



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

**Planning Proposal
Braford Drive and Irvines Road, Bonville**

**Version 1 Pre-Gateway
November 2017**

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Summary

This Planning Proposal is for an LEP amendment to two sites at Bonville, south of Coffs Harbour. This Planning Proposal and subsequent LEP amendment will enable development which is similar and compatible to adjoining land uses, being large lot residential subdivision. It has been prepared in accordance with NSW Planning and Environment's (NSW P&E) "A Guide to Preparing Planning Proposals – Part 2 (2012)". The Planning Proposal is generally consistent with the provisions of the *North Coast Regional Plan 2036* (adopted 2017) and *Coffs Harbour Local Growth Management Strategy (LGMS) - Rural Residential Component* (2009).

This Planning Proposal applies to the following land parcels:

Site 1: Part of Lot 914 DP 870329 (Braford Drive, Bonville); and

Site 2: Part of Lot 501 DP 858180 (Irvines Road, Bonville).

In 2014 De Groot & Benson Pty Ltd were engaged by Council to undertake Environmental Studies for the Bonville Large Lot Residential Investigation Area. NSW Planning and Environment issued a Gateway Determination on 11 October 2015. The Planning Proposal (PP_2015_COFFS_005_00) was exhibited from 20 January to 4 March 2016.

Following the exhibition process, *Coffs Harbour Local Environmental Plan 2013* (Amendment No.7) was made by the Minister for Planning on 19 May 2017. The landowners of the two affected properties (referred to as Site 1 and Site 2 by this Planning Proposal) have notified Council of LEP mapping anomalies which occurred during the processes undertaken between the exhibition and the making of *Coffs Harbour LEP Plan 2013* (Amendment No.7).

Background: Site 1

The exhibited (and subsequently adopted) land zoning map is shown in Figure 1. A submission was received from Idyll Spaces Environmental Consultants on behalf of the landowner. The submission included a site-specific vegetation review of the land which identified vegetation communities present on the land. The submission requested that the proposed rezoning be amended as shown in Figure 2.



The submission was assessed and it was recommended that the submission be supported and the mapping amended as per Figure 2.

On 8 December 2016, Council adopted the Planning Proposal. The LEP mapping for Site 1 was not consistent with the submission (ie. The map shown in Figure 2) and consequently was not included in the Planning Proposal which was forwarded to NSW P&E for the LEP Amendment to be made. The LEP Amendment was made by the Minister on 19 May 2017.

The landowner contacted Council on 7 August 2017, and on 8 August 2017 the landowner formally requested that Council rectify the error.

Background: Site 2

The Environmental Studies and PP_2015_COFFS_005_00 (as exhibited) included the land as proposed to be rezoned, although it is located outside (north) of an endorsed Candidate Area of *Coffs Harbour LGMS - Rural Residential Component (2009)*. The Candidate Area boundary is shown in blue by Figure 3. The Draft Land Zoning map (as exhibited) which shows the land as R5 large Lot Residential, is shown in Figure 4. The allotment boundary is shown in red on both figures.



Figure 3:
Coffs Harbour LGMS - Rural Residential Component (2009) Candidate Area Boundary

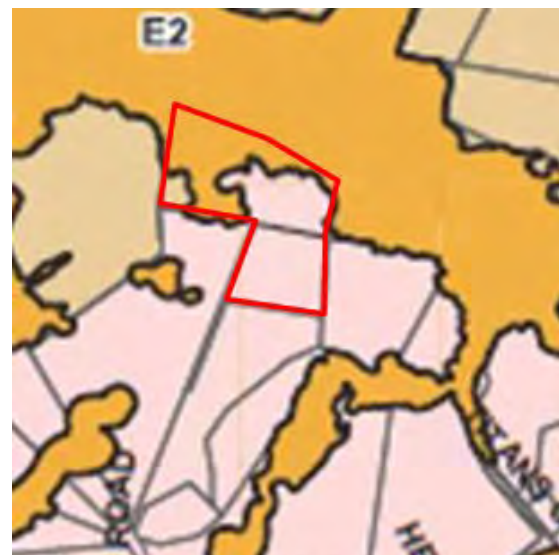


Figure 4:
Draft Land Zoning map (as exhibited)

On 8 December 2016, Council adopted the Planning Proposal to rezone certain lands within the wider Bonville Large Lot Residential Investigation Area. The subject land was not included on the final map (inconsistent with the exhibited map) and consequently was not included in the post-exhibition Planning Proposal which was forwarded to NSW Planning & Environment for the LEP Amendment to be made. The LEP Amendment was made by the Minister on 19 May 2017.

On 11 July 2017 the landowner contacted Council to request a hard copy of the LEP map, it was at this point that the mapping error was notified to Council. On 12 July 2017 the landowner requested that the mapping error be corrected.

General Overview

This Planning Proposal applies to the following land parcels:

Site 1: Part of Lot 914 DP 870329 (Braford Drive, Bonville); and

Site 2: Part of Lot 501 DP 858180 (Irvines Road, Bonville).

Environmental constraints which may apply to the land are addressed by an Environmental Study (De Groot and Benson Pty Ltd) which was completed in September 2015. This Environmental Study is relevant to the wider Bonville Large Lot Residential Investigation Area and includes the subject lands of this Planning Proposal.

It is recognised that in both cases an error was made in compiling the final LEP Maps which were adopted by Council. It is anticipated that the De Groot & Benson Environmental Studies can be used as supporting documents to this Planning Proposal.

The subject lands are not serviced with reticulated water and sewer infrastructure. This situation will not change as a result of this Planning Proposal. Future allotments and dwellings are to include provision for onsite water supply and onsite effluent disposal systems.

The main roads which provide access to the subject lands are:

Site 1: Pine Creek Way, North Bonville Road and Braford Drive; and

Site 2: Pine Creek Way and Irvines Road.

Existing land uses in each of the two sites consists of the following zones, under the provisions of *Coffs Harbour LEP 2013*:

Site 1: R5 Large Lot Residential and E2 Environmental Conservation; and

Site 2: RU2 Rural Landscape.

This Planning Proposal concerns the following proposed LEP amendments:

Site 1: Revision of the current R5 Large Lot Residential and E2 Environmental Conservation Land Zoning Map extents; amendment of the Minimum Lot Size Map to reflect that revision, and amendment of the Terrestrial Biodiversity, Drinking Water Catchment, Riparian Lands and Watercourse Map.

Site 2: Amendment of the Land Zoning Map from Ru2 Large Lot Residential to R5 Large Lot Residential, and amendment of the Minimum Lot Size Map from 40 hectares to one hectare.

The benefits of this proposed rezoning are as follows:

Site 1:

- A minor increase to Large Lot Residential land stock which is located close to existing centres and services;
- An enhanced rural community;
- Consideration of environmental constraints; and
- An additional 1.4 hectares of Zone R5 Large Lot Residential land adjacent to similar land uses.

