



PLANNING PROPOSAL

KORORA BASIN
Residue Land adjacent to the Pacific Highway

October 2016

Contact

Grahame Fry
Urban Planner/Designer
Phone: (02) 6648 4654
Email: grahame.fry@chcc.nsw.gov.au

CONTENTS

Summary.....	1
Part 1 - Objectives or Intended Outcomes	2
Part 2 - Explanation of Provisions.....	3
Part 3 – Justification.....	3
Section A - Need for the Planning Proposal.....	3
Section B - Relationship to strategic planning framework.	4
Section C - Environmental, social and economic impact.....	20
Section D - State and Commonwealth interests.....	21
Part 4 – Mapping.....	23
Part 5 – Community Consultation	26
Part 6 – Project Timeline.....	27

Summary

This planning proposal is for the rezoning of part of the Korora Basin, north of Coffs Harbour, consistent with Council's adopted Local Growth Management Strategy. This planning proposal and subsequent rezoning will enable development which is similar and compatible to adjoining land uses, being large lot (minimum 1 hectare) residential subdivision. It has been prepared in accordance with Planning and Infrastructure's (P&I) "*A Guide to Preparing Planning Proposals – Part 2 (2012)*".

The proposal is in accordance with the provisions of the Mid North Coast Regional Strategy (MNCRS) 2009.

Environmental constraints which may apply to the land are addressed by an Environmental Study (EcoLogical Australia Pty Ltd) which was completed in June 2016. This Environmental Study is relevant to the wider KWSM Investigation Area and includes the subject land of this Planning Proposal.

The subject lands are not currently serviced with reticulated water and sewer infrastructure, and as large lot residential lands, this situation will continue. Existing and future allotments and dwellings are to include provision for onsite water supply and onsite effluent disposal systems.

There is an existing established Rural Residential precinct in the Korora Basin. A portion of land (the subject of this proposal) zoned RU2 Rural Landscape is located in the southern part of the Korora Basin, the zoning of which was deferred pending finalisation of the future Pacific Highway bypass location by Roads and Maritime Services NSW.

The main roads which provide access to and within the overall KWSM Investigation Area are:

- The Pacific Highway;
- Solitary Islands Way;
- Tiki Road;
- Maccues Road;
- Bruxner Park Road;
- Korora Basin Road;
- Wakelands Road;
- Fairview Road;
- Gaudrons Road; and
- Old Coast Road.

The Pacific Highway and Bruxner Park Road provide access to the land relevant to this Planning Proposal.

Land use in the KWSM Investigation Area consists primarily of the following zones, under the provisions of Coffs Harbour LEP 2013:

- R1 General Residential: Parts of land located on the western side of the Pacific Highway to Pacific Bay Resort;
- RE2 Private Recreation: adjoins the land zoned R1 mentioned above;
- R5 Large Lot Residential: Existing Large Lot (formerly known as Rural Residential) land in the Korora Basin;

- RU2 Rural Landscape: The majority of existing holdings other than the Korora Basin;
- E2 Environmental Conservation: Environmentally sensitive land (e.g. significant vegetation, koala habitat, riparian corridors); and
- SP2 Classified Road: The alignment of the Pacific Highway and proposed Pacific Highway bypass.

This Planning Proposal is concerned with the proposed rezoning of part of the land currently zoned RU2 Rural Landscape to R5 Large Lot Residential.

It is expected that this rezoning process will occur over a period of approximately nine months, including the consultation period and reporting to Council, from the issue of the Gateway Determination.

The benefits of this proposed rezoning are as follows:

- New large lot residential allotments which are located close to existing centres and services;
- An enhanced rural community;
- Consideration of environmental constraints;
- Upgrades to the main service roads and proposed roads within new subdivisions;
- A more appropriate land use zone than the existing rural (landscape) zone;
- A suitable addition of available large lot residential land adjacent to similar land use.

Part 1 - Objectives or Intended Outcomes

The intention of this Planning Proposal is:

To enable Large Lot (Rural) Residential development in part of the Korora Basin, by rezoning part of the Investigation Area from RU2 Rural Landscape to R5 Large Lot Residential, as prescribed by Coffs Harbour LEP 2013.

The Korora Basin Planning Proposal will involve amendments to the following map sheets of Coffs Harbour LEP 2013:

- Land Zoning Map – Sheet LZN_005C; and
- Lot Size Map – Sheet LSZ_005C.

The key outcomes of the site investigations carried out for this Planning Proposal are:

- Mapping and rezoning of 16 ha of R5 Large Lot (Rural) Residential land;

The Planning Proposal includes comprehensive supporting information to:

- Describe the subject land, its locality, the current zoning and justification to provide for additional large lot residential development on the subject land.
- Request an amendment to the LEP to permit large lot residential development.
- Address the 'Gateway Determination Assessment' criteria under Part 3 of the EP&A Act 1979.

- Provide justification for the LEP amendment and demonstrate the net community benefits which follow.
- Demonstrate that the Planning Proposal is consistent with Council's broad strategic direction for the locality.

Part 2 - Explanation of Provisions

The Principal Planning Instrument is Coffs Harbour LEP 2013. The subject land is currently zoned RU2 Rural Landscape. The Pacific Highway (zoned SP2 Infrastructure) and Korora Basin Road provide access to the subject land.

The land proposed for rezoning has been identified as being within a candidate area for Large Lot (Rural) residential development in Council's 'Our Living City' Settlement Strategy (2008) and subsequently in Council's Rural Residential Strategy (2009). Both of these Strategies have been endorsed by the Department of Planning and Environment.

If the land was to retain its existing zone provisions, the result would be:

- Retention of the majority of the land zoned RU2 with little or no agricultural potential;
- Inconsistency with Council's Settlement Strategy; and
- A potential shortfall in projected large lot residential housing stock in the LGA.

It is proposed to rezone parts of the subject land to R5 Large Lot Residential, and. Maps of the existing zoning and proposed rezoning are included in Part 4 of this report.

The KWSM Large Lot Residential Planning Proposal will involve amendments to the following map sheets of Coffs Harbour LEP 2013:

- Land Zoning Map – Sheet LZN_005C; and
- Lot Size Map – Sheets LSZ_005C.

Part 3 – Justification

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The land relevant to this planning proposal is included in the following planning investigations/ reports:

- Environmental Studies: Korora – West Sapphire – Moonee Large Lot Residential Investigation Area (EcoLogical Australia Pty Ltd, June 2016).
This document addresses the overall strategic planning context, environmental constraints, and capability/suitability of lands for rezoning to R5 Large Lot Residential and protection of environmentally significant areas. The contents of this document inform a Planning Proposal to facilitate an amendment to Coffs Harbour Local Environmental Plan 2013.

