



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

Five Year Comprehensive Review Coffs Harbour Local Environmental Plan 2013 Part 1

**April 2021
VERSION 4 - Exhibition**

PLANNING PROPOSAL STATUS

Stage	Version / Date <i>(blank until achieved)</i>
Reported to Council – Initiate s3.33 Version 1 - Pre_Exhibition	10 December 2020
Amendments as per 10 December 2020 Council Resolution	13 January 2021
Referred to DPIE s3.34(1) Version 2 - Pre_Exhibition	14 January 2021
Gateway Determination s3.34(2) Version 2 - Pre_Exhibition	16 February 2021
Amendments Required (Version 3a - Pre_Exhibition)	31 March 2021
Public Exhibition – Schedule 1 Clause 4 Version 4 - Exhibition	1 April 2021
Reported to Council – Initiate Revised PP s3.33 Version x - Re_Exhibition	
Revised PP Sent to the Minister - s3.35(1) Version x - Re_Exhibition	
Altered Gateway Determination s3.34(2) Version x - Re_Exhibition	
Public Exhibition – Schedule 1 Clause 4 Version x - Re_Exhibition	
Reported to Council – Endorsement (or Making of LEP if delegated) s3.36 Version x - Post Exhibition	
Endorsed by Council for Submission to Minister for Notification (or Making where not delegated) s3.36(2) Version x – Post Exhibition	

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2	Consideration of State Environmental Planning Policies
3	Consideration of Ministerial Planning Directions

EXECUTIVE SUMMARY & EXHIBITION INFORMATION

What is a Planning Proposal?

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. Essentially, the preparation of a planning proposal is the first step in making an amendment to *Coffs Harbour Local Environmental Plan 2013* ('Coffs Harbour LEP 2013'). A planning proposal assists those who are responsible for deciding whether an LEP amendment should proceed and is required to be prepared by a relevant planning authority. Council, as a relevant planning authority, is responsible for ensuring that the information contained within a planning proposal is accurate and accords with the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's *A guide to preparing planning proposals 2018* and *A guide to preparing local environmental plans 2018*.

What is the Intent of this Planning Proposal?

The intent of this planning proposal is to progress amendments to Coffs Harbour LEP 2013 that have been identified as part of five-year comprehensive review of this plan. Section 3.21 (1) of the *Environmental Planning & Assessment Act (the Act) 1979* requires Councils to undertake regular and periodic reviews of their local environmental plans to ensure they are up to date and consistent with changing requirements of the Act to the maximum extent possible. Section 3.21 (2) of the Act requires that a comprehensive review occurs every 5 years. The NSW Department of Planning, Industry & Environment (DPIE) requires Council's first comprehensive review of its Standard Instrument LEP to be completed by 30 December 2020. This planning proposal progresses the first round of amendments identified as part of the five year comprehensive LEP Review, with subsequent planning proposals to follow to capture the remaining amendments identified as part of the review.

Public Exhibition

This planning proposal will be placed on public exhibition in accordance with the Gateway Determination. Copies of the planning proposal and supportive information can be viewed on Council's Have Your Say Page <https://haveyoursay.coffsharbour.nsw.gov.au/> for the duration of the exhibition period.

All interested persons are invited to view and make a submission on the planning proposal during the exhibition period. Issues raised by submissions will be reported to Council for a final decision. Submissions can be made online, or in writing by email or post to:

The General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450
Email: coffs.council@chcc.nsw.gov.au

Any questions, contact:
Lachlan Black on 02 6648 4654
or email: lachlan.black@chcc.nsw.gov.au

Note: Council is committed to openness and transparency in its decision making processes. The Government Information (Public Access) Act 2009 requires Council to provide public access to information held unless there are overriding public interest considerations against disclosure. Any submissions received will be made publicly available unless the writer can demonstrate that the release of part or all of the information would not be in the public interest. However, Council would be obliged to release information as required by court order or other specific law. Written submissions must be accompanied, where relevant, by a "Disclosure Statement of Political Donations and Gifts" in accordance with the provisions of the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 No. 44 Disclosure forms are available from Council's Customer Service Section or on Council's website www.coffsharbour.nsw.gov.au/disclosurestatement.

BACKGROUND

Proposal	Five Year Comprehensive Review of Coffs Harbour LEP 2013- Part 1
Property Details	Coffs Harbour Local Government Area
Current Land Use Zone(s)	Various
Proponent	Coffs Harbour City Council
Landowner	Various
Location	Various

This planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and *A guide to preparing planning proposals* (NSW Department of Planning and Environment 2018) and *A guide to preparing local environmental plans* (NSW Department of Planning and Environment 2018).

This planning proposal explains the intended effects of a proposed amendment to Coffs Harbour LEP 2013 to address issues that have been identified as part of Council's first comprehensive review of its Standard Instrument LEP, that is required to be completed by 30 December 2020.

The comprehensive review has identified a total of sixteen amendments to Coffs Harbour LEP 2013. This planning proposal progresses the first round of amendments identified as part of this review, comprising six of the sixteen amendments. Subsequent planning proposals will be prepared to capture the remaining ten amendments, when resourcing becomes available to undertake the required analysis to support such amendments.

This planning proposal includes amendments to ensure that Coffs Harbour LEP 2013 aligns with updates to the *Environmental Planning and Assessment Act 1979* and endorsed state and local strategic policy positions (i.e. the North Coast Regional Plan 2036, Coffs Harbour Local Growth Management Strategy 2020 and Coffs Harbour Local Strategic Planning Statement 2020).

The proposed amendments relate to revised aims of the Plan and new objectives for various land use zones, changes to the permissibility of artisan food and drink industries, amendment to the earthworks and central business district clauses and the introduction of rural function centres as a new land use in appropriate rural zones.

The Site

This planning proposal relates to revised aims of Coffs Harbour LEP 2013, new objectives for various land use zones, as well as various clauses that apply to the entire Coffs Harbour Local Government Area (LGA).

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend Coffs Harbour LEP 2013 to address six of the sixteen issues that have been identified as part of Council's first comprehensive review of its Standard Instrument LEP, that is required to be completed by NSW Planning, Industry and Environment by 30 December 2020.

PART 2 – EXPLANATION OF PROVISIONS

Note: new and/or amended text is shown in red font.

The intended outcomes of the proposed LEP amendment will be achieved by amending Coffs Harbour LEP 2013 as follows:

- Amendment to Clause 1.2 Aims of Plan to ensure that they align with the revised objects of the *Environmental Planning and Assessment Act 1979* and the relevant directions of the North Coast Regional Plan 2036 as follows:
 - To promote a sustainable growth footprint by directing urban development and growth into the existing urban footprint and identified greenfield investigation areas,
 - To protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value,
 - To reinforce the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of other business zones,
 - To reinforce the Coffs Harbour local government area business centres hierarchy in order to maintain the primacy of the Coffs Harbour City Centre and to provide for a range of employment opportunities in appropriate locations,
 - To provide for active living and connectivity through the provision of healthy built environments,
 - To provide for development that supports tourism and visitor destination opportunities in appropriate locations,
 - To create a highly liveable city, through the promotion of design excellence in all elements of the built environment and public realm,
 - To create place-focused local and sub-regional movement corridors by maximising renewal opportunities post Coffs Harbour bypass,
 - To promote ecologically sustainable development that supports a strong and diverse local economy both now and into the future,
 - To ensure that sensitive land uses and development are sited and designed so that they do not affect the viability of existing uses,
 - To provide for the social and economic welfare of the community by facilitating equitable access to community services and facilities,
 - To promote the delivery and maintenance of housing diversity and affordable housing,
 - To promote a strong sense of community, identity and place through the implementation of Council's adopted placemaking framework,
 - To promote the effective management of natural hazards and risks and the creation of a climate resilient community, and