Site 2:

- A minor increase to Large Lot Residential land stock which is 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;

- An additional 1.9 hectares of Zone R5 Large Lot Residential land adjacent to similar land use, which is a more appropriate and logical land use zone than the existing RU2 Rural Landscape zone which is disconnected from adjoining rural land which is zoned RU2.

Part 1 - Objectives or Intended Outcomes

The intention of this Planning Proposal is:

To provide justification which will correct two mapping anomalies on Site 1 and Site 2 which will enable Large Lot (Rural) Residential development on two allotments within the Bonville locality, by:

- Amending the extent of the current R5 Large Lot Residential and E2 Environmental Conservation zones boundaries on Site 1; and
- Rezoning Site 2 from RU2 Rural Landscape to R5 Large Lot Residential.

The Principal Plan is *Coffs Harbour Local Environmental Plan 2013*.

This Planning Proposal concerns proposed amendments to the following map tiles of *Coffs Harbour LEP 2013*:

- Land Zoning Map – Sheets LZN_006 and LZN_006B;
- Lot Size Map – Sheets LSZ_006 and LSZ_006B; and
- Terrestrial Biodiversity Map; Drinking Water Catchment Map; Riparian Lands and Watercourses Map – CL2_006.

The intended outcomes of this Planning Proposal are:

Site 1:

The zoning of 1.5 hectares of land from E2 Environmental Conservation to R5 Large Lot Residential, and

- The zoning of a total of 0.1 hectares of land from R5 Large Lot Residential land to E2 Environmental Conservation.
- This represents a net rezoning of 1.4 hectares of land proposed to be zoned R5 large Lot Residential.

Site 2:

- The zoning of 1.9 hectares of land, from RU2 Rural Landscape to R5 Large Lot Residential.

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 *Environmental Planning and Assessment Act (EP&A Act) 1979* 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 Plan is *Coffs Harbour Local Environmental Plan 2013*. The current land use zones which apply to the two sites are as follows:

Site 1: R5 Large Lot Residential and E2 Environmental Conservation; and

Site 2: RU2 Rural Landscape.

Both sites are accessed by the local road network. Site 1 is accessed directly from Braford Drive. Site 2 is accessed from Irvines Road and then by Right of Carriageway through an adjoining allotment.

The Planning Proposal seeks to create a combined total of 3.3 hectares of land R5 Large Lot Residential, contained within the two sites. These lands are located immediately adjacent to endorsed Candidate Areas of *Coffs Harbour LGMS - Rural Residential Component (2009)*, although they are not included within the Candidate Areas. Justification for this inconsistency is demonstrated within this Planning Proposal.

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

- Retention of land with little or no agricultural potential; and
- Existing mapping of environmentally significant land (Zone E2) which is inconsistent with current environmental attributes of the land.

On Site 1 (Braford Drive), it is proposed to amend the existing extents of the R5 Large Lot Residential and E2 Environmental Conservation Zones. On Site 2 (Irvines Road), it is proposed to amend the subject land from RU2 Rural Landscape to R5 Large Lot Residential. Maps of the sites, the existing zoning and proposed rezoning are included in Part 4 of this report.

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

- Land Zoning Map – Sheets LZN_006 and LZN_006B;
- Lot Size Map – Sheets LSZ_006 and LSZ_006B; and
- Terrestrial Biodiversity Map; Drinking Water Catchment Map; Riparian Lands and Watercourses Map – CL2_006.

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 Study and Planning Proposal: Bonville Large Lot Residential Investigation Area September 2015 (de Groot & Benson Pty Ltd)

This document addresses the overall strategic planning context, environmental constraints, and capability/suitability of lands for rezoning within the wider Bonville Large Lot Residential Investigation Area which informed PP_2015_COFFS_005_00, subsequently made as *Coffs Harbour LEP Plan 2013 (Amendment No.7)*.

Site specific review of vegetation communities (March 2016): Idyll Spaces Environmental Consultants.

The proposed LEP amendment to Site 1 (Braford Drive) is supported by a site-specific review of the De Groot & Benson Environmental Study for Site 1, by Idyll Spaces Environmental Consultants.

Coffs Harbour LGMS - Rural Residential Component (2009): Coffs Harbour City Council

Coffs Harbour LGMS - Rural Residential Component (2009) was prepared in accordance with the requirements of the former *North Coast Regional Environmental Plan (REP) 1988* to provide an approved land release strategy to guide future rezoning for large lot residential purposes within the Coffs Harbour LGA to 2031. Part 8 (Map 22) of this document indicates the endorsed Candidate Areas for the Bonville Investigation Area, including environmentally constrained and unconstrained land. The Rural Residential Component provides a more rigorous analysis of these Candidate Areas, provides approximate lot yields and an approximate land release program. The Rural Residential Component has also been used 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 most 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 3.3 hectares of Large Lot (R5) residential land which will contribute to the range of Large Lot Residential living opportunities in the Coffs Harbour area.

North Coast Regional Plan 2036

The following assessment outlines how the Planning Proposal complies with the Goals and Directions contained in the *North Coast Regional Plan 2036*:

Goal 1: The most stunning environment in NSW

Direction 1: Deliver environmentally sustainable growth

The two sites are located adjacent to endorsed Candidate Areas of *Coffs Harbour LGMS - Rural Residential Component (2009)*. The Candidate Areas have been identified to achieve a balance between urban expansion and protecting coastal and other environmental assets. The two sites are located within, or adjacent to, a recently rezoned large lot residential area.

Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments

The lands subject to this Planning Proposal are essentially rural in character. On Site 1 (223 Braford Drive), it is proposed to amend the existing extents of the R5 Large Lot Residential and E2 Environmental Conservation Zones. Lands which are identified as having terrestrial biodiversity and/or watercourse values are afforded additional protection under Clauses 7.4 and 7.6 of *Coffs Harbour LEP 2013*. It is considered that this Planning Proposal will not be detrimental to the environmental values described by this direction.

Direction 3: Manage natural hazards and climate change

Flood prone land is present on the allotment where Site 1 is located, it is not intended to zone any of the affected land for large lot residential purposes. Vegetation Management and Bush Fire Hazard Risk will be addressed at the Development Application Stage via appropriate referral to NSW Rural Fire Service.

Direction 4: Promote renewable energy opportunities

The proposed Large Lot Residential sites have an easterly coastal aspect; which enhances solar energy opportunities.

Goal 2: A thriving, interconnected economy

Direction 5: Strengthen communities of interest and cross-regional relationships

The Pacific Highway (ie, the Bonville bypass) is identified as the key to providing greater connectivity. The Pacific Highway is accessed via an interchange with Pine Creek Way.