- ‘Our Living City’ Settlement Strategy (2008): Coffs Harbour City Council
The Our Living City (OLC) Settlement Strategy was prepared in accordance with the requirements of the former *North Coast Regional Environmental Plan (REP) 1988* to provide an approved urban land release strategy to guide future rezoning for urban purposes within the Local Government Area to 2031. Part 8 (Map 21) of this document indicates the endorsed Candidate Areas for the KWSM Investigation Area, including environmentally constrained and unconstrained land.
- Rural Residential Strategy (2009): Coffs Harbour City Council
This document is a component of Council’s Local Growth Management Strategy and applies to all Rural Residential localities/investigation areas within Coffs Harbour LGA. This strategy provides a more rigorous analysis of these Investigation Areas, provides approximate lot yields and an approximate land release program. The Rural Residential Strategy has also been utilised as a background document to inform this Planning Proposal.

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

A planning proposal and rezoning of suitable land is the appropriate means and mechanism to achieve the proposed change of land use, and is supported by relevant planning studies and adopted planning policies.

Section B - Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

NSW State Plan

The NSW Government has prepared a State Plan for a new direction for NSW. The purpose of the State Plan is to deliver better results for the NSW community from government services. The State Plan focuses on five areas of activity of the NSW government:

- rights, respect and responsibility – the justice system and services to promote community involvement and citizenship;
- delivering better services – key services to the whole population including health, education and transport;
- fairness and opportunity – services that promote social justice and reduce disadvantage;
- growing prosperity across NSW – activities that promote productivity and economic growth, particularly in rural and regional NSW; and
- environment for living, planning for housing and jobs, environmental protection, arts and recreation.

There are a number of goals identified by the State Plan that are generally relevant to this Planning Proposal. An objective of the plan is to improve built environments through improving housing ability by ensuring a supply of land and a mix of housing that meets demand.

The Planning Proposal provides for approximately 16 ha of Large Lot (R5) residential land which will contribute to the range of rural lifestyle living opportunities in the Coffs Harbour area.

Mid North Coast Regional Strategy 2009

The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years.

The Strategy sets the policy to govern where and how growth can occur. While it is clear that expected growth can be accommodated in the Region, the Strategy places limits on growth in some areas where the value of environmental/cultural assets and natural resources is high. The draft strategy outlines a range of actions that will guide strategic planning decisions. Relevant aims of the Strategy to the wider KWSM Investigation Area are:

- *Protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.*

Comment: The Environmental Study (EcoLogical Australia) identifies land which includes terrestrial biodiversity and/or watercourse values. The land subject to this Planning Proposal is not identified.

- *Cater for a housing demand of up to 59,600 new dwellings by 2031 to accommodate the forecast population increase of 94,000 and any anticipated growth beyond this figure arising from increased development pressures in the southern part of the Region.*

Comment: The proposed rezoning will enable a potential 16 ha of land to be available for large lot residential development, which will add to future large lot residential housing stock of the Coffs Harbour LGA.

- *Ensure that new housing meets the needs of smaller households and an ageing population by encouraging a shift in dwelling mix and type so that 60 % of new housing will be in greenfield locations and 40 % in existing urban areas.*

Comment: Providing rural residential living opportunities in planned and appropriate areas reduces development pressure on other areas within the urban peripheries and the risk of ad-hoc rural residential development. Unplanned rural residential development reduces opportunities for higher density development of urban growth areas.

- *Ensure an adequate supply of land exists to support economic growth and the capacity for an additional 48,500 jobs in the Region by protecting existing commercial and employment areas and securing sufficient land to support new employment opportunities.*

Comment: The proposed rezoning does not include land for employment purposes, or includes land which is identified for future employment purposes by Council's Local Growth Management Strategy. The land proposed to be rezoned is located in close proximity to existing services and employment precincts.

- *Encourage the growth and redevelopment of the Region's four major regional centres and six major towns through urban design and renewal strategies as a means of protecting sensitive coastal and natural environments and strengthening the economic and administrative functions of these centres as well as meeting increased housing density targets.*

Comment: The proposed rezoning supports the growth and redevelopment of Coffs Harbour (one of the North Coast Region's four major regional centres), and is consistent with current Regional and Local Growth Strategies.

- *Limit development in places constrained by coastal processes, flooding, wetlands, important farmland and landscapes of high scenic and conservation value.*

Comment:

The Planning Proposal has identified and addressed the environmental constraints which apply to the KWSM Investigation Area. No part of the endorsed KWSM Large Lot Investigation Area is identified as Regionally Significant Farmland. The land identified for rezoning in the Korora Basin, located adjacent to the Pacific Highway, is not considered to be of high scenic conservation value.

- *Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.*

Comment: The Environmental Studies (EcoLogical Australia) include a Heritage Assessment (Appendix G) and a Visual Assessment (Appendix F), to inform this Planning Proposal.

The Heritage Assessment has identified no significant constraints with respect to Aboriginal and European Heritage. No Aboriginal Places or Items listed under the Heritage Act are recorded within the Project Area. With respect to known Aboriginal sites and PADs, the Due Diligence Code of Practice provides an adequate system for the identification and management of the types of sites likely to occur within the Project Area.

There is potential for parts of the Investigation Area, particularly in the vicinity of Moonee Creek, to contain regionally significant archaeological sites, however this rezoning does not apply to that location. The Heritage Assessment identified a general trend towards larger potential archaeological deposits in the northern and eastern sections of the Investigation Area, which are also not identified for rezoning by this Planning Proposal.

Pending the endorsement of a request for Gateway Determination, it is likely that Council will consult with the Office of Environmental Heritage and Coffs Harbour LALC with respect to Aboriginal and European Cultural Heritage relevant to this Planning Proposal.

A range of Visual Enhancement Strategies to protect the visual amenity of the KWSM Large Lot Investigation Area are included in Appendix F of the Environmental Studies (EcoLogical Australia Pty Ltd).

- *Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the infrastructure having regard to the NSW Government State Infrastructure Strategy and equity considerations.*

Comment: The Planning Proposal does not increase the need for State infrastructure.

The proposal is generally consistent with applicable Section 117 directions (see Q6). The subject land is subject to relatively few environmental constraints (those present have been addressed in the accompanying report). The objectives and intended outcomes of the Planning Proposal are consistent with adjoining and nearby land uses in that the land proposed to be rezoned adjoins an established Large Lot Residential precinct.

Consistency with an endorsed Local Growth Management Strategy:

The aim of the environmental assessments carried out to inform the Planning Proposal was to determine land within the study area that was considered suitable for rezoning for rural residential (large lot residential) purposes. Council's brief referenced the Coffs Harbour Rural Residential Strategy (RRS) 2009 (which is a component of Council's Local Growth Management Strategy).