- To give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents.
- Amendment to the following land use zone objectives to incorporate the objects of the Act and relevant directions and actions of the North Coast Regional Plan 2036, and alignment with endorsed strategic policy positions of Council:
 - Zone RU2 Rural Landscape
 - 1 Objectives of zone
 - To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
 - To maintain rural landscape character of the land.
 - To provide for a range of compatible land uses, including extensive agriculture.
 - To minimise the fragmentation and loss of productive agricultural lands.
 - To support sustainable rural economic development and small-scale tourism and visitor destination opportunities that are compatible with the rural attributes of the land.
 - To protect environmental values and address land use conflict.
 - Zone R1 General Residential
 - 1 Objectives of zone
 - To provide for the housing needs of the community.
 - To provide for a variety of housing types and densities.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To provide for associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
 - To encourage the provision of appropriately scaled tourist and visitor accommodation and tourist-related development in locations where it can be adequately provided with services and where the scale and intensity of the development does not detrimentally impact on adjoining, predominantly residential land uses.
 - To support active and safe mixed uses at street level compatible with residential living.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence in its presentation to the public realm.
 - Zone R2 Low Density Residential
 - 1 Objectives of zone
 - To provide for the housing needs of the community within a low density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence in its presentation to the public realm.
- Zone R3 Medium Density Residential
 - 1 Objectives of zone
 - To provide for the housing needs of the community within a medium density residential environment.
 - To provide a variety of housing types within a medium density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To provide for associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence in its presentation to the public realm.
 - Zone R4 High Density Residential
 - 1 Objectives of zone
 - To provide for the housing needs of the community within a high density residential environment.
 - To provide a variety of housing types within a high density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To provide for associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence in its presentation to the public realm.

- Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To provide a community hub for the surrounding neighbourhood.
- To facilitate the development of neighbourhood-scale facilities and services that do not detract from the core commercial functions of the Coffs Harbour City Centre.
- To ensure that new development is consistent with the distinctive local character of the place and accords with any relevant Local Character Statement.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.

- Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To facilitate the development of facilities and services at a sub-regional scale that do not detract from the core commercial functions of the Coffs Harbour City Centre.
- To provide for housing diversity and choice that supports the changing housing needs of the population.
- To ensure that new development is consistent with the distinctive local character of the place and accords with any relevant Local Character Statement.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.

- Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that the scale and nature of development reinforces the role of the Coffs Harbour City Centre as the principal business, office, cultural, civic,

entertainment and retail hub, while supporting the objectives of other business zones,

- To ensure that development makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.
- To promote the Coffs Harbour City Centre for higher density living to provide for housing diversity and choice that supports the changing housing needs of the population.
- To promote uses that activate and add to the vibrancy of the Coffs Harbour City Centre and contribute to the night-time economy.
- To ensure that development accords with the Coffs Harbour City Centre Masterplan.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.

- Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate the development of a mix of local-scale facilities and services that do not detract from the core commercial functions of the Coffs Harbour City Centre.
- To ensure that development makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.
- To provide for housing diversity and choice that supports the changing housing needs of the population.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that new development reflects design excellence and are of a high visual quality in their presentation to public streets and spaces.

- Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.

- To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone B6 Enterprise Corridor
 - 1 Objectives of zone
 - To promote businesses along main roads and to encourage a mix of compatible uses.
 - To provide a range of employment uses (including business, office, retail and light industrial uses).
 - To maintain the economic strength of centres by limiting retailing activity.
 - To provide for residential uses, but only as part of a mixed use development.
 - To facilitate the development of small-scale business uses that do not detract from the core commercial functions of the Coffs Harbour City Centre.
 - To allow for the development of small-scale office premises that support uses in the enterprise corridor zone but that do not detract from the primary commercial role of the Coffs Harbour City Centre.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone IN1 General Industrial
 - 1 Objectives of zone
 - To provide a wide range of industrial and warehouse land uses.
 - To encourage employment opportunities.
 - To minimise any adverse effect of industry on other land uses.
 - To support and protect industrial land for industrial uses.
 - To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area, but only if they do not compromise the land being used for industrial purposes.
 - To allow for uses that are industrial in nature and which do not detract from the core commercial functions of the Coffs Harbour City Centre.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone IN3 Heavy Industrial
 - 1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
 - To encourage employment opportunities.
 - To minimise any adverse effect of heavy industry on other land uses.
 - To support and protect industrial land for industrial uses.
 - To allow for uses that are industrial in nature and which do not detract from the core commercial functions of the Coffs Harbour City Centre.
- Zone IN4 Working Waterfront
- 1 Objectives of zone
- To retain and encourage waterfront industrial and maritime activities.
 - To identify sites for maritime purposes and for activities that require direct waterfront access.
 - To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
 - To encourage employment opportunities.
 - To minimise any adverse effect of development on land uses in other zones.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone SP1 Special Activities
- 1 Objectives of zone
- To provide for special land uses that are not provided for in other zones.
 - To provide for sites with special natural characteristics that are not provided for in other zones.
 - To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone SP2 Infrastructure
- 1 Objectives of zone
- To provide for infrastructure and related uses.
 - To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- Zone SP3 Tourist
 - 1 Objectives of zone
 - To provide for a variety of tourist-oriented development and related uses.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone RE1 Public Recreation
 - 1 Objectives of zone
 - To enable land to be used for public open space or recreational purposes.
 - To provide a range of recreational settings and activities and compatible land uses.
 - To protect and enhance the natural environment for recreational purposes.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone RE2 Private Recreation
 - 1 Objectives of zone
 - To enable land to be used for private open space or recreational purposes.
 - To provide a range of recreational settings and activities and compatible land uses.
 - To protect and enhance the natural environment for recreational purposes.
 - To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
 - To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.
- Zone E3 Environmental Management
 - 1 Objectives of zone
 - To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
 - To provide for a limited range of development that does not have an adverse effect on those values.
 - To provide opportunities to manage environmental risks and natural hazards.

- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- Amendment to the Land Use Table of Zone RU2 Rural Landscape to list ‘Artisan food and drink industries’ as permitted with consent in this Zone. Artisan food and drink industries will not be permitted on land that is mapped as ‘Important farmland’ under the North Coast Regional Plan 2036 and an appropriate control will be included to achieve this.
- Amendment to Clause 7.2 Earthworks to add “the effect of the development on Aboriginal cultural heritage” as (3)(i).
- Amendment to Clause 7.13 as follows:
7.13 Coffs Harbour City Centre
(1) The objectives of this clause are as follows—
 - (a) to maintain the primacy of the Coffs Harbour **City Centre**, being the land identified as “CBD” on the Central Business District Map, as the principal business, office, retail, cultural, civic and entertainment hub of the city centre and to ensure that development does not conflict with the hierarchy of commercial centres,
 - (b) to strengthen Coffs Harbour’s position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.
- (2) Development consent must not be granted to development on any land unless the consent authority has considered whether the development maintains the primacy of the **Coffs Harbour City Centre** as the principal business, office, retail, cultural, civic and entertainment hub of the Coffs Harbour City.
- Amendment to enable ‘rural function centres’ or similar to be carried out with consent in Zone RU2 Rural Landscape only. Rural function centres will not be permitted on land that is mapped as ‘Important farmland’ under the North Coast Regional Plan 2036 and an appropriate control will be included to achieve this.

