for future urban investigation under the Coffs Harbour Local Growth Management Strategy (Our Living City Settlement | Justifiably inconsistent for reasons listed |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority 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 planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and iii. is approved by the Director-General of the Department of Planning and is in force, or <p>(b) is of minor significance.</p> | <p>Strategy component).</p> <p>The OLC Settlement Strategy:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and iii. is approved by the Director-General of the Department of Planning and is in force. <p>An approval for a variation to this 117 Direction is considered to be reasonable under the circumstances and is requested.</p> | |
| 2. Environment and Heritage | | | |
| 2.1 Environment Protection Zones | (4) A planning proposal must include provisions that facilitate the protection and conservation of | The land is currently zoned RU2 in its entirety. However, this planning proposal relates to land that is mapped as | Justifiably inconsistent for reasons |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must 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".</p> | <p>containing primary koala habitat.</p> <p>The vegetation has previously been removed from the land, and the development consent issued over the land in 2009 included reference to a Vegetation Management Plan which will rehabilitate the site. This would also be a requirement, should a fresh application for development consent for a similar use be received by Council.</p> <p>An approval for a variation to this 117 Direction is considered to be reasonable under the circumstances and is requested.</p> | <p>listed</p> |
| <p>2.2 Coastal Protection</p> | <p>Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and</p> <p>(b) the Coastal Design Guidelines 2003, and</p> <p>(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).</p> | <p>Land that applies to this planning proposal is not located within the coastal zone.</p> | <p>N/A</p> |
| <p>2.3 Heritage Conservation</p> | <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an</p> | <p>Nothing in this planning proposal will stop or inhibit the conservation of heritage items, places or relics or Aboriginal objects or places.</p> <p>An archaeological and cultural heritage considerations have</p> | <p>Consistent</p> |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>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,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> | <p>been assessed as part of the previous development consent granted over the site. Any future development application/s lodged on the site will be subject to the same assessment procedure.</p> | |
| 2.4 Recreation Vehicle Areas | <p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p>i) the provisions of the guidelines entitled</p> | <p>The proposal does not enable land to be developed for the purpose of a recreation vehicle area.</p> | N/A |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p><i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i></p> <p>ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i></p> | | |
| <p>3. Housing, Infrastructure and Urban Development</p> | | | |
| <p>3.1 Residential Zones</p> | <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (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. <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (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 | <p>The planning proposal does not affect any areas of residential zoned land.</p> | <p>N/A</p> |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(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</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> | | |
| <p>3.2 Caravan Parks and Manufactured Home Estates</p> | <p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in</p> | <p>This proposal seeks to:</p> <p>(a) retain existing use provisions that permit development for the purposes of a caravan park to be carried out on the subject land, and allow for an approved expansion of the caravan park, and</p> <p>(b) retain the zoning of the existing caravan park.</p> | <p>Consistent</p> |

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| | <p>Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p> | | |
| 3.3 Home Occupations | Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent. | This proposal does not affect home occupation provisions under LEP 2013. | N/A |
| 3.4 Integrating Land Use and Transport | <p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> | <p>The planning proposal does not affect currently urban zoned land. However it does affect land earmarked for future urban investigation.</p> <p>The planning proposal includes provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> | Consistent |
| 3.5 Development Near Licensed Aerodrome | Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a | This proposal does not affect land in proximity to Coffs Harbour airport and therefore will not facilitate inappropriate development in | N/A |

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| | licensed aerodrome. | proximity to the airport. | |
| 3.6 Shooting Ranges | Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. | The planning proposal does not alter any land use zones in LEP 2013. It will not affect any shooting ranges in Coffs Harbour LGA. | N/A |
| 4. Hazard and Risk | | | |
| 4.1 Acid Sulfate Soils | <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority 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 planning proposal that are inconsistent are:</p> <p>(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(b) of minor significance.</p> | <p>Part of the land subject to this planning proposal is identified on the Coffs Harbour LEP 2013 Acid Sulfate Soils map as containing acid sulfate soils (Class 5).</p> <p>The developable parts of the ASS affected land are above 5m AHD, and the watertable will not be lowered below 1 metre AHD on adjacent Class 4 ASS land.</p> <p>Should the planning proposal proceed the acid sulfate soil provisions of the LEP will apply to any prospective development application unchanged.</p> <p>For these reasons this planning proposal is considered to be “of minor significance”.</p> <p>An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances and is requested.</p> | Justifiably inconsistent for reasons listed |
| 4.2 Mine Subsidence and Unstable Land | <p>Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <p>(a) is within a mine subsidence district, or</p> <p>(b) has been identified as unstable in a study, strategy or</p> | This proposal does not impact on any mine subsidence area. | N/A |