The Planning Proposal seeks to rezone 16 ha of land currently zoned RU2 Rural Landscape to R5 Large Lot Residential. These lands are located within an endorsed Candidate Area of Coffs Harbour Rural Residential Strategy 2009.

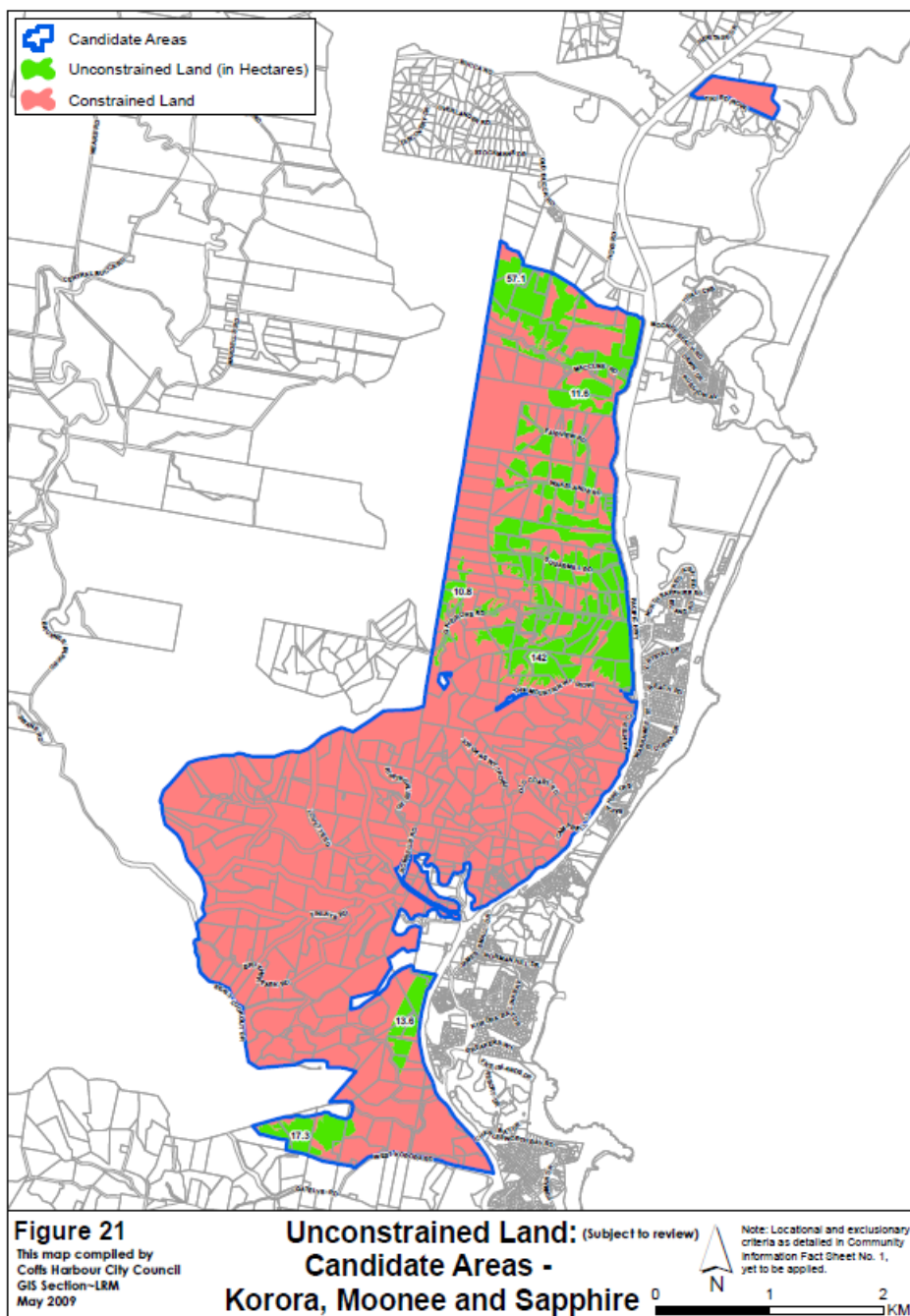
Identification of Candidate Area Boundaries:

Part 8 of the RRS provides indication of endorsed Candidate Areas, including Figure 21 for the KWSM Investigation Area showing:

- Candidate Area boundaries,
- Unconstrained land; and
- Constrained land.

Figure 21 of Coffs Harbour City Council *Rural Residential Strategy 2009* was reproduced in Council's brief and is provided at Illustration 1.

ILLUSTRATION 1**Figure 21 Rural Residential Strategy 2009**



4. Is the planning proposal consistent with the council's local strategy or local strategic plan?

Council's Community Strategic Plan is known as Coffs Harbour 2030 Plan, which was adopted in March 2009. The Planning Proposal is relevant to the following principles and concepts of that plan:

- We have vibrant rural communities.
- Our rural villages are revitalised while maintaining their unique rural identity. Each has the facilities needed to help maintain the strength of the local community.
- Our hinterland villages support a strong tourism base that has developed around local produce, arts, culture and nature experiences.
- We maintain and conserve our flora and fauna through a protected, connected network of well-managed corridors and reserve systems.

Comment: *The objectives of this Planning Proposal are considered to be consistent with the outcomes of the Coffs Harbour 2030 Plan.*

Council's Local Growth Management Strategy is a complementary document to the Coffs Harbour 2030 Plan.

Comment:

The subject land is a Council-endorsed Investigation Area identified in the Coffs Harbour Rural Residential Strategy (2009).

The proposed rezoning applies to residual land zoned RU2 Rural Landscape (adjacent to an established Large Lot Residential precinct) in the Korora Basin. It is considered that the proposed rezoning is consistent with Council's Local Growth Management Strategy, and is a logical and viable addition to the Korora Basin Large Lot Residential Precinct.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The planning proposal is consistent with the following SEPPs.

SEPP (Affordable Rental Housing) 2009

Allows for permissibility of group homes; and provides development standards for various forms of affordable housing.

Comment: The SEPP will operate where secondary dwellings are permissible with consent in the R5 zone. The PP is consistent with this SEPP.

SEPP (Exempt and Complying Development Codes) 2008

Streamlines assessment processes for development that complies with specified development standards.

Comment: No additional exempt or complying uses have been included in the draft Plan.

SEPP (Rural Lands) 2008

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comments:

- There has been recent pressure on native vegetation and riparian areas as land clearing for horticultural purposes, particularly for blueberry production, increases.
- There may be potential for land use conflict and impact to scenic values of the area. These controls are addressed by the provisions of Coffs Harbour Development Control Plan 2015.
- Identification and mapping of land with terrestrial and watercourse biodiversity values in the wider Investigation Area is identified by the Environmental Studies (EcoLogical Australia) June 2016. There are no significant constraints of this nature identified within the land subject to this Planning Proposal.
- Increasing the amount of R5 zoned land in the study area will reduce the demand for this form of land use in other less suitable locations.
- Rural lifestyle settlement will add to the social and economic welfare of the Korora Basin
- Since the completion of the Pacific Highway upgrade, the area is well serviced in terms of safe, suitable road access.