Direction 6: Develop successful centres of employment

The additional large lot residential areas are not detrimental to Coffs Harbour's potential as a centre of employment.

Direction 7: Coordinate the growth of regional cities

The proposed rezoning supports the growth and redevelopment of Coffs Harbour (a designated regional city), and is generally consistent with the objectives of the North Coast Regional Plan 2036 and Local Growth Strategies.

Direction 8: Promote the growth of tourism

The proposed Large Lot Residential area will not be detrimental to the growth of tourism.

Direction 9: Strengthen regionally significant transport corridors

The two sites are accessible via the existing local road network. The Bonville locality is linked to Coffs Harbour by the Pacific Highway. The main local access roads are Pine Creek Way, North Bonville Road, Braford Drive and Irvines Road.

Direction 10: Facilitate air, rail and public transport infrastructure

The two sites are relatively close to Coffs Harbour Airport, and to railway stations at Coffs Harbour and Sawtell. Local school bus routes service the local road network.

Direction 11: Protect and enhance productive agricultural lands

Site 1 is mapped as Regionally Significant Farmland, however has little agricultural potential and is not currently used for agricultural production. Site 1 is also partially zoned R5 Large Lot Residential. This Planning Proposal describes a small increase in the extent of the R5 zone. *Horticulture* is permissible with development consent in the R5 zone.

Site 2 is zoned RU2 Rural Landscape, however is not mapped as Regionally Significant Farmland. Site 2 is not currently used for agricultural production. This site was intended to be zoned R5 by Planning Proposal PP_2015_COFFS_005_00. This intention was supported by NSW Planning and Environment by its Gateway Determination to that Planning Proposal, dated 11 October 2015, which gave endorsement for PP_2015_COFFS_005_00 to be placed on exhibition.

Direction 12: Grow agribusiness across the region

The proposed rezoning will not adversely affect any existing agribusiness.

Direction 13: Sustainably manage natural resources

The expanded Large Lot Residential area will not have any detrimental effect upon natural resource management.

Goal 3: Vibrant and engaged communities

Direction 14: Provide great places to live and work

The draft DCP provisions will assist in ensuring the expanded Large Lot Residential area will integrate successfully into the recently zoned wider Bonville Large Lot Residential Area.

Direction 15: Develop healthy, safe, socially engaged and well-connected communities

The existing DCP provisions will ensure that community values are promoted by maintaining and/or improving vehicular access throughout the Bonville locality which are not detrimental to connectivity.

Direction 16: Collaborate and partner with Aboriginal communities

The Coffs Harbour and District Local Aboriginal Lands Council was consulted during the assessment of these sites for *Coffs Harbour Local Environmental Plan 2013 (Amendment No.7)*.

Direction 17: Increase the economic self-determination of Aboriginal communities

This is a broader LGA wide goal. The Planning Proposal will not have outcomes that are contrary to achieving this goal.

Direction 18: Respect and protect the North Coast's Aboriginal heritage

An Archaeological Assessment was carried out to inform the Planning Proposal for the wider Bonville Large Lot Residential Investigation Area. This assessment was referred to the Coffs Harbour and District Local Aboriginal Lands Council as required by the terms of the Gateway Determination. The Coffs Harbour and District Local Aboriginal Land Council reviewed the Archaeological Assessment.

The LALC recommended that Council undertake a new Aboriginal Cultural Heritage Assessment, to obtain a more comprehensive assessment of the Bonville Investigation Area, addressing all aspects of Cultural Heritage.

Council engaged Coffs Harbour LALC to undertake inspections of the Bonville Investigation Area to clarify and supplement the findings of the Cultural Heritage Assessment component of the initial Environmental Study. Council was in continual consultation with the LALC during the course of this process. The Coffs Harbour LALC review was finalised, and its recommendations were endorsed by the Coffs Harbour LALC Elders Committee. The recommendations did not raise any immediate issues which precluded the making of *Coffs Harbour Local Environmental Plan 2013 (Amendment No.7)*.

Direction 19: Protect historic heritage

No historic heritage has been identified on the two sites in the Planning Proposal area.

Direction 20: Maintain the region's distinctive built character

Existing DCP provisions assist in preserving the distinctive North Coast built character.

Direction 21: Coordinate local infrastructure delivery

Local infrastructure will be coordinated via the provisions of *Coffs Harbour Development Control Plan 2015*, and *Bonville Large Lot Residential Release Area Developer Contributions Plan 2017*.

Direction 22: Deliver greater housing supply

The proposed rezoning will result in a total of approximately 3.3 hectares of land available for Large Lot Residential development, consisting of 1.4 hectares on Site 1 and 1.9 hectares on Site 2.

Direction 23: Increase housing diversity and choice

The proposed Large Lot Residential land contributes to the available land stock to cater for the housing needs of the Coffs Harbour community.

Direction 24: Deliver well-planned rural residential housing areas

The Planning Proposal will provide additional opportunities for Large Lot Residential housing.

Direction 25: Deliver more opportunities for affordable housing

The minimum lot size has been set at one hectare. Affordable housing (ie secondary dwellings) is a permissible use in the R5 zone, under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Consistency with an endorsed Local Growth Management Strategy:

The aim of the Environmental Study which informs this Planning Proposal was to determine land within the wider study area that is considered suitable for rezoning for Large Lot Residential purposes. Council's brief for the Environmental Study referenced the *Coffs Harbour LGMS - Rural Residential Component (2009)*.

The Planning Proposal seeks to create a combined total of 3.3 hectares of land R5 Large Lot Residential, contained within the two sites. These lands are located immediately adjacent to endorsed Candidate Areas of *Coffs Harbour LGMS - Rural Residential Component (2009)*. While it is recognised that the two sites are not located within endorsed Candidate Areas, the inclusion of both sites was supported by NSW Planning and Environment by its Gateway Determination of 11 October 2015 for Planning Proposal PP_2015_COFFS_005_00. That Gateway Determination gave endorsement for that Planning Proposal to be placed on exhibition, based on the contents of the supporting Environmental Studies.

Identification of Candidate Area Boundaries:

Part 8 of the RRS provides indication of endorsed Candidate Areas, including **Figure 22** for the Bonville Investigation Area showing:

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

Figure 22 of *Coffs Harbour LGMS - Rural Residential Component (2009)* was reproduced in Council's brief for the Environmental Study and is provided at Figure 5.

4. Is the Planning Proposal consistent with the council's local strategy or local strategic plan?

Council's Community Strategic Plan is known as the 'My Coffs' Community Strategic Plan, which was adopted by Council in June 2017. The Planning Proposal is relevant to the following principles and concepts of that plan:

- We undertake development that is environmentally, socially and economically responsible;
- Land use planning and development protects the value and benefits provided by our natural environment.