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| | <p>other assessment undertaken:</p> <ul style="list-style-type: none"> i) by or on behalf of the relevant planning authority, or ii) by or on behalf of a public authority and provided to the relevant planning authority. | | |
| 4.3 Flood Prone Land | <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must 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.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (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 | <p>Some of the land affected by this planning proposal is flood affected.</p> <p>However, the planning proposal:</p> <ul style="list-style-type: none"> • will not permit development on flood prone land • will not change the zone of any flood affected land as indicated within the direction • will not generate additional government spending on flood mitigation measures, infrastructure or services; and • no additional development is proposed without consent. <p>The planning proposal includes provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances and is requested.</p> | Justifiably inconsistent for reasons listed |

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| | <p>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.</p> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority 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).</p> | | |
| 4.4 Planning for Bushfire Protection | <p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of</p> | <p>The proposal will affect areas of land identified as being bushfire prone. However, it will not impact on the existing planning controls that address the issue of bushfire hazard on this land.</p> <p>Council has also received a response from the NSW Rural Fire Service stating that they raise no objections in relation to bush fire.</p> <p>An approval for a variation to</p> | Justifiably inconsistent for reasons listed |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>section 57 of the Act, and take into account any comments so made,</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> 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 planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the | <p>this s117 Direction is considered to be reasonable under the circumstances and is requested.</p> | |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> | | |
| 5. Regional Planning | | | |
| 5.1 Implementation of Regional Strategies | Planning proposals must be consistent with a regional strategy released by the Minister for Planning. | The planning proposal is consistent with the Mid North Coast Regional Strategy (MNCRS), and the Draft North Coast Regional Plan. | Consistent |
| 5.2 Sydney Drinking Water Catchments | Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment. | The proposal is not within this catchment. | N/A |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | <p>Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p>(5) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.</p> <p>(b) development with frontage to the Pacific Highway must consider impact the</p> | This proposal will not affect commercial and retail land along the Pacific Highway North Coast. | N/A |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</p> <p>(6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities.</p> | | |
| 6. Local Plan Making | | | |
| 6.1 Approval and Referral Requirements | <p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <ol style="list-style-type: none"> 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 | The planning proposal will not include provisions that specifically require the concurrence, consultation or referral of development applications to a Minister or public authority. | N/A |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(a) not identify development as designated development unless the relevant planning authority:</p> <p>(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</p> <p>(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 undertaking community consultation in satisfaction of section 57 of the Act.</p> | | |
| 6.2 Reserving Land for Public Purposes | (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). | The planning proposal does create additional parkland, however it is proposed to be zoned RE2 Private Recreation and will therefore not alter or reduce existing zonings or reservations of land for public purposes. | N/A |
| 6.3 Site Specific Provisions | <p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>(4) A planning proposal that will amend another environmental</p> | The planning proposal relates to land that holds existing use rights for a caravan park. The land has previously received development consent for an extension of that caravan park in accordance with approved plans (DA 623/09). The | Justifiably inconsistent for reasons listed. |

| S117 Direction | Application | Relevance to this Planning Proposal | Consistency with direction |
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| | <p>planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (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. <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority 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 planning proposal that are inconsistent are of minor significance.</p> | <p>Development Concept Plan approved under DA 623/09 has been submitted with the Planning Proposal to provide context to the planning proposal. The planning proposal will not alter the existing zone of the land and any future development application/s can propose different development configurations of the same land use, or other uses in accordance with the zone. For these reasons, the departure from this particular s117 Direction is considered to be of minor significance.</p> <p>An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances and is requested.</p> | |

Section C - Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The natural environment of the site and surrounding area has been altered by past development activities. The main areas within the site that contain native vegetation are the riparian areas of the watercourse. The species found in this area include:

- Turpentine (*Syncarpia glomerulifera*),
- Blackwood (*Acacia melanoxylon*),
- Flooded Gum (*Eucalyptus grandis*),
- Black Wattle (*Callicoma serratifolia*),
- Lilly Pilly (*Acmena smithii*),
- Red Ash (*Alphitonia excelsa*),
- Guioa (*Guioa semiglauca*),
- Sandpaper Fig (*Ficus coronata*),
- Grey Myrtle (*Backhousia myrtifolia*),
- Jackwood (*Cryptocarya glaucescens*), and
- Murrogun (*Cryptocarya microneura*).