SEPP (Infrastructure) 2007

This SEPP provides for a consistent planning regime for infrastructure and the provision of services across NSW.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP (Temporary Structures) 2007

This SEPP provides for the erection of temporary structures while protecting public safety and local amenity.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The SEPP requires a compatibility test to be undertaken by council planners when assessing any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources identified as being of state or regional significance.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

The implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP (Housing for Seniors or People with a Disability) 2004

The SEPP intends to encourage the development of high quality accommodation for an ageing population and for people who have disabilities while providing housing that is in keeping with the local neighbourhood.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No. 71 – Coastal Protection

Encourages a strategic approach to coastal management and identifies considerations for certain coastal development.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP. This is further discussed in **117 Direction 2.2 Coastal Protection**.

SEPP No. 65 - Design Quality of Residential Flat Development

Raises the design quality of residential flat development across the state through the application of a series of design principles.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP. Residential flat buildings are prohibited in the R5 and E2 zones.

SEPP No. 64 - Advertising and Signage

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP. Advertising structures are controlled by Component C4 Signage Requirements of Coffs Harbour DCP 2013.

SEPP No. 62 – Sustainable Aquaculture

Encourages the sustainable expansion of the industry in NSW

Comment: The draft LEP is generally consistent with the SEPP.

SEPP No. 60 - Exempt and Complying Development

This SEPP provides for a more efficient and effective approval process for certain classes of development. It applies to areas of the State where there are no such provisions in the council's local plans.

Comment: SEPP 60 is not affected by this Planning Proposal.

SEPP No. 55 - Remediation of Land

Introduces state-wide planning controls for the remediation of contaminated land.

Comment: Soil sampling, testing and analysis was undertaken and previous banana cultivation areas mapped. Soil sampling for potential acid sulfate soils has also been undertaken. The assessment found that minor isolated contamination arising from previous banana cultivation is present. Further investigation of each development site will occur as part of the Development Application process. Contamination risks are considered minimal and manageable with recognised remediation procedures available.

Further investigation of each development site will occur as part of the Development Application process. The risk of contaminated land is considered to be minimal, and

management of identified contaminated land is acceptable using recognised remediation methods and procedures which are available.

SEPP No. 36 – Manufactured Home Estates

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No. 33 - Hazardous and Offensive Development

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)

States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No 30—Intensive Agriculture

Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No. 22 - Shops and Commercial Premises

Permits within a business zone, a change of use from one kind of shop to another or one kind of commercial premises to another, even if the change of use is prohibited under an environmental planning instrument.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No. 21 - Caravan Parks

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted.

Comment: The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

SEPP No. 6 - Number of Storeys in a Building

Sets out a method for determining the number of storeys in a building.

The PP is either consistent with the SEPP or has no clauses with material effect on the SEPP.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions under Section 117 of the EP&A Act 1979 are addressed as follows:

EMPLOYMENT AND RESOURCES

Direction 1.1 Business and Industrial Zones

This direction 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).

Comment: This direction does not apply.

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. A draft LEP shall:

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

Comment: This Planning Proposal is inconsistent with this direction in that land is proposed to be rezoned from RU2 Rural Landscape to R5 Large Lot Residential. In the case of this Planning Proposal, inconsistency with this Direction can be justified in that the land proposed to be rezoned to R5 Large Lot Residential is part of an endorsed Candidate Area within the Coffs Harbour Rural Residential Strategy (RRS) 2009.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

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

Comment: The draft LEP is inconsistent with this direction. The candidate areas identified for rural residential and environmental protection rezoning are currently zoned RU2 Rural Landscape. Extractive industries and open cut mining are permissible with consent pursuant to the LEP and the Mining SEPP, however, will no longer be permissible under either Environmental Planning Instrument under a R5 or E2 zone. This direction requires that the Planning Proposal is notified to the Director General of the Department of Primary Industries.

Direction 1.4 Oyster Aquaculture

The objectives of this direction are:

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

Comment: The Planning Proposal is consistent with this direction. There are no potential or existing oyster cultivation areas within the draft LEP area or within any drainage area downstream of this area likely to be affected by future development.

Direction 1.5 Rural Lands

This direction applies when:

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

Comment: As in the comments for Direction 1.2 (Rural Zones), this Planning Proposal is inconsistent with this direction as it applies to existing rural and environment protection zone boundaries. In the case of this Planning Proposal, inconsistency with this Direction can be justified in that any of the land proposed to be rezoned to R5 Large Lot Residential is part of an endorsed Candidate Area within the Coffs Harbour Rural Residential Strategy (RRS) 2009.

ENVIRONMENT AND HERITAGE

Direction 2.1 Environment Protection Zones

The direction requires that a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas. A draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

Comment: The draft LEP is consistent with this direction in that all of the existing environmental protection zoned land is retained. Additional areas of high ecological value land will be either rezoned E2 or identified in the terrestrial biodiversity and watercourse overlay map.

Direction 2.2 Coastal Protection

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

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

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

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

Comment:

The land subject to this Planning Proposal is not located within the Coastal Zone and therefore this Direction is not relevant to the Planning Proposal.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A draft LEP shall contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and*
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council,*

Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Comment: There are no heritage items currently identified in the draft LEP area. Further assessment has been undertaken and no new items have been identified.

Direction 2.4 Recreation Vehicle Areas

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

A draft LEP shall not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):

- (a) where the land is within an environmental protection zone,
- (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,
- (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) of this direction) unless the council has taken into consideration:

- (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas*, Soil Conservation Service of New South Wales, September, 1985, and

- (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas*, State Pollution Control Commission, September 1985.

Comment: The draft LEP is consistent with this direction in that there are no clauses or provisions that enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*).

HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction 3.1 Residential Zones

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

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

Comment: The planning proposal provides for an additional 16 hectares of R5 Large Lot Residential zoned land.

This direction requires that a draft LEP shall include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market.*

Comment: Consistent. The provision of additional rural residential land will broaden lifestyle choices in a suitable location.

- (b) make more efficient use of existing infrastructure and services.*

Comment: The land is not serviced with sewer and water, however benefits from public road access. The cost of upgrading the public road system is included in the adopted Korora Rural Residential Developer Contributions Plan.

- (c) reduce the consumption of land for housing and associated urban development on the urban fringe.*

Comment: The lands to be rezoned are located west of the Pacific Highway. The land is within a rural lifestyle area and is a different land resource to greenfield urban land. The proposed R5 Large Lot Residential land does not impact on any land identified for future urban use.