Comment: *The objectives of this Planning Proposal are considered to be consistent with the objectives and principles of the 'My Coffs' Community Strategic Plan.*

Coffs Harbour LGMS - Rural Residential Component (2009) is a complementary document to the 'My Coffs' Community Strategic Plan.

Comment:

The two sites are mapped as being immediately adjacent to endorsed Candidate Areas identified in *Coffs Harbour LGMS - Rural Residential Component (2009)*. Justification for this inconsistency has been provided previously in this Planning Proposal. It is considered that the proposed rezoning is consistent with the overall objectives of *Coffs Harbour LGMS - Rural Residential Component (2009)*, and is a logical and viable addition to the Bonville Large Lot Residential locality.

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

The Planning Proposal addresses 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 increases, particularly for blueberry production. *Horticulture* (ie blueberry production) is permitted with consent in the R5 Large Lot Residential Zone (*Coffs Harbour Local Environmental Plan 2013*), and without development consent in the RU2 Rural Landscape zone.
- 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*. Amending the zoning of Site 2 from Ru2 Rural Landscape to R5 Large Lot Residential will reduce the likelihood of land use conflict as the adjoining land uses will be compatible.
- Identification and mapping of land with terrestrial and watercourse biodiversity values in the wider Investigation Area is identified by the Environmental Studies. In the case of Site 1 (223 Braford Drive) an amendment consistent with the proposed E2 zone is relevant, and indicated on the map in Part 4 of this Planning Proposal. Site 2 does not involve amendment of the relevant LEP mapping layer (CL2). It is considered that 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 assist to reduce the demand for this form of land use in other less suitable locations.
- Large Lot Residential development will contribute to the social and economic welfare of the Bonville locality.
- The area is well serviced in terms of safe, suitable road access by Pine Creek Way, connection to the Pacific Highway and other local roads.

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: SEPP 71 does not apply to the land parcels subject to this Planning Proposal.

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 Development Control Plan 2015.

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: Both sites are not mapped as present and past banana cultivation areas. However, should further investigation, and/or remediation be required, this will be the responsibility of the applicant at Development Application stage. Potential Site Contamination is therefore not expected to significantly constrain the overall development potential of the land relevant to this Planning Proposal.

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.

Comment: 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 to this Planning Proposal.

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 within Site 2. The land proposed to be rezoned to R5 Large Lot Residential is not part of an endorsed Candidate Area within Coffs Harbour LGMS - Rural Residential Component (2009). In the case of this Planning Proposal, inconsistency with this Direction is justified. If Site 2 retains its current zoning, the implication for agricultural production is likely to be:

- A disconnected portion (1.9 hectares) of land zoned RU2 which is disconnected from nearby lands which are zoned RU2 Rural Landscape.
- Site 2 is not used for agricultural production, and has little agricultural potential.
- There is a risk of Land Use Conflict with adjoining land use zones, if the current zones are retained and the land is used for agriculture.
- Zone R5 Large Lot Residential is a more appropriate and logical land use zone than the existing RU2 Rural Landscape zone.

It is considered that this inconsistency is of minor significance.

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 in respect to Site 2 which is 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 the R5 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 any 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. Although the two sites are not located within endorsed Candidate Areas of Coffs Harbour LGMS 2009: Rural Residential Component, the inclusion of these two sites was supported by a Gateway Determination (11 October 2015) for Planning Proposal PP_2015_COFFS_005_00. That Gateway Determination gave endorsement for that Planning Proposal to be placed on exhibition, based on the contents of the supporting Environmental Studies.

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 Planning Proposal is inconsistent with this direction (in respect of Site 1) in that the current extent of land zoned E2 Environmental Protection is proposed to be amended. The rationale for amending the E2 zone is supported by a site-specific review of the De Groot & Benson Environmental Study for Site 1 (Idyll Spaces Environmental Consultants, 7 March 2016).

This Direction does not apply to Site 2.

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 two land parcels subject to this Planning Proposal are not located within the Coastal Zone and therefore this Direction is not relevant to this 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 post-settlement heritage items which have been identified on the two sites. An Archaeological Assessment was carried out to inform the Planning Proposal for the wider Bonville Large Lot Residential Investigation Area. This assessment was referred to the Coffs Harbour and District Local Aboriginal Lands Council as required by the terms of the Gateway Determination. The Coffs Harbour and District Local Aboriginal Land Council reviewed the Archaeological Assessment.

The LALC recommended that Council undertake a new Aboriginal Cultural Heritage Assessment, to obtain a more comprehensive assessment of the wider Bonville Investigation Area, addressing aspects of Cultural Heritage.

Council then engaged Coffs Harbour LALC to undertake inspections of the Bonville Investigation Area to clarify and supplement the findings of the Cultural Heritage Assessment component of the initial Environmental Study. Council was in continual consultation with the LALC during the course of this process. The Coffs Harbour LALC review was finalised, and its recommendations were endorsed by the Coffs Harbour LALC Elders Committee. The recommendations did not raise any immediate issues which precluded the making of *Coffs Harbour Local Environmental Plan 2013 (Amendment No.7)*.

It is considered that the Planning Proposal is consistent with this direction.

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 3.3 hectares of R5 Large Lot Residential zoned land across the two sites, as follows:

Site 1: 1.4 hectares;

Site 2: 1.9 hectares.

This direction also 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 Large Lot Residential land will broaden lifestyle choices in a suitable location.

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

Comment: Both sites are not serviced with reticulated sewer and water. Site 1 benefits from public road access (Braford Drive). Site 2 is accessed by Irvines Road, and then via a Right-of-Carriageway through an adjoining property. The cost of upgrading the public road network is included in the adopted Bonville Large Lot Residential Developer Contributions Plan.

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

Comment: 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 are to 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 hectare, which will apply to the land proposed to be zoned R5 Large Lot Residential by this Planning Proposal.

Direction 3.2 Caravan Parks and Manufactured Home Estates

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 Coffs Harbour LEP 2013. There are no existing caravan parks located on the subject lands.

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 and E2 zones.

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 Large Lot Residential development within an area served by an existing public road network will support the local school bus service and may lead to additional transport services in the area. The former Pacific Highway (Pine Creek Way) is a well utilised local cycling route and is well connected to Bongil Bongil National Park and forestry trails in the Pine Creek area.

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. Site 2 (Irvines Road) has been identified as Class 5 Acid Sulfate Soils by Council's LEP mapping constraint layer. 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 to Site 1 only. 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 Study for PP_2015_COFFS_005_00 (De Groot & Benson Pty Ltd).

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: Both sites are identified as including Category 1 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: The Planning Proposal is consistent with this direction. Appropriate consultation will be undertaken with NSW Rural Fire Service as part of the LEP preparation process.