The watercourse includes these native species and some weed infested areas and mown lawn areas. The development approval issued over the land includes a requirement to enhance the ecological values of the riparian areas through an accompanying Landscape Plan and Vegetation Management Plan that provided for weed removal and enhancement planting. The implementation of the works outlined in a Landscape Plan and Vegetation Management Plan contained in a development application will enhance the aesthetic and habitat values of the land.

This issue has also been addressed in Section A(1) of this planning proposal report.

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

Geotechnical Issues, Slope and Contaminated Land

The land has gentle slopes and has elevations ranging from 4m Australian Height Datum (AHD) near the watercourse to 10m AHD near Bonville Station Road. The land is bisected by the watercourse which extends through the centre of the site in an east west direction. The land supports access roads, sites for long term and short term caravans/moveable dwellings and amenities.

The soils investigations on the site reveal loam to a depth of 200mm overlying clay to a depth of 1m, with bedrock at a depth of more than 1.5m. The land has no history of landslip or other geotechnical or topographical limitations that would prevent the expansion of the caravan park.

The land did support a petrol station which has since been removed and the land remediated in accordance with Council's standards and the requirements of State Environmental Planning Policy No.55 – Remediation of Land. On 26 September 2007 approval was granted for demolition of the service station and shed and subsequent remediation of this part of the land under separate development consent, and an Occupation Certificate has been issued for this.

The amended LEP will not create opportunities for substantial development that are not already permitted by the existing and previously assessed development of the site.

Bushfire Risk

A Bushfire Assessment has been conducted by Bushfiresafe (Aust) Pty Ltd as part of the development application for the expansion of the caravan park. The main findings of this report were:

This field survey identified an area of Grassy Woodland to the east of the subject property as the dominant bushfire prone vegetation.

After an onsite inspection and reference to the Planning for Bushfire Protection guidelines, the assessment concluded that a 40m APZ along the eastern margin of the subject property from the creek-line to the northern boundary should be provided.

This Asset Protection Zone can be satisfied within the constraints of the proposed development. It is recommended that any proposed dwellings to be constructed on the subject property be assessed as requiring a 'Medium' category for bushfire attack protection, due to the Special Fire Protection Purpose of the proposed development.

Any non-inhabited building that may be constructed within the APZ (such as Community Hall) will need to comply with an 'Extreme' category of bushfire attack protection with a Level 3 Construction Standard when measured against Australian Standard AS3959.

The existing dwelling, located near the southeast corner of the subject property, was assessed, as being within the category of Medium Bushfire Attack risk and will need to be upgraded for protection from bushfire ember attack should this building be inhabited.

Bushfire risk is not a significant limitation and can be managed on site in accordance with the guidelines and recommendations above. Council has also received a response from the NSW Rural Fire Service stating that they raise no objections in relation to bush fire.

Archaeology

A Cultural Heritage assessment was undertaken by the Coffs Harbour and District Local Aboriginal Land Council in 2008 and this Assessment did not identify any objects of Aboriginal origin. However, the Assessment did recommend that monitoring be undertaken during any earth disturbance works that take place within the property. It is considered that this monitoring can be conducted during any development phase with suitable conditions placed on any future consents that are issued.

Hydrology

The subject land is located within a small catchment that feeds a tributary of Bonville Creek, which is approximately 1km downstream. There are two dams located within the watercourse and the watercourse is fed via an informal overland flow system. Water flow in the watercourse only occurs following storm events.

The proposed Stormwater Plan and the Wastewater Management Plan have been included with the planning proposal. In summary these plans propose the following measures to manage runoff from the site from both storm events and from the on-site effluent disposal system:

- Swales along edges of roads instead of kerb & gutter,
- Permanent sites to have 5000lt rain water tanks,
- Further rain water harvesting on site for grey water use,
- Stormwater flow into water course to be controlled and protected against pollutants entering based on results of Water Modelling,

- Utilising existing dams on site for storage capacity during design storm events,
- Dual reticulation for toilet laundry and garden use to a tertiary level using an aerated system, dual membrane filtration, chlorination and ultraviolet disinfection, and
- A minimum effluent disposal area of 4,761m², with a minimum 2,300m² sub-surface trenching or 600m of evapo-transpiration absorption trenching.