- (d) be of good design.*

Comment: Design principles are identified in Coffs Harbour Development Control Plan 2015 that reflect the rural character, visual amenity and environmental values of the area.

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

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

Comment: Large Lot residential development within the proposed R5 land does not require reticulated water and sewerage services. Telecommunications and electricity services will be extended to any new subdivisions as part of the Development Assessment stage. The adopted minimum lot size of most Large Lot residential land in the Coffs Harbour LGA is 1 ha. The wastewater land capability investigations indicated that the land is capable of increased density, however, the proposed R5 zoned land will be prescribed a Minimum Lot Size (MLS) of 1 ha.

Direction 3.2 Caravan Parks and Manufactured Home Estates

This direction applies and requires that:

In identifying suitable zones, locations and provisions for caravan parks in a draft LEP, council shall:

(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and

(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.

Comment: The PP is consistent with this direction. Caravan parks are not permitted in the RU2 or R5 zones under the Coffs Harbour LEP 2013.

Direction 3.3 Home Occupations

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Draft LEPs shall permit home occupations to be carried out in dwelling houses without the need for development consent.

Comment: This direction applies. The draft LEP is consistent with this direction – home occupations are permitted without consent in the R5 zone.

Direction 3.4 Integrating Land Use and Transport

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

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

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

Comment: This direction applies as the draft LEP creates additional R5 Large Lot Residential zoned land. The draft LEP is generally consistent with the objectives of this direction. Increasing rural residential development within an area (in the Korora Basin) served by an existing public road network will support the local school bus service.

Direction 3.5 Development Near Licensed Aerodromes

This direction applies when a council prepares a draft LEP that creates, alters or removes a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Comment: This direction does not apply.

Direction 3.6 Shooting Ranges

This direction is not applicable to this Planning Proposal.

HAZARD AND RISK

Direction 4.1 Acid Sulfate Soils

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

Comment: Consistent broad sampling has been undertaken to identify areas likely to contain acid sulfate soils. These areas are mapped as part of the draft LEP. Guidelines are available for the management of acid sulfate soils within the mapped areas.

Direction 4.2 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Comment: There are no known areas of mine subsidence or unstable land in the draft LEP area. Broad assessment has been undertaken to identify steep lands that may require construction management to avoid any instability.

Direction 4.3 Flood Prone Land

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

Comment: This direction applies. Model clauses for Flood planning and Floodplain Risk Management are included in Coffs Harbour LEP 2013. These Model Clauses are consistent with the objectives of this direction. The areas identified as flood prone land have been mapped and included in the supporting Environmental Studies (EcoLogical Australia) – Appendix D of that study.

Direction 4.4 Planning for Bushfire Protection

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

Comment: The land subject to this Planning Proposal is identified as including Category 1 and 2 Bush Fire Prone Land.

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

Comment: Consistent. Appropriate consultation will be undertaken as part of the LEP preparation process.

A draft LEP shall:

(a) have regard to Planning for Bushfire Protection 2006; and

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the APZ.

Comment: Consistent. When required as part of the Development Assessment process, future subdivision and development in bushfire prone land in the candidate areas will be referred to the RFS as required under s100B of the Rural Fires Act 1997 and s79BA of the EP&A Act 1979. The draft LEP allows bush fire hazard reduction work authorised by the Rural Fires Act 1997 to be carried out on any land without development consent. The draft LEP is consistent with this direction.

REGIONAL PLANNING

Direction 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Comment: This direction applies in that land is proposed to be rezoned from RU2 Rural Landscape to R5 Large Lot Residential. In the case of this Planning Proposal, inconsistency with this Direction can be justified in that any land that is proposed to be rezoned to R5 Large Lot Residential are parts of an endorsed Candidate Area within the Coffs Harbour Rural Residential Strategy 2009, which is the relevant local growth management strategy agreed to between Council and NSW Planning & Environment.

Direction 5.2 Sydney Drinking Water Catchments

This direction is not applicable to this Planning Proposal.

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

This direction is not applicable to this Planning Proposal.

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

Comment: Consistent. No commercial or retail development is proposed along the Pacific Highway alignment.

Direction 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

Direction 5.6 Sydney to Canberra Corridor

Revoked

Direction 5.7 Central Coast

Revoked

Direction 5.8 Second Sydney Airport: Badgerys Creek

This direction is not applicable to this Planning Proposal.

Direction 5.9 North West Rail Link Corridor Strategy

This direction is not applicable to this Planning Proposal.

LOCAL PLAN MAKING

Direction 6.1 Approval and Referral Requirements

This direction aims to minimise concurrence and referral application to Ministers and public authorities and not classify designated development unless significant impact is likely.

Comment: Consistent. The Planning Proposal does not include and additional referral requirements.

Direction 6.2 Reserving Land for Public Purposes

This direction requires land to be reserved for public purposes in accordance with the latest directions of the relevant authority.

Comment: Consistent. Draft LEP includes standard public reserve provisions from standard LEP template.

Direction 6.3 Site Specific Provisions

This direction discourages unnecessarily restrictive site controls.

Comment: Consistent. The Draft LEP adopts recommended provisions from standard LEP template and existing Coffs Harbour provisions.

METROPOLITAN PLANNING

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

This direction is not applicable to this Planning Proposal.

Section C - Environmental, social and economic impact.

6. 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 Environmental Studies (EcoLogical Australia) include a Flora and Fauna Assessment (Appendix A of those studies). This assessment applies to the wider KWSM Investigation Area.

Part 5A of the EP&A Act requires consideration of the likely impacts of the Planning Proposal on threatened species, populations or ecological communities, or their habitats. There are a number of threatened species known to occur in the wider KWSM Investigation Area, including Endangered Ecological Communities (EECs).

The draft LEP zone recommended in this Planning Proposal does not impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Therefore it is considered that this proposal does not trigger the need for consultation under section 34A of the EP&A Act with the Director General of the Department of Environment and Climate Change or the Director General of the Department of Primary Industries (for impacts to fish or marine vegetation).

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

The following is a summary of the other likely environmental effects or constraints on the site.

Bushfire Risk

Asset Protection Zones (APZs) for vegetation areas within the study area have been identified. Controls for vegetation management for subdivisions and dwellings within the rural residential candidate areas have been provided in the Bushfire Risk Assessment in **Appendix C** of the EcoLogical Australia Environmental Studies (June 2016).

Site Contamination

Arsenic contamination may be present within former banana growing lands, consistent with similar banana growing land across the Coffs Harbour region. Council's existing land contamination policies should be applied to any proposed development within the release area. All proposed development within present and past cultivated areas should be subject to soil contamination assessments and where contamination is identified a remediation plan prepared. As has been found in other areas, it is anticipated that the arsenic contamination can be readily remediated, generally through on-site vertical mixing. The cost of further investigation, and remediation if required, will be the responsibility of the applicant. This requirement is not expected to significantly constrain the overall development potential of the land relevant to this Planning Proposal.