Previous NSW Rural Fire Service: Comments to Planning Proposal PP_2015_COFFS_005_00:

In accordance with the conditions of the Gateway Determination (11 October 2015) relevant to PP_2015_COFFS_005_00, the NSW Rural Fire Service was consulted prior to PP_2015_COFFS_005_00 being placed on exhibition. In a response dated 6 January 2016, the RFS advised of no general objection to the PP. The NSW Rural Fire Service requested that:

'Future development applications for all development on bush fire prone lands will be required to comply with either S79BA of the EP&A Act 1979 or S100B of the Rural Fires Act 1997, depending on the nature of the proposed development, and the relevant provisions of Planning for Bush Fire Protection 2006.'

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: Future subdivision and development in bushfire prone land in the Bonville Large Lot Residential Area 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 zoning described by the Planning Proposal allows bush fire hazard reduction work authorised by the *Rural Fires Act 1997* to be carried out on any land without development consent.

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, adjacent to endorsed Candidate Areas of Coffs Harbour LGMS - Rural Residential Component (2009). Justification for this inconsistency has been provided earlier in this Planning Proposal.

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

This direction is not applicable to this Planning Proposal.

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 any 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. The Planning Proposal 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 Study (De Groot & Benson Pty Ltd) includes a Flora and Fauna Assessment (Appendix A of those studies). This assessment applies to the wider Bonville Large Lot Investigation Area. The proposed LEP mapping amendment to Site 1 (223 Braford Drive) is supported by a site-specific review of the De Groot & Benson Environmental Study for Site 1 (Idyll Spaces Environmental Consultants, 7 March 2016).

Part 5A of the EP&A Act 1979 requires consideration of the likely impacts of the Planning Proposal on threatened species, populations or ecological communities, or their habitats.

Part of Site 1 is mapped as Secondary Koala Habitat by Council's Koala Plan of Management 1999. Consultation under section 34A of the EP&A Act with the Office of Environment and Heritage, or the Director General of the Department of Primary Industries (for impacts to fish or marine vegetation) is likely to be undertaken in respect to this Planning Proposal.

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 large lot residential Candidate Areas have been provided in the Bushfire Risk Assessment in Appendix C of the de Groot & Benson Environmental Studies for PP_2015_COFFS_005_00.

Site Contamination

Both sites are not mapped as present and past banana cultivation areas. However, should further investigation, and/or remediation be required, this will be the responsibility of the applicant at Development Application stage. Potential Site Contamination is therefore not expected to significantly constrain the overall development potential of the land relevant to this Planning Proposal.

Acid Sulfate Soils

Potential Class 5 Acid Sulfate Soils have been mapped on Site 1. The possible presence of Class 5 Acid Sulfate Soils on Site 1 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 may have potential impact on development, particularly on Site 2. 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 Large Lot Residential land for new housing.

Should Council resolve to progress this Planning Proposal, the social and economic impact of development for Large Lot 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 are included in a Developer Contributions Plan, to 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.
- New large lot residential lots (on both sites) will be similar in land use and character to surrounding properties.
- 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 Large Lot 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 will be completed after public exhibition, and consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination which applies to this Planning Proposal has taken place. This will summarise and address any issues raised by public authorities not already dealt with by the Planning Proposal.

Government agency consultation was previously undertaken in relation to Planning Proposal PP_2015_COFFS_005_00, which informed *Coffs Harbour LEP 2013 (Amendment No.7)* for the wider Bonville Large Lot Residential Investigation Area. This consultation took place during the exhibition phase, from 20 January 2016 to 4 March 2016.

Planning Proposal PP_2015_COFFS_005_00 was referred to the following Government Agencies, who provided comment to the Proposal:

- NSW Office of Environment and Heritage;
- NSW Roads and Maritime Services;
- NSW Rural Fire Service;
- NSW Department of Primary Industries;
- NSW Department of Primary Industries (Water); and
- Coffs Harbour and District Local Aboriginal Lands Council.

Summary of the issues raised and resolved for PP_2015_COFFS_005_00:

NSW Rural Fire Service (RFS)

The RFS requested that future development applications for all development on bush fire prone lands will be required to comply with the relevant clauses of either the *Environmental Planning and Assessment Act 1979* or the *Rural Fires Act 1997*, and *Planning for Bush Fire Protection 2006*.

NSW Department of Primary Industries (DPI)

- Potential for Land Use Conflict;
- Potential impact on current agricultural uses and land identified as Regionally Significant Farmland; and
- The proposed extent and forecast demographic change may cause over-development within the locality – request that Council consider a staged rezoning.

Department of Primary Industries (DPI) Water

- Water Supply and Licensing;
- Basic Landholder Rights;
- Riparian Management; and
- Groundwater.

Office of Environment and Heritage (OEH)

- High hazard flood areas should, where possible, be excluded from any rezoning that will allow for land use intensification;
- The proposed biodiversity overlay should be expanded to apply to buffers between potential development zones and land proposed to be zoned E2 Environmental Conservation;
- Consultation should be undertaken with the Coffs Harbour and District Local Aboriginal Land Council (LALC) to inform the cultural component of the Aboriginal cultural heritage assessment, and the archaeological assessment should be reviewed, amended and updated; and
- A bridge identified by the heritage study should be maintained, and consider listing it as a local heritage item.

Coffs Harbour and District Local Aboriginal Land Council (LALC)

- The LALC recommended that Council undertake a new Aboriginal Cultural Heritage Assessment, to obtain a more comprehensive assessment of the Bonville Investigation Area, addressing all aspects of Cultural Heritage.
- Council engaged the LALC to undertake the Cultural Heritage Assessment of the Bonville Investigation Area to clarify and supplement the findings of the Cultural Heritage Assessment component of the initial Environmental Study. Council regularly consulted with the LALC during the course of this process. The Cultural Heritage Assessment was completed, and endorsed by the LALC Elders Committee.

Roads and Maritime Services (RMS)

- The RMS estimated that the wider rezoning would generate approximately 2000 to 3000 daily vehicle trips (if the Bonville area was developed to its full potential) and that Coffs Harbour would be the focus of these trips.
- Concerns with the potential cumulative impact of the function of the road network in Coffs Harbour when additional traffic (see above comment) generated by this rezoning is taken into account.
- Consequently, RMS considered that there was a need to develop a strategic transport model to determine future transport needs.

Part 4 – Mapping

This section includes maps which are relevant to this Planning Proposal.