These measures seek to provide protection in terms of the quantity and quality of runoff from the developed caravan park, and the Concept Stormwater Plan outlines these measures.

Land Use Conflicts

The land is part of Bonville Creek catchment which extends from the steep vegetated ranges to the west of Bonville within the Tuckers Knob and Boambee State Forests to the estuarine environments in the Bongil Bongil National Park towards Sawtell. The catchment includes a range of natural and urbanised environments, including rainforests, wetlands, agricultural lands, rural residential housing and suburban housing. The existing environment within this catchment is typical of the fringe areas of Regional Centres on the Mid North Coast of NSW.

The subject land is located on the lower slopes of the catchment south of Bonville Creek. The subdivision pattern in the locality is a mix of large rural lots and smaller rural residential allotments. Meandering streets and smaller allotments are clustered in the areas zoned for rural residential development (i.e. Braford Drive, Bakker Road, Grandis Road, Fig Close areas). The larger lots occupy land zoned RU2 and these are used for a range of agricultural uses from cattle grazing to small crops.

The western boundary of the land is generally defined by the Pine Creek Way which is the main transport link between Bonville and Coffs Harbour. A solid metal fence obscures most of the Caravan Park from public view when travelling along Pine Creek Way. The eastern boundary of the land supports cleared land and some regrowth forest. The northern boundary supports cleared land and agricultural pursuits (i.e. fodder crops). The southern boundary is defined by Bonville Station Road with large rural lots further south of this road.

The existing environment is best described as a semi-rural environment with some urbanised areas close to the Pine Creek Way, and the existing environment is a relatively robust environment that is seen to be tolerable to change. The caravan park is well buffered and no significant land use conflicts are expected. The caravan park has been in operation for many years and the continued use of the park is not expected to have any discernible change in land use impacts, especially given the future urban investigation intentions for the immediate area.

10. How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will expand upon an existing tourist facility in the local area.

The expansion and operation of the caravan park will generate employment opportunities for locals, and will contribute to the local economy.

An expanded caravan park facility with additional long term sites will increase options for affordable housing in the area.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the Planning Proposal?

Road Network and Access

The subject land has access to Pine Creek Way and Bonville Station Road. Pine Creek Way was formally the Pacific Highway before the new highway bypass was opened. The previously approved development required a new access point off Bonville Station Road to service the expanded Caravan Park and the proposed development and intersection requirements were subject to consultation with the then Roads and Traffic Authority (RTA).

A Traffic Impact Report was prepared to address the impacts and to determine designs for the intersections with both Pine Creek Way and Bonville Station Road. The traffic impacts of the project were assessed in accordance with the RTA 'Guide to Traffic Engineering Practice' with reference to Australian Standards, Council's Codes and Austroads Guidelines and a copy of this Report has been included with the planning proposal.

The main findings and recommendations of the traffic report were:

"The Bonville area is a much quieter and less trafficked locality now that the Highway has been diverted.

Two driveways directly onto the Pacific Highway currently provide access to the site. It is proposed to relocate the access to Bonville Station Road. The Highway access is to be closed.

Traffic generated by the proposed redevelopment is not expected to have an adverse impact on traffic flow or safety on Bonville Station Road providing that the access is designed to allow for storage and turning of caravans.

The access into the site off Bonville Station Road will require the following works to maintain safety and efficiency:

- *Provide kerb returns at the access onto Bonville Station Road,*
- *Provide a section of No Stopping from the access to the first driveway into the adjacent property to prevent caravans blocking the driveway,*
- *Provide a turnaround area for caravans to return to the old Highway if they choose not to enter the Park,*
- *Clear vegetation in Bonville Park Road to improve sight lines to the access, and*
- *Close the existing accesses on the old Highway."*

Providing that the above issues are addressed in the design of the access, there are no significant road safety or traffic management issues to prevent approval of the planning proposal.

Electricity and Telephone

The subject site is readily serviced with access to the electrical grid and telecommunications network.