PART 3 – JUSTIFICATION

This part provides a response to the following matters in accordance with ‘A Guide to Preparing Planning Proposals’ (NSW Department of Planning and Environment 2018):

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact

Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The intent of this planning proposal is to progress amendments to Coffs Harbour LEP 2013 that have been identified as part of a five-year comprehensive review of this plan. Section 3.21 (1) of the *Environmental Planning & Assessment Act (the Act) 1979* requires Councils to undertake regular and periodic reviews of their local environmental plans to ensure they are up to date and consistent with changing requirements of the Act to the maximum extent possible. Section 3.21 (2) of the Act requires that a comprehensive review occurs every 5 years. NSW DPIE requires Council’s first comprehensive

review of its Standard Instrument LEP to be completed by 30 December 2020. This planning proposal progresses the first round of amendments identified as part of the five year comprehensive LEP Review, with subsequent planning proposals to follow to capture the remaining amendments identified as part of the review.

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

Yes. NSW DPIE requires Council's first comprehensive review of its Standard Instrument LEP to be completed by 30 December 2020. This planning proposal progresses the first round of amendments identified as part of the five year comprehensive LEP Review, with subsequent planning proposals to follow to capture the remaining amendments identified as part of the review when resources permit.

3. Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to planning proposals that promote significant increased residential areas or densities, or significant increased employment areas or the like. The proposed LEP Amendment does not seek to increase residential and/or employment land supplies or densities. The proposed amendments to the land use zone objectives will assist in improving accessibility from development by walking and cycling and hence may result in less car use. The proposed land use zone objectives may also assist in improving the economic performance and viability of existing centres. This aligns with the Coffs Harbour Local Growth Management Strategy 2020.

Section B – Relationship to strategic planning framework

4. Will the planning proposal give effect to the objectives and actions contained within the North Coast Regional Plan 2036?

The proposed LEP amendment is considered to be consistent with the relevant goals, directions and actions within the North Coast Regional Plan 2036 as follows:

GOAL 1 – THE MOST STUNNING ENVIRONMENT IN NSW

- **Direction 1 - Deliver environmentally sustainable growth**

Action 1.1 - Focus future urban development to mapped urban growth areas.

The proposed LEP Amendment seeks to introduce a new aim of the plan to imbed Council's adopted Compact City Growth Model, which focuses future urban development within mapped urban growth areas.

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

Action 2.1 Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.

The proposed LEP Amendment seeks to introduce a new aim of the plan to imbed Council's adopted Compact City Growth Model within the Coffs Harbour Local Growth Management Strategy 2020, which focuses future urban development within mapped urban growth areas and the existing urban footprint to protect areas of biodiversity sensitivity and land containing high environmental values.

Action 2.2 - *Ensure local environmental plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.*

The proposed amendment includes a new objective for Zone E3 Environmental Conservation to “ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways”. This will enable the application of this zone to ensure that development does not impact on water and groundwater sources.

- **Direction 3: Manage natural hazards and climate change**

Action 3.1 Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

The proposed LEP amendment seeks to include a new aim of the plan “to promote the effective management of natural hazards and risks and the creation of a climate resilient community”.

GOAL 2 – A THRIVING, INTERCONNECTED ECONOMY

- **Direction 6 - Develop successful centres of employment**

Action 6.2 - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.

The proposed LEP amendment accords with this action given that it seeks to amend the land use table of Zone RU2 Rural Landscape to enable ‘Artisan food and drink industries’ as permitted with consent. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands.

Action 6.3 - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan and Clause 7.13 to reinforce the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of other business zones. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 8 Employment Lands.

Action 6.4 - Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to promote a strong sense of community, identity and place through the implementation of Council’s adopted placemaking framework. Council’s placemaking framework is outlined in the Coffs Harbour Local Growth Management Strategy and Local Strategic Planning Statement. This framework includes the preparation of Place Manuals and Local Character Statements for key precincts (including centres). This aligns with the Coffs Harbour Local Growth Management Strategy 2020 and the Coffs Harbour Local Strategic Planning Statement 2020.

Action 6.5 - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to ensure that sensitive land uses and development are sited and designed so that they do not affect the viability of existing uses. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 8 Employment Lands.

Action 6.6 - Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to reinforce the Coffs Harbour local government area business centres hierarchy in order to maintain the primacy of the Coffs Harbour City Centre and to provide for a range of employment opportunities in appropriate locations. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 8 Employment Lands.

- **Direction 8 - Promote the growth of tourism**

Action 8.1 - Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to provide for development that supports tourism and visitor destination opportunities in appropriate locations.

Action 8.2 - Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to provide for development that supports tourism and visitor destination opportunities in appropriate locations.

Action 8.5 - Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.

The proposed LEP amendment is not inconsistent with this action.

- **Direction 9 - Strengthen regionally significant transport corridors**

Action 9.1 - Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to create place-focused local and sub-regional movement corridors by maximising renewal opportunities post Coffs Harbour bypass. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 8 Employment Lands.

Action 9.2 - Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including the regional and state road network and rail corridors.

The proposed LEP amendment is not inconsistent with this action.

- **Direction 10 - Facilitate air, rail and public transport infrastructure**

Action 10.4 - Provide public transport where the size of the urban area has the potential to generate sufficient demand.

The proposed LEP amendment is not inconsistent with this action.

Action 10.5 - Deliver a safe and efficient transport network to serve future release areas.

The proposed LEP amendment is not inconsistent with this action.

GOAL 3 – VIBRANT AND ENGAGED COMMUNITIES

- **Direction 11 - Protect and enhance productive agricultural lands**

Action 11.1 - Enable the growth of the agricultural sector by directing urban and more residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to to imbed Council's adopted Compact City Growth Model from the Coffs Harbour Local Growth Management Strategy 2020, which focuses future urban development within mapped urban growth areas and the existing urban footprint to protect areas of biodiversity sensitivity and important farmland.

The proposal to make artisan food and drink industries and rural function centres permissible with consent in Zone RU2 Rural Landscape will not adversely impact on important agricultural land as a clause will be introduced to explicitly exclude these uses from being approved on land mapped as important farmland under the North Coast Regional Plan.

Action 11.3 - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.

The proposed LEP amendment is not inconsistent with this action.

Action 11.4 - Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.

The proposed LEP amendment accords with this action given that it seeks to amend the land use table of Zone RU2 Rural Landscape to enable 'Artisan food and drink industries' as permitted with consent. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands.

Action 11.5 - Address sector-specific considerations for agricultural industries through local plans.

The proposed LEP amendment is not inconsistent with this action.

- **Direction 12 - Grow agribusiness across the region**

Action 12.1 - Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.

The proposed LEP amendment accords with this action given that it seeks to amend the land use table of Zone RU2 Rural Landscape to enable 'Artisan food and drink industries' as permitted with consent. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands.

Action 12.2 - Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.

The proposed LEP amendment is not inconsistent with this action.

Action 12.4 - Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to ensure that sensitive land uses and development are sited and designed so that they do not affect the viability of existing uses. This aligns with the Coffs Harbour Local Growth Management Strategy – Chapter 8 Employment Lands.

- **Direction 13 - Sustainably manage natural resources**

Action 13.1 - Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to to imbed Council's adopted Compact City Growth Model from the Coffs Harbour Local Growth Management Strategy 2020, which focuses future urban development within mapped urban growth areas and the existing urban footprint (i.e. suitable locations).

Action 13.2 - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.

The proposed LEP amendment is not inconsistent with this action.

- ***Direction 14 - Provide great places to live and work***

Action 14.2 - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).

The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to promote a strong sense of community, identity and place through the implementation of Council's adopted placemaking framework. Council's placemaking framework is outlined in the Coffs Harbour Local Growth Management Strategy and Coffs Harbour Local Strategic Planning Statement. This framework includes the preparation of Place Manuals and Local Character Statements for key villages and precincts.