Acid Sulfate Soils

Class 3, 4 and 5 Acid Sulfate Soils have been identified in various locations throughout the wider KWSM Investigation Area.

Where significant earthworks or drainage works are proposed within the classified lands, Council requires an acid sulphate soils assessment, and when they are shown to be present, a

management plan. Constraint mapping indicates that potential Class 5 Acid Sulfate Soils is located in the northern extent of the subject land.

The possible presence of Class 5 Acid Sulfate Soils in that location is not considered to be a constraint to development potential.

Geotechnical

The geotechnical conditions across the proposed development areas do not pose a major constraint. Slope will have the greatest impact on development. The residual soils will typically yield an M classification in accordance with AS2870 although this will give way to a P classification on the steeper slopes. This investigation is general in nature and, apart from limited field work, relies on local experience in the design and construction of residential footings throughout the Coffs Harbour region over the Brooklana Formation. This investigation does not obviate the need for site specific investigations as part of individual development.

It is recommended that Council retain existing policies that require individual site classifications and the engineering design of slabs and footings, plus compaction control of subdivision earthworks. No additional planning and policy requirements are recommended.

8. How has the planning proposal adequately addressed any social and economic effects?

Social and economic effects arising from the Planning Proposal will be positive in terms of the provision of rural residential land for new housing.

Should Council resolve to progress the Korora Basin rezoning, the social and economic impact of development for rural residential purposes of that land will be minor for the following reasons:

- Potential lot yield is not high enough to be detrimental in a social sense or create excessive demands on existing services.
- Development proposals which apply to the subject land will be included in a Developer Contributions Plan, which will ensure that any additions to local infrastructure can be levied to applicants.
- Subdivision to create new allotments will be influenced by the existing small holdings and the location of existing rural dwellings.
- The creation of new lots is likely to occur gradually.
- New large lot residential lots will be similar in land use and character to surrounding small holdings.
- There is sufficient social infrastructure in the area to cater for the proposed increase in large lot residential lots that can be created as a result of the Planning Proposal.

Section D - State and Commonwealth interests.

9. Is there adequate public infrastructure for the planning proposal?

State or Commonwealth public infrastructure within the subject land is adequate to cater for the gradual growth in the area. The electrical network is adequate to cater for the subdivision

of land within the candidate areas for rural residential purposes. Connection to households of the National Broadband Network (NBN) has commenced in the area to provide wireless internet services to subscribers who wish to connect.

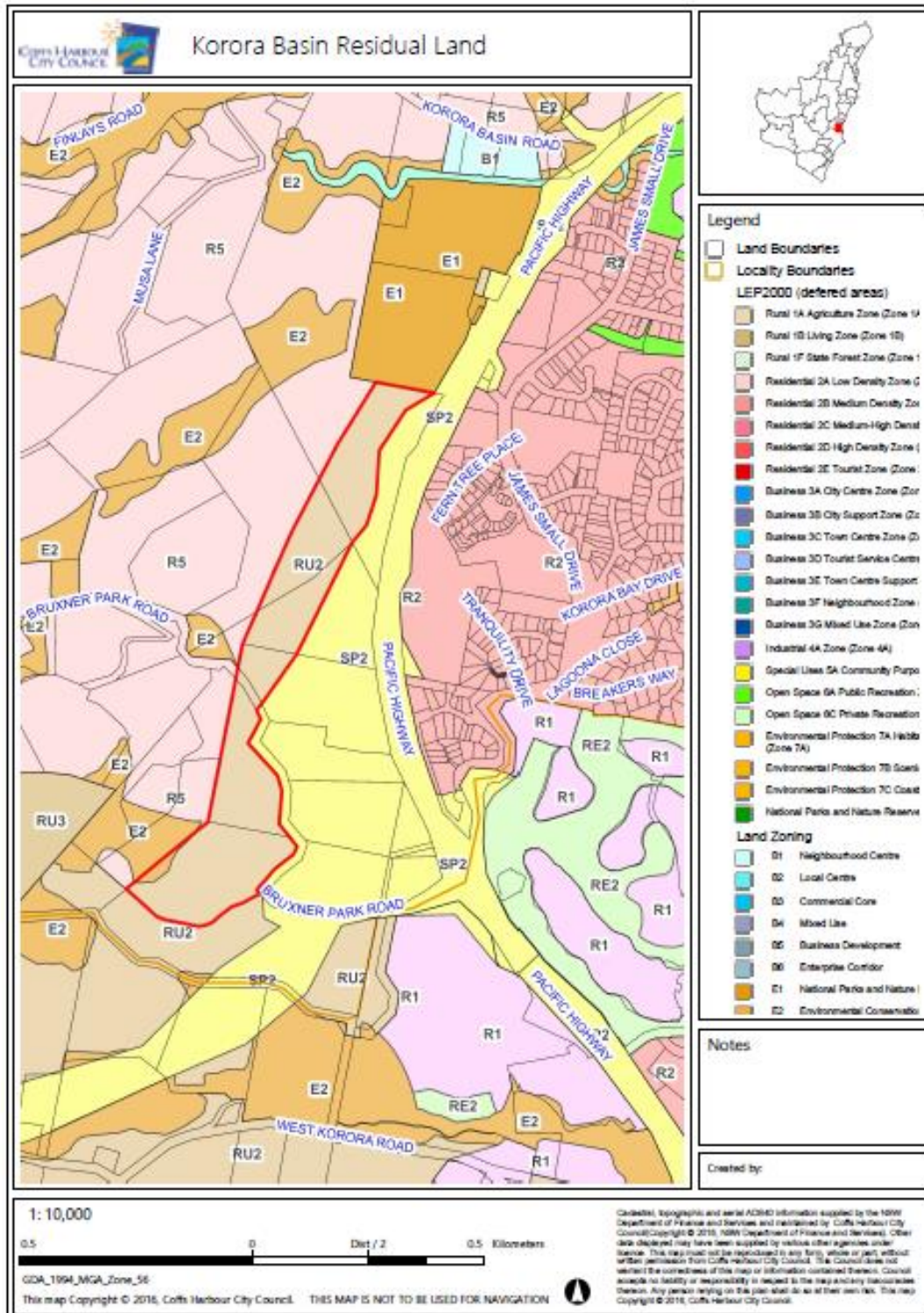
10. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the planning proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination. This section will summarise any issues raised by public authorities not already dealt with in the planning proposal, and will address issues as required.