1. Locality Map, the Subject land and current Land Use Zones (Coffs Harbour LEP 2013)

Maps which indicate the locality and current LEP zones for the subject lands are shown on Figures 6 and 7:

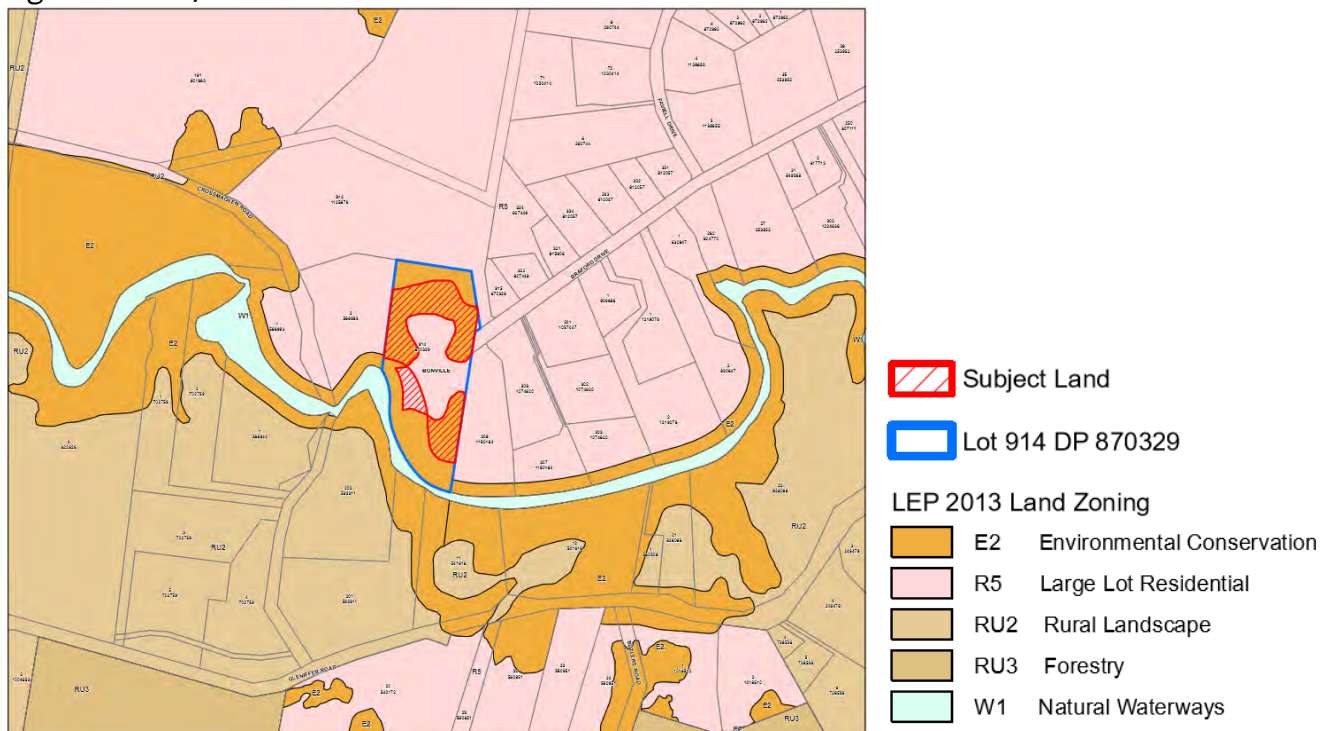


Figure 6: Site 1: Locality, subject land and current land use zones

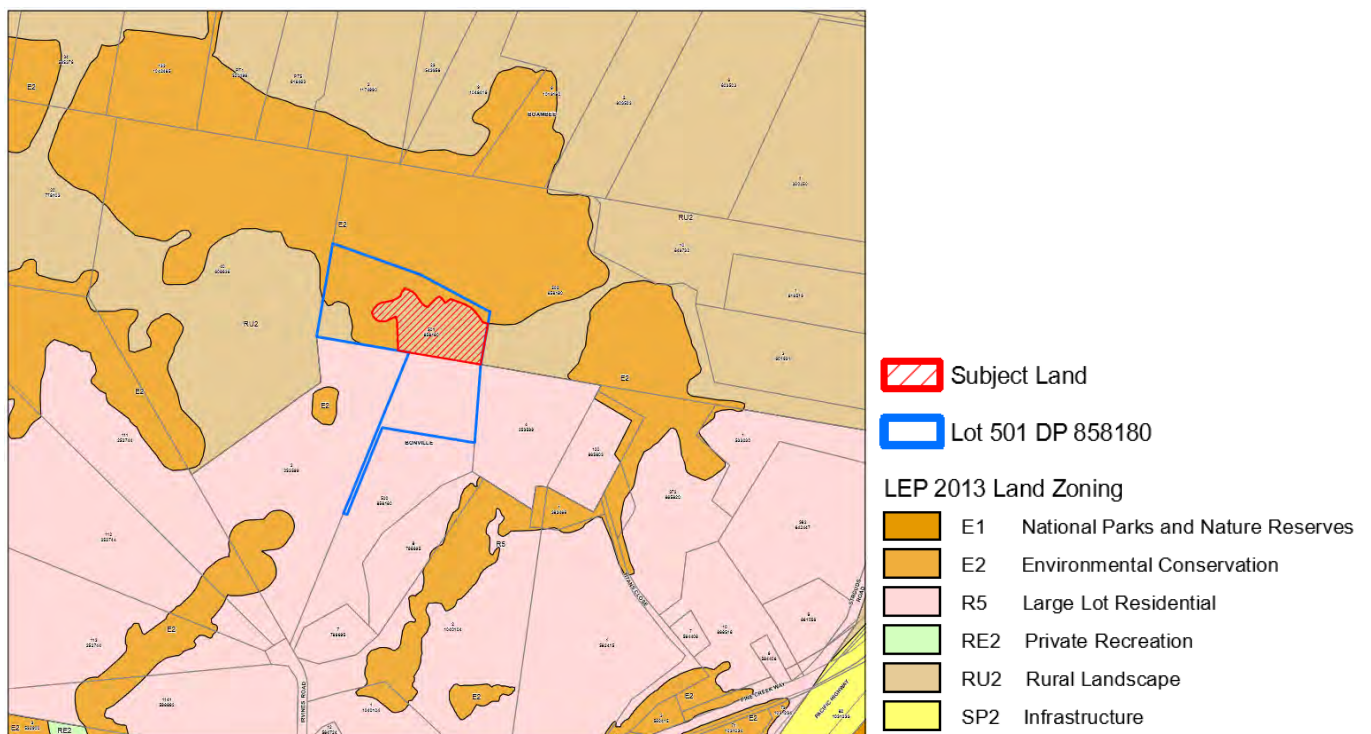


Figure 7: Site 2: Locality, subject land and current land use zones

2. Aerial Photographs

Aerial photographs of the two sites are shown on Figures 8 and 9:



Figure 8: Site 1: Aerial Photograph





-  Subject Land
-  Lot 914 DP 870329



Figure 9: Site 2: Aerial Photograph

-  Subject Land
-  Lot 501 DP 858180

3. Proposed Land Zoning (LZN) Maps

Site 1

The Land Zoning map tile for Site 1 is proposed to be amended as shown on Figure 10:

From: Land zoned R5 Large Lot Residential to E2 Environmental Conservation (shown in orange), and land zoned E2 Environmental Conservation to R5 Large Lot Residential (shown in pink).