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

Action 15.2 - Facilitate more recreational walking and cycling paths and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.

- The proposed LEP amendment accords with this action given that it seeks to amend the aims of the Plan to provide for active living and connectivity through the provision of healthy built environments. The proposed LEP amendment also seeks to introduce a new objective into a number of land use zones (R1, R2, R3, R4, B1, B2, B3, B4, B5, B6, IN1, IN2, SP2, SP3, RE1 and RE2) to encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure. This aligns with the Coffs Harbour Local Growth Management Strategy 2020 and Coffs Harbour Local Strategic Planning Statement.

Action 15.4 - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.

The proposed LEP amendment is not inconsistent with this action.

Action 15.5 - Deliver crime prevention through environmental design outcomes through urban design processes.

The proposed LEP amendment is not inconsistent with this action.

- ***Direction 16 - Collaborate and partner with Aboriginal communities***

Action 16.2 - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.

The proposed LEP amendment is not inconsistent with this action.

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

Action 18.1 - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.

The proposed LEP amendment accords with this action given that it seeks to amend Clause 7.2 Earthworks to add “the effect of the development on Aboriginal cultural heritage” as (3)(i). This will ensure that impacts on Aboriginal cultural heritage is considered as part of development applications for earthworks.

Action 18.2 - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.

The proposed LEP amendment accords with this action given that it seeks to amend Clause 7.2 Earthworks to add “the effect of the development on Aboriginal cultural heritage” as (3)(i). This will ensure that impacts on Aboriginal cultural heritage is considered as part of development applications for earthworks.

Action 18.3 - Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.

The proposed LEP amendment is not inconsistent with this action.

- **Direction 19 - Protect historic heritage**

Action 19.1 - Ensure best-practice guidelines are considered such as the Australia ICOMOS Charter for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance.

- The proposed LEP amendment is not inconsistent with this action as it seeks to amend the aims of the Plan to protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value.

Action 19.2 - Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.

The proposed LEP amendment is not inconsistent with this action as it seeks to amend the aims of the Plan to protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value.

Action 19.3 - Deliver the adaptive or sympathetic use of heritage items and assets.

The proposed LEP amendment is not inconsistent with this action as it seeks to amend the aims of the Plan to protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value.

- **Direction 20 - Maintain the region's distinct built character**

Action 20.1 - Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009).

The proposed LEP amendment is not inconsistent with this action given that it seeks to amend the aims of the Plan to create a highly liveable city, through the promotion of design excellence in all elements of the built environment and public realm.

- **Direction 21 - Coordinate local infrastructure delivery**

Action 21.1 - Undertake detailed infrastructure service planning to support proposals for new major release areas.

The proposed LEP amendment is not inconsistent with this action.

Action 21.2 - Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.

The proposed LEP amendment is not inconsistent with this action.

GOAL 3 – VIBRANT AND ENGAGED COMMUNITIES

- **Direction 22 - Deliver greater housing supply**

Action 22.2 - Facilitate housing and accommodation options for temporary residents by: preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and working with councils to consider opportunities to permit such facilities through local environmental plans.

The proposed LEP amendment is not inconsistent with this action.

- **Direction 23 - Increase housing diversity and choice**

Action 23.1 - Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.

The proposed LEP amendment is not inconsistent with this action.

Direction 25 - Deliver more opportunities for affordable housing

Action 25.1 - Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.

The proposed LEP amendment is not inconsistent with this action given that it seeks to amend the aims of the Plan to promote the delivery and maintenance of housing diversity and affordable housing.

5. Will the planning proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Coffs Harbour City Council adopted its Local Strategic Planning Statement (LSPS) on 25 June 2020 for the whole of the Coffs Harbour LGA. The proposed LEP amendment accords with the vision and planning priorities within the Coffs Harbour LSPS, in particular: encouraging walking and cycling; delivering a range of quality housing choices and better built form outcomes; and implementing Council's Placemaking framework.

6. Is the planning proposal consistent with council's Community Strategic Plan and Local Growth Management Strategy?

MyCoffs Community Strategic Plan 2030

Council's Community Strategic Plan is based on four key themes: Community Wellbeing; Community Prosperity; A Place for Community; and Sustainable Community Leadership. Each theme set objectives and various strategies to assist in achieving the objectives. The proposed LEP amendment is generally consistent with the relevant objectives and strategies within the Plan as follows:

Objective	Strategy
	A2.1 We support our community to lead healthy active lives
	A2.2 We facilitate positive ageing
	A2.3 We nurture mental health, wellbeing and social connection

	A2.4 We cultivate a safe community
<i>A Thriving & Sustainable Local Economy</i>	B1.1 We champion business, events, innovation and technology to stimulate economic growth, investment and local jobs
	B1.2 We attract people to work, live and visit in the Coffs Harbour LGA
<i>Liveable Neighbourhoods with a Defined Identity</i>	C1.1 We create liveable places that are beautiful and appealing
	C1.2 We undertake development that is environmentally, socially and economically responsible
<i>A natural environment sustained for the future</i>	C2.1 We protect the diversity of our natural environment
	C2.2 We use resources responsibly to support a safe and stable climate
<i>We have Effective Use of Public Resources</i>	D2.1 We effectively manage the planning and provision of regional public services and infrastructure

Coffs Harbour Local Growth Management Strategy

The proposed LEP amendment is consistent with the Coffs Harbour Local Growth Management Strategy. This Strategy has been prepared to achieve the directions and actions contained within the North Coast Regional Plan and to align with the Settlement Planning Guidelines endorsed by NSW Planning, Industry and Environment. The Strategy is the mechanism to support effective and integrated planning across the Coffs Harbour LGA, and to guide the preparation of updates to Council's LEP and Development Control Plan.

The proposed LEP amendment supports the aims and placemaking principles of the Coffs Harbour Local Growth Management Strategy. Chapters 1-4 of the Strategy articulate the blueprint for the delivery of a connected, sustainable and thriving compact regional city for Coffs Harbour. The Strategy informs what, who, how and where future development and land supply will occur within the Coffs Harbour LGA. This body of work forms Council's future development approach regarding the compact city model and placemaking framework. The compact city model focuses on:

- Developing within the existing urban footprint;
- Protecting the coastal strip, high value environments and agriculture; and
- Directing housing around existing services, activity centres, transport nodes and hubs.

The compact city model is proposed to be achieved through placemaking (i.e. local character statements and place manuals), a collaborative process that engages the community on a precinct-by precinct basis to capture a common vision and aspirations about a place. The place manuals will ultimately act as a guideline to deliver private and built form outcomes for a particular town, village, precinct, place or hub.

The proposed LEP amendment includes revised aims for Coffs Harbour LEP 2013 as well as new objectives for various land use zones to imbed the principles of the Coffs Harbour Local Growth Management Strategy 2020 and Coffs Harbour Local Strategic Planning Statement 2020.

7. Is the planning proposal consistent with applicable state environmental planning policies (SEPP)?

The table provided in Appendix 1 provides an assessment of the proposed LEP amendment's consistency with each relevant State Environmental Planning Policy.

8. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The table provided in Appendix 2 provides an assessment of the proposed LEP amendment's consistency against relevant Ministerial Planning Directions.

Section C – Environmental, social and economic impact

9. 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?

No. The proposed LEP amendment does not seek to alter any land use zones or development controls in a manner such that there could be adverse impacts on critical habitat, threatened species, populations, or ecological communities. The proposed LEP amendment supports the compact city model which seeks to concentrate growth in existing urban areas and also seeks to introduce a new aim to Coffs Harbour LEP 2013 to protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value.