Water and Sewerage

Water is supplied by the existing subterranean bore. The bore has a licence for the extraction of 10 ML per annum and the bore is inspected by Council to check that the quality meets the Australian Drinking Water Standards 2004. Given that the caravan park will utilise 13,365 litres per day or 4.8

million litres per annum, the applicant has stated that there is sufficient water to meet the needs of users of the Caravan Park.

Sewerage is managed by the on- site sewerage management system currently being upgraded on the land. The report on the waste water system has been included with the planning proposal, and the report states that the effluent can be managed on site in accordance with Council's standards.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This requirement of the Planning Proposal will be determined following additional consultation with any State and Commonwealth Public Authorities which are identified in the Gateway Determination.

However, since the lodgement of the Planning Proposal, various stakeholders have been involved in a "peer review" during the refinement of the Planning Proposal to ensure issues/concerns were adequately addressed.

With regard to Commonwealth Government interests, the Environment Protection and Biodiversity Conservation (EP&BC) Act 1999 generally seeks to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.

The Ecological Biodiversity Assessment by Great Eastern Ecology for development application for the expansion of the Caravan Park considered the matters outlined under the EP&BC Act and found that there were no threatened species listed under the EP&BC Act known to occur on the site. Moreover, the site is not known to support World Heritage Properties; National Heritage Places; Commonwealth Marine Areas; National Heritage Places; Commonwealth Heritage Places; Critical Habitats or Commonwealth Reserves.

PART 4 – COMMUNITY CONSULTATION

Given the existing and previously approved development on the subject site, this Planning Proposal represents a minor change in the context of Council's LGA wide planning strategy, namely Coffs Harbour Local Environmental Plan 2013. This means that the Planning Proposal is:

- generally consistent with the pattern of surrounding land use zones and/or land uses;
- is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing;
- is not a principal LEP; and
- does not reclassify public land.

(‘A Guide to Preparing Local Environmental Plans’, S.5.5.2, NSW P&I, April 2013)

Therefore it is considered that this matter would require public consultation for a period of 28 days given the history of the site and ongoing public interest.

PART 5 – INDICATIVE TIMETABLE

The table 3 outlines the indicative timeframe for this Planning Proposal:

Table 3 Indicative timetable

| Task | Estimated timeframe |
|--|----------------------------|
| Decision by CHCC to proceed | June 2016 |
| Gateway Determination | July 2016 |
| Finalisation of additional information as requested by Council and Gateway Determination | July 2016 |
| Review and update of the Planning Proposal | August 2016 |
| Public exhibition of Planning Proposal for not less than 28 days | August-September 2016 |
| Agency consultation | August-September 2016 |
| Review submissions | September 2016 |
| Report to Council | October 2016 |
| Preparation of a final Planning Proposal for submission to the Planning & Infrastructure requesting the LEP amendment to be made | November 2016 |
| Submission to Planning Minister | November - December 2016 |
| Responses to Ministerial comments | December 2016 |

SUMMARY AND CONCLUSIONS

Coffs Harbour City Council has initiated a Planning Proposal that involves an amendment to Schedule 1 (Additional Permitted Uses) of Coffs Harbour Local Environmental Plan (LEP) 2013 that will apply to Lot 1, DP 1208609, being No. 369 Pine Creek Way, Bonville.

Council and the community will benefit from the LEP review as it will:

- Expand upon an existing tourist facility in the local area,
- Allow for the expansion and operation of the caravan park will generate employment opportunities for locals, both during construction and post construction, and will contribute to the local economy, and
- Allow for an expanded caravan park facility with additional long term sites that will increase options for affordable housing in the area.

The Planning Proposal is consistent with Council's Community Strategic Plan 2030 and Our Living City Settlement Strategy. The Planning Proposal is also consistent with the Mid North Coast Regional Strategy, Draft North Coast Regional Plan and is consistent with all relevant SEPP's and is mostly consistent with all relevant Section 117 Directions, apart from some minor inconsistencies as discussed elsewhere in this report. Accordingly, an approval for a variation to the following Section 117 Directions is also requested:

- No. 1.2 Rural Zones,
- No. 1.5 Rural Lands,
- No. 2.1 Environmental Protection Zones,
- No. 4.1 Acid Sulfate Soils,
- No. 4.3 Flood Prone Land,
- No. 4.4 Planning for bushfire protection, and
- No. 6.3 Site Specific Provisions.

APPENDICES

A – Additional Permitted Uses Map