**Land Zoning Map -
Site Identification Map
Part of map tile:**

1800_COM_LZN_006_080_20170404

Proposed Zones

R5
E2

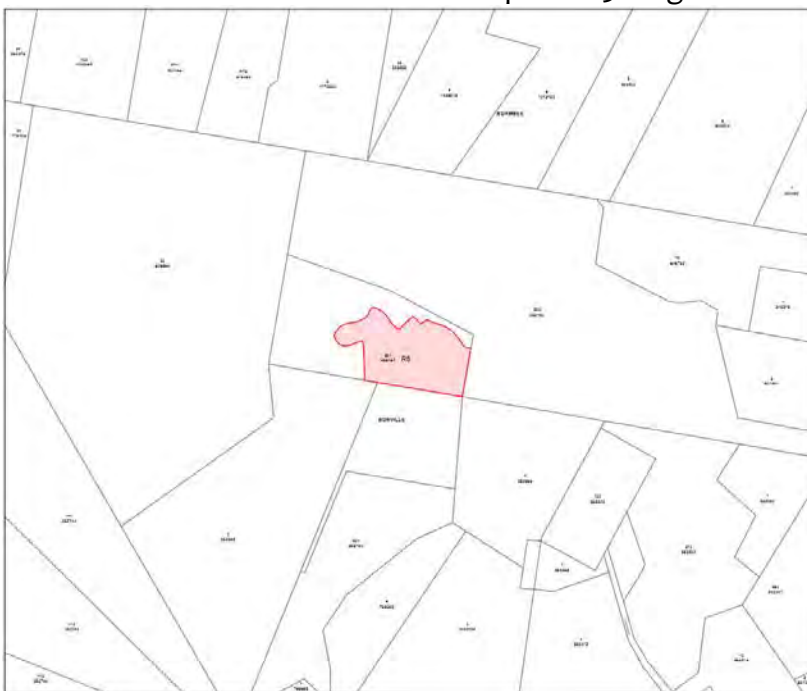
Figure 10:

Site 1: Proposed Land Zones (Coffs Harbour LEP 2013)

Site 2

The Land Zoning map tile for Site 2 is proposed to be amended as shown on Figure 11:

From: Land zoned RU2 Rural Landscape to R5 Large Lot Residential (shown in pink).



**Land Zoning Map -
Site Identification Map
Part of map tile:**

1800_COM_LZN_006B_020_20170403

Proposed Zones

R5

Figure 11:

Site 2: Proposed Land Zones (Coffs Harbour LEP 2013)

4. Current and Proposed Minimum Lot Size (LSZ) Maps

Site 1

The Minimum Lot Size map tile for Site 1 is proposed to be amended as shown on Figure 13:

From: 40 hectares (category AB) in land zoned E2 Environmental Conservation (which is proposed to be amended to R5 Large Lot Residential), **to** 1 hectare (category Y); and

From: 1 hectare (category Y) in land zoned R5 Large Lot Residential (which is proposed to be amended to E2 Environmental Conservation), **to** 40 hectares (category AB).

Current Minimum Lot Size Map (LSZ): Site 1

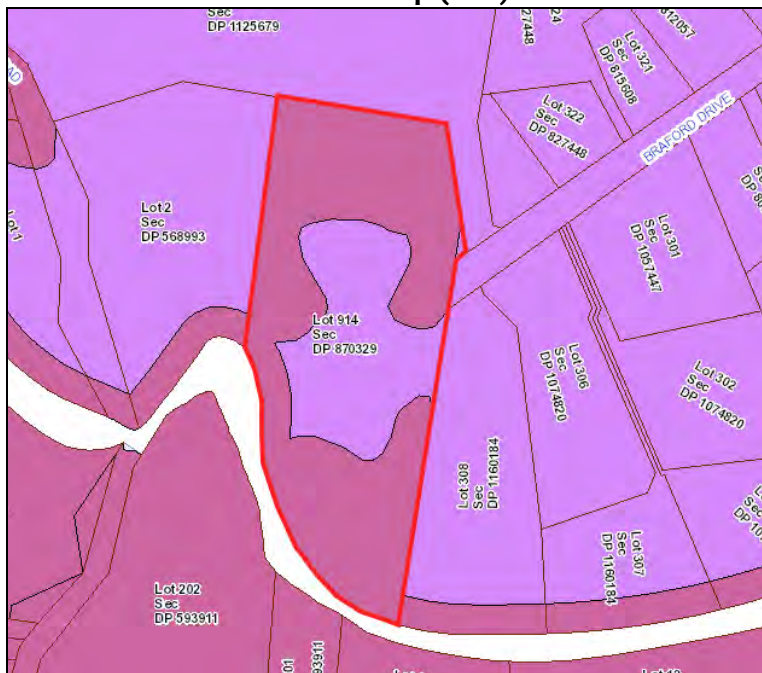


Figure 12:

Site 1: Current Minimum Lot Size Map (Coffs Harbour LEP 2013)

Proposed Minimum Lot Size Map (LSZ): Site 1



Lot Size Map - Site Identification Map Part of map tile:

1800_COM_LSZ_006_080_20170404

Proposed Zones

- Y-1
- AB-40

Figure 13:

Site 1: Proposed Minimum Lot Size Map (Coffs Harbour LEP 2013)

Site 2

The Minimum Lot Size map tile for Site 2 is proposed to be amended as shown on Figure 15:

From: 40 hectares (category AB) in land zoned RU2 Rural Landscape (which is proposed to be amended to R5 Large Lot Residential), **to** 1 hectare (category Y).