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

No. The proposed LEP amendment does not seek to alter any land use zones or clauses in a manner such that there could be adverse environmental impacts. The proposed amendment to Clause 7.2 Earthworks to add “the effect of the development on Aboriginal cultural heritage” as (3)(i) will result in positive impacts on the protection of Aboriginal cultural heritage within the Coffs Harbour LGA. Similarly, the addition of a new objective within Zone E3 Environmental Management to ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways, will also result in positive impacts on such resources within the Coffs Harbour LGA.

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

Yes, the proposed LEP amendment will facilitate positive social and economic impacts within the Coffs Harbour LGA as it seeks to introduce revised aims for Coffs Harbour LEP 2013, some of which relate to the social and economic fabric of the community:

- To reinforce the Coffs Harbour local government area business centres hierarchy in order to maintain the primacy of the Coffs Harbour City Centre and to provide for a range of employment opportunities in appropriate locations,
- To provide for active living and connectivity through the provision of healthy built environments,
- To provide for development that supports tourism and visitor destination opportunities in appropriate locations,

- To create a highly liveable city, through the promotion of design excellence in all elements of the built environment and public realm,
- To provide for the social and economic welfare of the community by facilitating equitable access to community services and facilities,
- To promote the delivery and maintenance of housing diversity and affordable housing, and
- To promote a strong sense of community, identity and place through the implementation of Council's adopted placemaking framework.

The proposed LEP amendment also seeks to introduce a new objective into a number of land use zones (R1, R2, R3, R4, B1, B2, B3, B4, B5, B6, IN1, IN4, SP2, SP3, RE1 and RE2) to encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure. A new objective is also proposed to be introduced into a number of land use zones (R1, R2, R3, R4, B1, B2, B3, B4, B5, B6, IN1, IN4, SP1, SP3, RE1 and RE2) to ensure that development reflects design excellence in its presentation to the public realm.

Additional positive economic impacts will be realised as a result of the introduction of 'Artisan Food and Drink Industries' and 'Rural Function Centres' as permissible with consent in Zone RU2 Rural Landscape, which accords with the actions contained within the Coffs Harbour Local Growth Management Strategy Chapter 5 – Rural Lands.

The proposed amendment to Clause 7.13 of Coffs Harbour LEP 2013 will have positive social and economic impacts, as it will broaden the principal role of the Coffs Harbour City Centre as the business, office, retail, cultural, civic and entertainment hub for the city. Positive social impacts may also be realised due to the proposal to include a new objective within Zone R2 Low Density Residential to provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.

Section D – State and Commonwealth interests

• Is there adequate public infrastructure for the planning proposal?

Yes, the proposed LEP amendment does not seek to alter any land use zones or development controls in a manner such that there could be adverse impacts on the provision of public infrastructure. The proposed amendment seeks to introduce revised aims for Coffs Harbour LEP 2013 including the following:

- To promote a sustainable growth footprint by directing urban development and growth into the existing urban footprint and identified greenfield investigation areas,
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure, and
- To create place-focused local and sub-regional movement corridors by maximising renewal opportunities post Coffs Harbour bypass.

The proposed LEP amendment also seeks to introduce a new objective into a number of land use zones (R1, R2, R3, R4, B1, B2, B3, B4, B5, B6, IN1, IN4, SP2, SP3, RE1 and RE2) to encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.

- **What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

A Gateway determination was issued by NSW Planning, Industry and Environment on 16 February 2021. The Gateway determination includes a condition that Council refer the planning proposal to the following State agencies:

- NSW Rural Fire Service
- Transport for NSW
- Department of Primary Industries- Agriculture.

Council will therefore refer the planning proposal to these State agencies for their review and comment.

PART 4 – MAPPING

There are no proposed mapping amendments to Coffs Harbour LEP 2013 associated with Part 1 of the comprehensive review of Coffs Harbour LEP 2013.

Technical Notes:

- N/A

PART 5 – COMMUNITY CONSULTATION

The Gateway determination issued by the Department of Planning, Industry and Environment on 16 February 2021 includes a condition that public exhibition of the planning proposal is carried out in the following manner:

- a) the planning proposal is to be publicly exhibited for a minimum of 28 days, and;
- b) Council must comply with the notice requirements set out in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).

In accordance with the conditions of the gateway determination, public exhibition of the planning proposal will include the following:

Advertisement

Placement of an online advertisement in the Coffs Newsroom.

Website

The planning proposal will be made publicly available on Council's Have Your Say Page at: <https://haveyoursay.coffsharbour.nsw.gov.au/>

Note: Following public exhibition, this section of the planning proposal will be updated to include details of the community consultation.

PART 6 –PROJECT TIMELINE

A project timeline is yet to be determined however the anticipated timeframes are provided below in Table 1, noting that the Gateway Determination issued by NSW Planning, Industry and Environment specifies the date that the LEP amendment is to be completed.

Table 1: Anticipated Timeline

Milestone	Anticipated Timeframe
Decision by Council to initiate the proposed LEP amendment	December 2020
Commencement (date of Gateway determination)	February 2021
Peer review & provision of additional information (if required)	March 2021
Public exhibition & agency consultation	April to May 2021
Consideration of submissions	June to July 2021
Reporting to Council for consideration	August 2021
Making of the plan by Council and submission to Minister for notification	September 2021

APPENDICIES

1	Five Year Comprehensive Review of Coffs Harbour LEP 2013	Page 27
2	Consideration of State Environmental Planning Policies	Page 42
3	Consideration of Ministerial (section 9.1) Directions	Page 45

APPENDIX 1 – FIVE YEAR COMPREHENSIVE REVIEW OF COFFS HARBOUR LEP 2013

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
Coffs Harbour Local Environmental Plan 2013 – Part 1 Preliminary				
1	Clause 1.2 Aims of Plan	<p>The aims of Coffs Harbour LEP 2013 require review to ensure that they adequately align with the revised objects of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) and the relevant directions of the North Coast Regional Plan 2036.</p> <p>The aims of Coffs Harbour LEP 2013 also require review to ensure that they adequately align with the Coffs Harbour Local Strategic Planning Statement 2020, the Coffs Harbour Local Growth Management Strategy 2020, the Coffs Harbour Place & Movement Strategy vision, Council's adopted placemaking framework and adopted masterplans of Council.</p>	<p>A review of the aims in respect to the revised aims of the Act and the North Coast Regional Plan 2036 has identified that there is a need to amend existing and add new aims to ensure that the aims of Coffs Harbour LEP 2013 address the following matters:</p> <p>The Act:</p> <ul style="list-style-type: none"> • Promotion of the delivery and maintenance of affordable housing (Clause 1.3(a)) • Promotion of the social and economic welfare of the community (Clause 1.3(a)) <p>The North Coast Regional Plan 2036:</p> <ul style="list-style-type: none"> • Manage natural hazards and climate change (Direction 3) • Promote the growth of tourism (Direction 8) • Develop healthy, safe, socially engaged and well-connected communities (Direction 15) • Planning, designing and developing healthy built environments (Action 15.1) • Facilitating more recreational walking and cycling paths (Action 15.2) • Respect and protect the North Coast's Aboriginal Heritage (Direction 18) • Increase housing diversity and choice (Direction 23) <p>A review of the LEP aims in respect to the strategic plans of Council has identified that there is a need to:</p> <ul style="list-style-type: none"> • embed the adopted Compact City growth model into the aims of Coffs Harbour LEP 2013, 	<p>Update the aims of Coffs Harbour LEP 2013 so they incorporate the objects of the Act and the directions and actions of the North Coast Regional Plan 2036 referenced in column 4 of this table.</p> <p>Update the aims of Coffs Harbour LEP 2013 so they incorporate additional strategic planning matters referenced in column 4 of this table.</p> <p>This action will be captured within the stage one planning proposal.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
			<ul style="list-style-type: none"> • refer to the “Coffs Harbour City Centre” rather than the “Coffs Harbour Central Business District” to reflect the terminology used within Council’s adopted placemaking framework and the Coffs Harbour City Centre Masterplan 2031, • promote design excellence to reflect the adopted vision of the Coffs Harbour Local Growth Management Strategy 2020, • to reinforce the Coffs Harbour City Centre as the principal business, office, tourism accommodation, cultural, civic, entertainment and retail hub of the Local Government Area to reflect the Coffs Harbour City Masterplan 2031, • embed Council’s adopted place-making framework into the aims of Coffs Harbour LEP 2013, and ensure that future street and road design accords with Council’s future Place and Movement Strategy. 	
2	Other clauses in Part 1	All remaining clauses in Part 1 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.
Coffs Harbour Local Environmental Plan 2013 – Part 2 Permitted or prohibited development				
3	Land use zone objectives	The land use zone objectives of Coffs Harbour LEP 2013 require review to ensure that they adequately align with the revised objects of the Act and the relevant directions of the North Coast Regional Plan 2036.	<p>A review of the land use zone objectives in respect to the revised aims of the Act and the North Coast Regional Plan 2036 has identified that there is a need to amend existing and add new objectives to ensure that the relevant land use zones in Coffs Harbour LEP 2013 address the following matters:</p> <p>The Act:</p>	Update the land use zone objectives of Coffs Harbour LEP 2013 so they incorporate the objects of the Act and the directions and actions of the North Coast Regional Plan 2036 referenced in column 4 of this table.