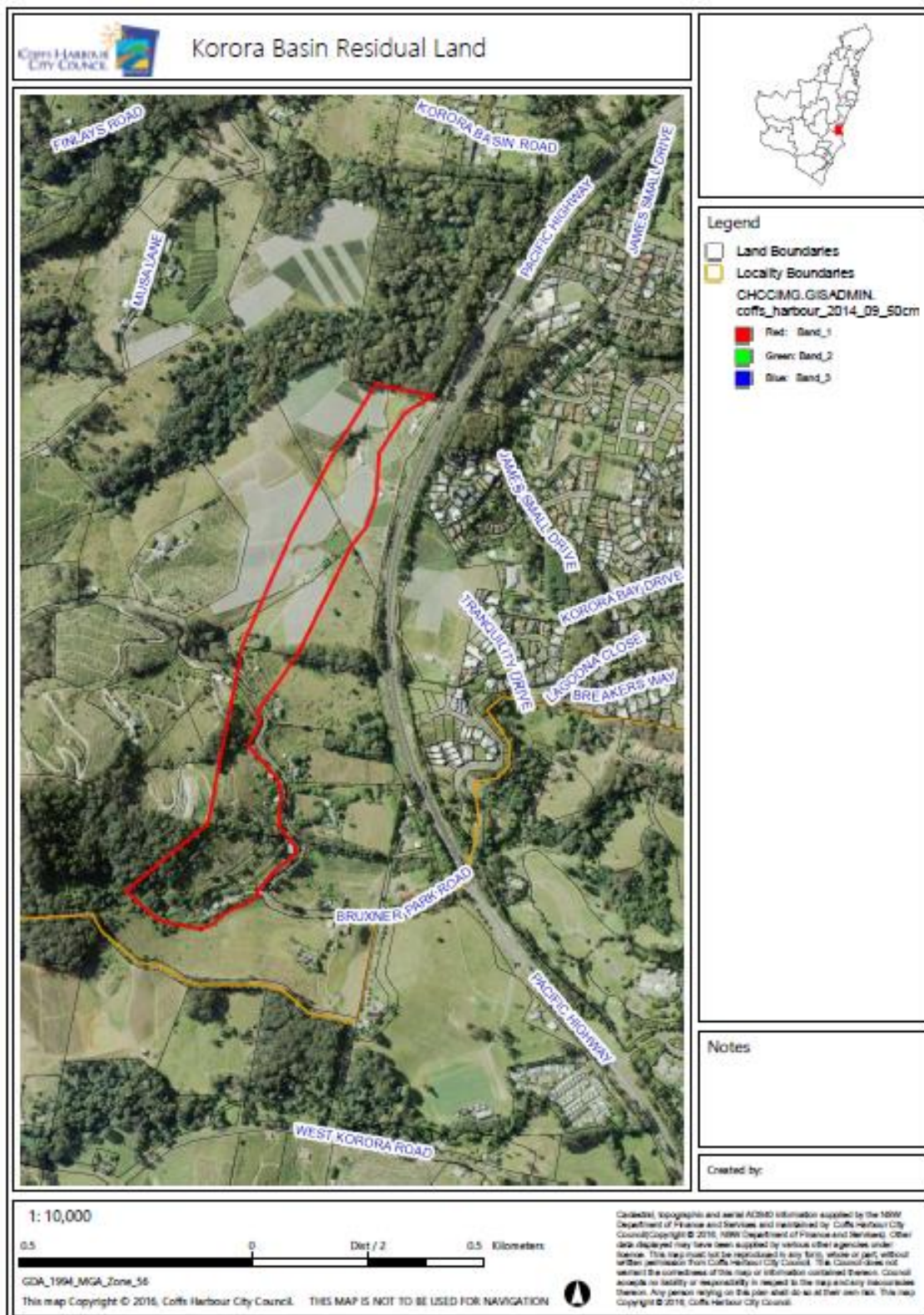
Part 4 – Mapping

Maps of the Planning Proposal are as follows:

1. Locality Map and Existing Land Use Zones (Coffs Harbour LEP 2013)

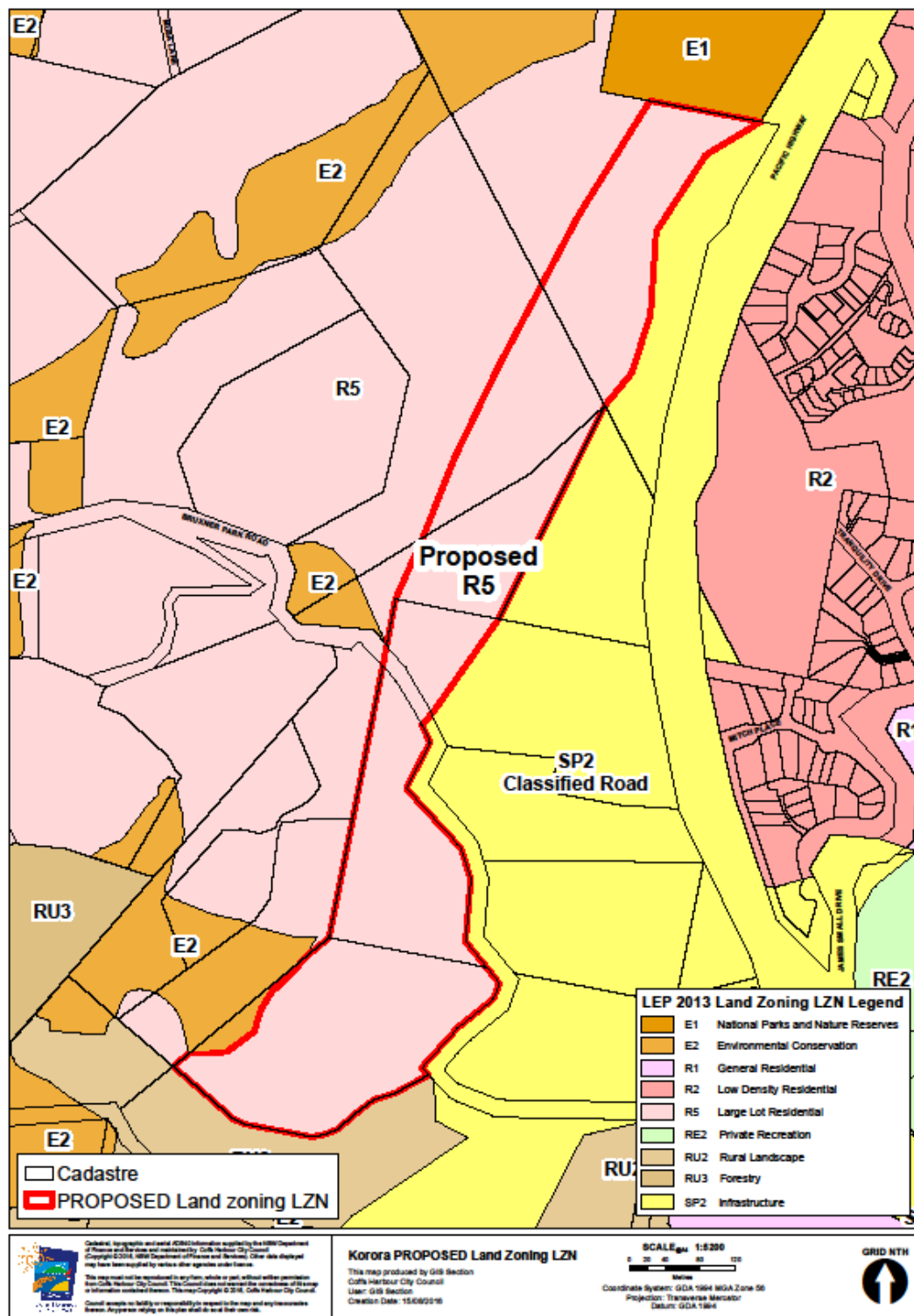


2. Aerial Photograph



3. Proposed Zones and Attribute Maps

Proposed Land Zoning Map (LZN)

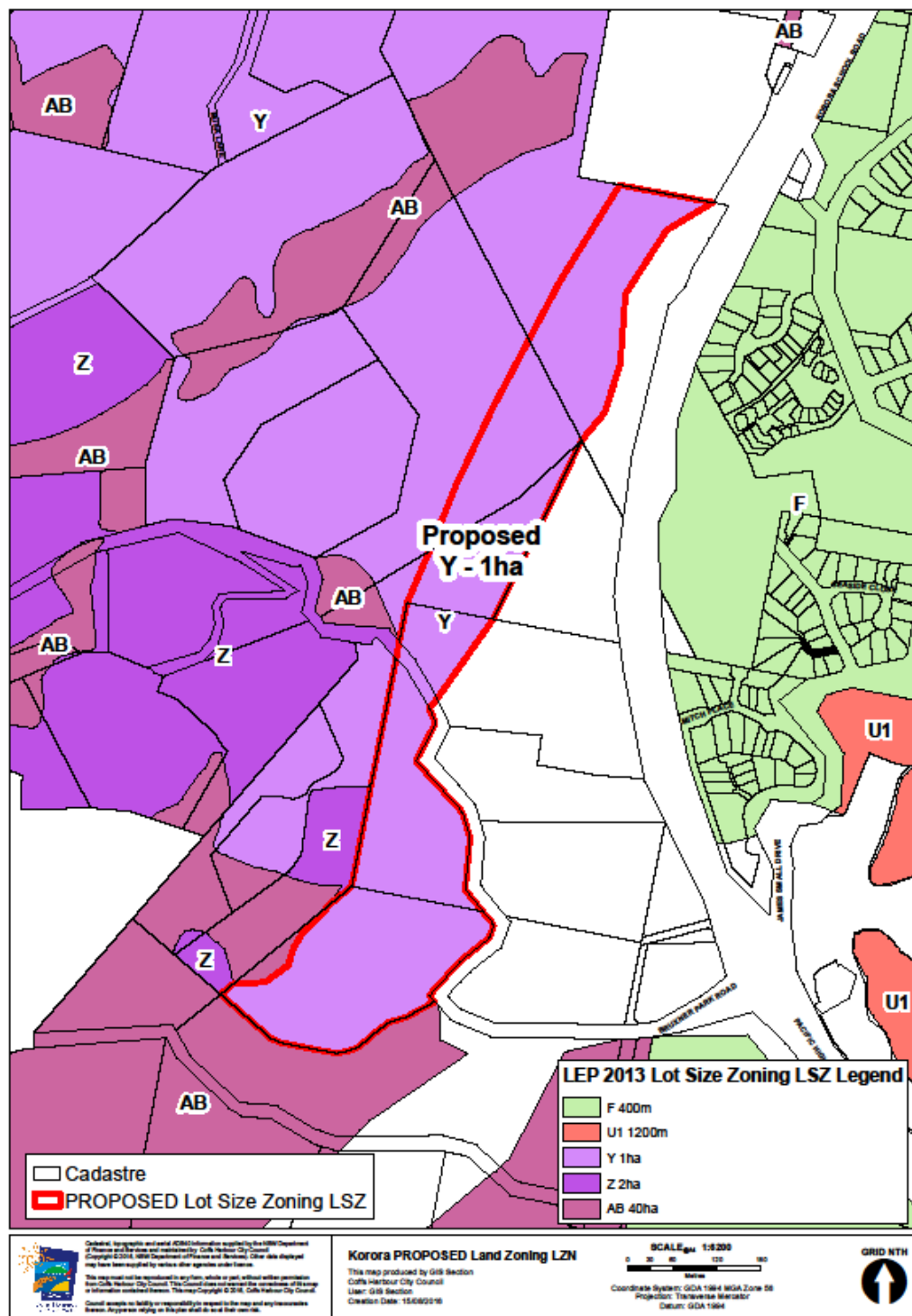


The Planning Proposal will also require amendments to the following attribute map, being:

- Minimum Lot Size: **From:**
40 hectares (category AB) in RU2 lands proposed to be rezoned to R5 large lot residential,

To:
1 hectare (category Y) in those lands.

Proposed Minimum Lot Size Map (LSZ)



Part 5 – Community Consultation

The draft Rural Residential Strategy was exhibited from 11 December 2008 to 27 February 2009 with 82 submissions received including five from government agencies. The draft strategy was

adopted by Council on 26 November 2009. Matters raised in submissions and during the Council meetings concerned all of the candidate areas within the LGA.

The community, stakeholders and government agencies will have a further opportunity to make submissions to the Planning Proposal during the exhibition phase of the process, pending endorsement via the Gateway Determination Process.

The Gateway Determination will specify the community consultation that must be undertaken on the planning proposal. The consultation will be tailored to specific proposals generally on the basis of a minimum 14 day exhibition period for low impact Planning Proposals and a minimum 28 day exhibition period for all other Planning Proposals.

Council considers that this planning proposal should be exhibited for a minimum of 28 days. It is intended that hard copy documents relevant to this Planning Proposal will be exhibited at Council's main Administration Building. The Planning Proposal will also be available for viewing on Council's website during the exhibition period.

Part 6 – Project Timeline

November 2016	Planning Proposal referred to NSW Planning & Environment requesting a Gateway Determination.
December 2016 – January 2017	Public Exhibition / Consultation period.
February - March 2017	Report to Council for determination of the Planning Proposal following the public exhibition period.
April - May 2017	Submission of the Draft LEP Amendment to NSW Planning and Environment, requesting the making of the LEP Amendment by the Minister, pending adoption by Council.