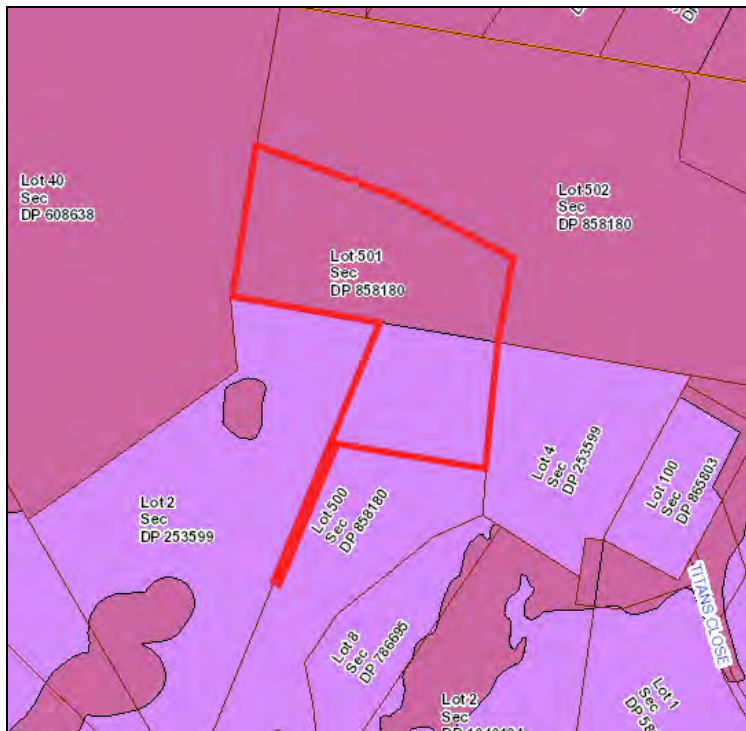
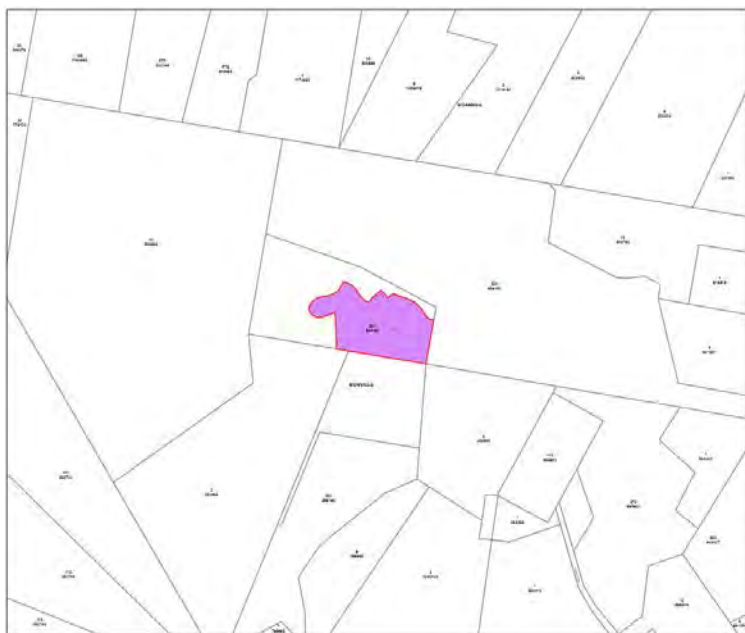


Figure 14:
Site 2: Current Minimum Lot Size Map (Coffs Harbour LEP 2013)



**Lot Size Map -
Site Identification Map
Part of map tile:**

1800_COM_LSZ_006B_020_20170307

Proposed Zones

Y-1

Figure 15:
Site 2: Proposed Minimum Lot Size Map (Coffs Harbour LEP 2013,

5. **Terrestrial Biodiversity, Drinking Water Catchment, Riparian Lands and Watercourse Map (CL2)**

The CL2 map tile is proposed to be amended on Site 1 only, as shown on Figure 17. Amendment to the CL2 map tile is not required for Site 2.

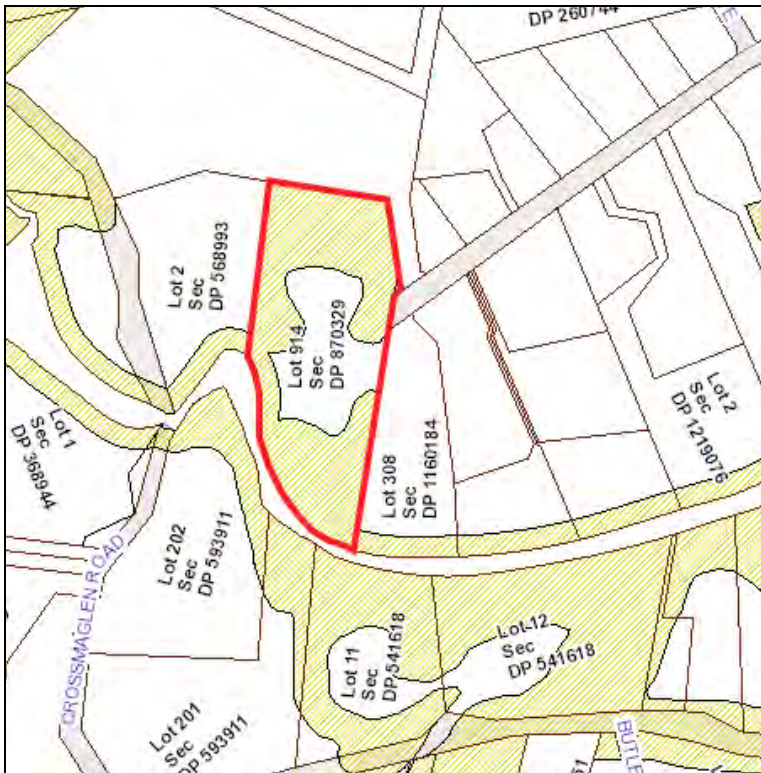


Figure 16:
Site 1: Current Terrestrial Biodiversity Map (Coffs Harbour LEP 2013)



Figure 17:
Site 1: Proposed Terrestrial Biodiversity Map (Coffs Harbour LEP 2013)

**Terrestrial Biodiversity Map -
Drinking Water Catchment Map -
Riparian Lands and Watercourse Map -
Site Identification Map**

Part of map tile:
1800_COM_CL2_006_080_20170328

Proposed Zones

 Biodiversity (Terrestrial)

Part 5 – Community Consultation

The community, stakeholders and government agencies will have an opportunity to make submissions to this Planning Proposal upon issue of a Gateway Determination endorsing its public exhibition. This section of the Planning Proposal will be completed following consultation with the community, and State and Commonwealth Public Authorities to be identified by the Gateway Determination.

Planning Proposal PP_2015_COFFS_005_00, which informed the rezoning of the wider Bonville Large Lot Residential Investigation Area, was exhibited from 20 January 2016 to 4 March 2016.

That Planning Proposal was referred to the following Government Agencies, who provided comment to the Proposal:

- NSW Office of Environment and Heritage;
- NSW Roads and Maritime Services;
- NSW Rural Fire Service;
- NSW Department of Primary Industries;
- NSW Department of Primary Industries (Water); and
- Coffs Harbour and District Local Aboriginal Lands Council.

Council also received 73 submissions from the community during the exhibition period.

Following the subsequent adoption of that Planning Proposal by Council on 8 December 2016, *Coffs Harbour Local Environmental Plan 2013 (Amendment No.7)* was made by the minister on 19 May 2017.

Part 6 – Project Timeline

November 2017	Planning Proposal forwarded to NSW Planning and Environment requesting a Gateway Determination.
January - February 2018	Public Exhibition / Consultation period.
April 2018	Report to Council for determination of the Planning Proposal.
April – May 2018	Submission to NSW Planning and Environment, requesting the making of the Local Environmental Plan Amendment.