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
		<p>The land use zone objectives in Coffs Harbour LEP 2013 also require review to ensure that they adequately align with Coffs Harbour Local Strategic Planning Statement 2020, Coffs Harbour Local Growth Management Strategy 2020, Coffs Harbour Place & Movement Strategy vision, Council's adopted placemaking framework and adopted masterplans of Council.</p>	<ul style="list-style-type: none"> Promotion of the delivery and maintenance of affordable housing (Clause 1.3(a)) <p>The North Coast Regional Plan 2036:</p> <ul style="list-style-type: none"> Manage natural hazards and climate change (Direction 3) Promote the growth of tourism (Direction 8) Facilitate tourism and visitor accommodation and supporting land use in coastal and rural hinterland locations (Action 8.1) Protect and enhance productive agricultural lands (Direction 11) Grow agribusiness across the region (Direction 12) Develop healthy, safe, socially engaged and well-connected communities (Direction 15) Planning, designing and developing healthy built environments (Action 15.1) Facilitating more recreational walking and cycling paths (Action 15.2) Respect and protect the North Coast's Aboriginal Heritage (Direction 18) Increase housing diversity and choice (Direction 23) <p>A review of the land use zone objectives in respect to these strategic plans of Council has identified that there is a need to:</p> <ul style="list-style-type: none"> refer to the "Coffs Harbour City Centre" rather than the "Coffs Harbour Central Business District" to reflect the terminology used within Council's adopted placemaking 	<p>Update the relevant land use zone objectives of Coffs Harbour LEP 2013 so they incorporate the additional strategic planning matters referenced in column 4 of this table.</p> <p>This action will be captured within the stage one planning proposal.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
			<p>framework and the Coffs Harbour City Centre Masterplan 2031,</p> <ul style="list-style-type: none"> • promote design excellence in the objectives of the residential, business and industrial zones to reflect the adopted vision of the Coffs Harbour Local Growth Management Strategy 2020, • to provide for housing diversity and choice that supports the changing housing needs of the population in all residential zones, Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use in accordance with Coffs Harbour Local Growth Management Strategy Chapters 3 Strategic Approach and Chapter 4 Compact City Program 4, • to further reinforce the Coffs Harbour City Centre as the principal business, office, tourism accommodation, cultural, civic, entertainment and retail hub of the Local Government Area in accordance with the Coffs Harbour City Masterplan 2031, • facilitate safe and easy pedestrian and cycling access to and within commercial centres and destinations in accordance with the Coffs Harbour Place & Movement Strategy vision, • to promote uses that activate and add to the vibrancy of the Coffs Harbour City Centre and contribute to the night-time economy in accordance with the Coffs Harbour City Masterplan 2031, • to ensure that new sensitive land uses and development within Zone B4 Mixed Use are sited and designed to ensure that they do not affect the viability of existing uses within the mixed use area, 	

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
			<ul style="list-style-type: none"> to ensure that new development in Zone B1 Neighbourhood Centre and Zone B2 Local Centre is in keeping with the distinctive local character of the area and will accord with the future Local Character Statement, to ensure uses within Zone IN1 General Industrial and Zone B5 Business Development do not detract from the core commercial functions of the Coffs Harbour City Centre City Centre. 	
4	Land Use Table & Permissibilities	<p>Community and stakeholder consultation undertaken as part of the development of the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands identified an unnecessary dual consent requirement for private native forestry.</p> <p>Given that Private Native Forestry is assessed and administered by the NSW Local Land Services, Council recognises that there is no need to duplicate the approval process by requiring consent for Forestry under Coffs Harbour LEP 2013. As such, a key action of the Coffs Harbour Local Growth Management Strategy 2020 is to amend Coffs Harbour LEP 2013 to make Forestry permissible</p>	Streamlining approval processes relating to private native forestry is consistent with Action 13 of the North Coast Regional Plan 2036 (i.e. to sustainably manage natural resources).	<p>Amend Coffs Harbour LEP 2013 so that Forestry is permitted without consent within Zone RU2 Rural Landscape.</p> <p>This action is to be deferred until after the NSW State Government has completed its review of Private Native Forestry arrangements.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
		without consent in Zone RU2 Rural Landscape.		
5		<p>'Artisan food and drink industries' are currently prohibited in Zone RU2 Rural Landscape.</p> <p>A key action within the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands is to amend Coffs Harbour LEP 2013 to make 'artisan food and drink industries' permissible with consent in appropriate rural zones.</p>	<p>The prohibition of 'Artisan food and drink industries' has the effect of unnecessarily hampering farm diversification, value adding and agri-tourism in Coffs Harbour's rural areas.</p> <p>Enabling 'Artisan food and drink industries' within rural areas is consistent with Direction 11.4 and 12.1 of the North Coast Regional Plan 2036.</p>	<p>Amend Coffs Harbour LEP 2013 to make 'artisan food and drink industries' permissible with consent in RU2 Rural Landscape.</p> <p>This action will be captured within the stage one planning proposal.</p>
6		<p>The Coffs Harbour Local Growth Management Strategy – Chapter 6 Large Lot Residential Lands identifies land use conflict as a key issue for land within Zone R5 Large Lot Residential.</p> <p>A key action of Chapter 6 Large Lot Residential Lands is to amend Coffs Harbour LEP 2013 to prohibit land uses (other than Horticulture) that do not accord with the objectives of Zone R5 Large Lot Residential, such as animal boarding or training establishments and veterinary hospitals.</p>	<p>A review of permissible land uses in Zone R5 Large Lot Residential against the objectives of the zone is consistent with the Coffs Harbour Local Growth Management Strategy – Chapter 6 Large Lot Residential Lands.</p>	<p>Review permissible land uses within Zone R5 Large Lot Residential of Coffs Harbour LEP 2013 against the objectives of the zone.</p> <p>Amend Coffs Harbour LEP 2013 to prohibit land uses (other than Horticulture) that do not accord with the objectives of Zone R5 Large Lot Residential.</p> <p>This action will be captured within the stage two planning proposal.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
7	Clause 2.4 Unzoned Land	A part of the comprehensive review of Coffs Harbour LEP 2013, it has been identified that a number of creek mouths and some riparian land is currently unzoned.	All land located within the Land Application Map must be covered by an appropriate land use zone.	Review unzoned land and determine the most suitable zone for such land, in accordance with NSW Planning, Industry and Environment guidelines. This action will be captured within the stage two planning proposal.
8	Other clauses in Part 2	All remaining clauses in Part 2 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.
Coffs Harbour Local Environmental Plan 2013 – Part 3 Exempt and complying development				
9		All clauses in Part 3 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.
Coffs Harbour Local Environmental Plan 2013 – Part 4 Principal development standards				
10	Clause 4.1A Minimum Subdivision lot sizes for certain split zones	Subclause 4.1A(2) of Coffs Harbour LEP 2013 does not cater for circumstances where a lot contains an urban zone AND a rural zone but not an environmental zone or where a lot contains an urban zone AND a	This issue is currently inhibiting further subdivision of up to 112 split-zoned properties containing R5 Large Lot Residential Land and R2 Low Density Residential for rural residential or residential purposes. Amendment or replacement of Clause 4.1A of Coffs Harbour LEP 2013 with a similar clause that addresses the identified issues is required.	Clause 4.1A is currently being addressed via a proponent led LEP amendment request. However further review and further amendment may be required following testing of the clause.

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
		<p>rural zone AND an environmental zone.</p> <p>There are currently 255 lots affected by a split zone combination of Zone RU2 Rural Landscape and one or more urban zones and 112 lots affected by a split zone combination of a residential zone and Zone RU2 Rural Landscape. These lots cannot be subdivided under this clause.</p> <p>Subclause 4.1A(3)(a) of Coffs Harbour LEP 2013 only allows the excise of a rural zoned portion of a split zoned lot where the rural portion complies with the minimum lot size. In many circumstances this is not the case.</p>	Enabling subdivision of existing R5 Large Lot Residential land and R2 Low Density Residential zoned land currently affected by this clause is consistent with Direction 22 and 24 of the North Coast Regional Plan 2036.	This action will be captured within the stage two planning proposal.
11	Clause 4.2B Erection of dwelling houses on land in certain rural and environment protection zones	Subclause 4.2B(3)(aa) of Coffs Harbour LEP 2013 requires amendment due to the changes required to subclause 4.1A(2) of Coffs Harbour LEP 2013 (see item 10 above) so that dwelling houses are not permissible on the rural and environmental portions of the resulting lot created by subclause 4.1A(3)(a).	This clause works in tandem with Clause 4.1A and therefore requires amendment to ensure that a dwelling cannot be lawfully created on the residual Zone RU2 Rural Landscape and / or Zone E2 Environmental Conservation land created under this clause.	<p>Clause 4.2B is currently being addressed via a proponent led LEP amendment request. However further review and further amendment may be required following testing of the clause.</p> <p>This action will be captured within the stage two planning proposal.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
12	Clause 4.2D Boundary Adjustments of land in certain rural, residential and environment protection zones	Feedback from the development industry indicates that Clause 4.2D of Coffs Harbour LEP 2013 does not facilitate boundary adjustments involving certain alterations to the configuration or size of the subject lots and does not deliver on the intent of the clause.	Caution is required in relation to this matter. Some of the proposals that the development industry is referring to, may constitute a subdivision, rather than a boundary adjustment. Investigation of a new local clause for inclusion in Coffs Harbour LEP 2013 to address boundary adjustment issues in rural areas is a key action of the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands.	Investigate the need for a new local clause for inclusion in Coffs Harbour LEP 2013 to address boundary adjustment issues in rural areas. This action will be captured within the stage two planning proposal following additional testing of various scenarios.
13		All other clauses in Part 4 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.
Coffs Harbour Local Environmental Plan 2013 – Part 5 Miscellaneous provisions				
14		All clauses in Part 5 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.
Coffs Harbour Local Environmental Plan 2013 – Part 6 Miscellaneous provisions				
15		All clauses in Part 6 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
Coffs Harbour Local Environmental Plan 2013 – Part 7 Miscellaneous provisions				
16	Part 7 Additional Local Provisions – Terrestrial Biodiversity, Drinking Water Catchments, Riparian Land and Watercourses and associated maps	An action within the Coffs Harbour Local Growth Management Strategy – Chapter 3 Strategic Approach is to liaise with relevant stakeholders and review and amend Council’s planning controls to ensure that adequate controls are in place to minimise impacts on marine environments, water catchment areas and groundwater sources from development.	<p>This review accords with Action 2.2 of the North Coast Regional Plan 2036, which is to ensure that local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.</p> <p>An obvious omission from Council’s Additional Local Provisions within Coffs Harbour LEP 2013 is a groundwater vulnerability clause and associated map.</p>	<p>In consultation with relevant stakeholders, review the adequacy of Clause 7.4 Terrestrial Biodiversity, 7.5 Drinking Water Catchments and Clause 7.6 Riparian Land and Watercourses in protecting adverse impacts of development on marine environments, water catchment areas and groundwater sources.</p> <p>Consider the need for a new groundwater vulnerability clause and associated map.</p> <p>This action will be captured within the stage two planning proposal.</p>
17	Clause 7.2 Earthworks	Clause 7.2 of Coffs Harbour LEP 2013 does not currently require that the potential effect of earthwork on Aboriginal Cultural Heritage is considered prior to granting consent to earthworks under this clause.	Increased protection of Aboriginal objects and places is consistent with Direction 18: Respect and protect the North Coast’s Aboriginal heritage of the North Coast Regional Plan 2036.	<p>Amend Clause 7.2 to add in “the effect of the development on Aboriginal cultural heritage” as (3)(i).</p> <p>This action will be captured within the stage one planning proposal.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
18	Clause 7.13 Central Business District	<p>The title of this clause as well as references to the Coffs Harbour City Centre as the “Coffs Harbour central business district” requires updating to reflect the terminology used within the Coffs Harbour City Centre Masterplan 2031.</p> <p>Furthermore, the description of key functions of the Coffs Harbour City Centre requires expansion to reflect the Coffs Harbour City Centre Masterplan 2031 and Coffs Harbour Local Growth Management Strategy – Chapter 4 Compact City Program.</p>	<p>Council’s adopted placemaking framework and the Coffs Harbour City Centre Masterplan 2031 refer to the “Coffs Harbour City Centre” rather than the “Coffs Harbour Central Business District”. There is therefore a need to update the terminology used in Coffs Harbour LEP 2013 to reflect the terminology used within Council’s adopted strategic plans.</p> <p>The following additional functions should be added into the description of the Coffs Harbour City Centre hub, in accordance with the Coffs Harbour City Centre Masterplan 2031 and Coffs Harbour Local Growth Management Strategy – Chapter 4 Compact City Program:</p> <ul style="list-style-type: none"> • tourism accommodation, • cultural, • civic, and • entertainment. 	<p>Amend Clause 7.13 and associated map to refer to the “Coffs Harbour City Centre” rather than the “Coffs Harbour Central Business District”.</p> <p>Amend Clause 7.13 (1) (a) and (2) to add the following additional functions to the description of the Coffs Harbour City Centre hub:</p> <ul style="list-style-type: none"> • tourism accommodation, • cultural, • civic, and • entertainment. <p>This action will be captured within the stage one planning proposal.</p>
19	Clause 7.19 Development on certain land at West Moonee and associated Key Sites Map (KYS_005D)	<p>Clause 7.19 of Coffs Harbour LEP 2013 specifies that development consent must not be granted for development on land within West Moonee unless a development control plan that provides for certain matters specified in the clause.</p> <p>Since the introduction of Clause 7.19 of Coffs Harbour LEP 2013, Council has updated Coffs</p>	<p>There is no longer a need for a “key sites” clause to specifically apply to West Moonee, however there is a need to investigate the application of the key site clause to other strategically significant sites within the LGA.</p> <p>A key site clause is currently being investigated as part of a proponent led LEP amendment for Woolgoolga North West. However the clause may also require further review to apply to other strategically significant sites such as those identified by the Woolgoolga Town Centre Masterplan, Coffs Harbour City Centre Masterplan and other endorsed place manuals of Council.</p>	<p>Review Clause 7.19 and associated key site map from Coffs Harbour LEP 2013 to remove references to West Moonee and to investigate the amendment of this clause (and maps) to apply to other strategically significant sites, other than Woolgoolga North West.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
		Harbour Development Control Plan 2015 to address the matters specified by Clause 7.19. In this regard, there is no longer a need for this specific clause.		This action will be captured within the stage two planning proposal.
20		All other clauses in Part 7 of Coffs Harbour LEP 2013 have been reviewed and no issues have been identified.		No change required.
Schedule 1 – Additional Permitted Uses				
21		Schedule 1 – Additional Permitted Uses has been reviewed and no issues have been identified.		No change required.
Schedule 2 - Exempt Development				
22	Schedule 2 Exempt Development	<p>Farm dams currently require development consent within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013, resulting in a need for multiple government approvals and duplication of assessment processes.</p> <p>A key action within the Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands is to make Water Storage Facilities (Dams) Exempt</p>	Streamlining approval processes relating to low impact agricultural development is consistent with Action 12.1 of the North Coast Regional Plan 2036 to promote expansion of food and fibre production through flexible planning provisions in local environmental plans.	<p>Amend Schedule 2 of Coffs Harbour LEP 2013 to include Exempt Development criteria for “water storage facilities” (dams) within Zone RU2 Rural Landscape where approval is not required by other legislation.</p> <p>This action will be captured within the stage two planning proposal.</p>

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
		Development through Coffs Harbour LEP 2013.		
Schedule 3 – Complying Development				
23	Schedule 3 Complying Development	<p>Coffs Harbour LEP 2013 does not currently explicitly identify environmentally sensitive land for the purposes of State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 (Codes SEPP).</p> <p>This becomes an issue as complying development is able to be undertaken on land within the Coffs Harbour LGA which contains high conservation value land.</p>	Complying development can be excluded on environmentally sensitive land within the Coffs Harbour LGA by identifying this land for the purposes of the Codes SEPP within Coffs Harbour LEP 2013.	<p>Identify environmentally sensitive land within Coffs Harbour LEP 2013 for the purposes of the Codes SEPP.</p> <p>This action will be captured within the stage two planning proposal.</p>
24		Schedule 3 has been reviewed and no other issues have been identified.		No change required.

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
Schedule 4 – Classification and Reclassification of Public Land				
25	Schedule 4 - Classification and Reclassification of Public Land	Schedule 4 has been reviewed and no issues have been identified.		No change required.
Schedule 5 – Environmental Heritage				
26	Schedule 5 - Environmental Heritage	Schedule 5 has been reviewed and no issues have been identified.		No change required.
Schedule 6 – Pond-Based and Tank-Based Aquaculture				
27	Schedule 6 - Pond-Based and Tank-Based Aquaculture	Schedule 6 has been reviewed and no issues have been identified.		No change required.
Other Miscellaneous Amendments				
28		Coffs Harbour Local Growth Management Strategy – Chapter 5 Rural Lands identifies the need to explore amendments to either State or local planning instruments to provide a new definition of 'rural function centres' or similar, so as to allow	<p>“Function Centres” are currently prohibited within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013, which has the effect of hampering farm diversification, value adding and agri-tourism in Coffs Harbour’s rural areas.</p> <p>Enabling small-scale function centres that comply with strict design and locational criteria in rural settings is consistent with Direction 11.4 of the North Coast Regional Plan 2036.</p>	Explore an amendment to Coffs Harbour LEP 2013 to introduce a new definition of ‘rural function centre’ or similar to enable appropriately scaled rural functions in appropriate rural zones. NSW Planning, Industry and Environment will

Item	LEP 2013 Provision	Issue	Comment	Recommended Action
		<p>for appropriately scaled rural functions in appropriate rural zones.</p> <p>Destination weddings and event functions in rural areas can result in neighbour conflicts. Such uses are defined as 'function centres' under the definitions contained within the NSW Standard Instrument LEP and are currently prohibited under provisions contained within Coffs Harbour LEP 2013. This results in facilities being operated either illegally or as 'temporary uses'. There is a need to explore amendments to either State and local planning instruments to provide a new definition of 'rural function centres' or similar, so as to allow for appropriately scaled rural functions.</p>		<p>determine the most appropriate mechanism to include this intent within Coffs Harbour LEP 2013.</p> <p>This action will be captured within the stage one planning proposal.</p>

APPENDIX 2 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP (Aboriginal Land) 2019	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Affordable Rental Housing) 2009	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Coastal Management) 2018	N/A	N/A	<p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.</p>
SEPP (Concurrences and Consents) 2018	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Infrastructure) 2007	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Koala Habitat Protection) 2019	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 19 – Bushland in Urban Areas	N/A	N/A	Coffs Harbour City Council is not listed in Schedule 1 of this policy and thus the policy does not apply to the proposed LEP amendment.
SEPP No 21 – Caravan Parks	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 33 – Hazardous and Offensive Development	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 36 – Manufactured Home Estates	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 50 – Canal Estate Development	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 55 – Remediation of Land	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 64 – Advertising and Signage	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Primary Production and Rural Development) 2019	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP (State and Regional Development) 2019	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (State Significant Precincts) 2005	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Urban Renewal) 2010	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	N/A	N/A	The aims of this Policy are— (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

APPENDIX 3 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>Part of this proposed LEP amendment is to strengthen the aims of Coffs Harbour LEP 2013 to incorporate additional strategic planning matters to better incorporate the objects of the <i>Environmental Planning and Assessment Act 1979</i> and the directions and actions of the North Coast Regional Plan 2036.</p> <p>The proposed LEP amendment also seeks to update relevant land use zone objectives for certain business and industrial zones within Coffs Harbour LEP 2013 to accord with adopted actions within Chapter 4 Compact City Model and Chapter 8 Employment Lands of the Coffs Harbour Local Growth Management Strategy 2020, and to ensure consistency with Council's adopted business centres hierarchy.</p> <p>These updates are intended to further reinforce the Coffs Harbour City Centre as the principal business, office, tourism accommodation, cultural, civic, entertainment and retail hub of the Local Government Area in accordance with the Coffs Harbour City Masterplan 2031, the draft Coffs Harbour Regional City Action Plan, and the Coffs Harbour Local Growth Management Strategy 2020.</p> <p>The proposed LEP amendment is also intended to reinforce the use of business and employment zoned lands for appropriate commercial and industrial land uses in appropriate locations, by some additions and modifications to the</p>

S9.1 Direction	Applicable	Consistent	Comment
			<p>Land Use Tables within Coffs Harbour LEP 2013 in accordance with recommendations contained with the Coffs Harbour Local Growth Management Strategy 2020.</p> <p>The proposed changes are not inconsistent with the intent of this planning direction.</p>
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>Part of this proposed LEP amendment is to update relevant land use zone objectives for the RU2 Rural Landscape zone within Coffs Harbour LEP 2013 to accord with adopted actions within Chapter 5 Rural Lands of the Coffs Harbour Local Growth Management Strategy 2020. These updates are intended to further protect and reinforce the agricultural production value of rural land and land use conflicts.</p> <p>The proposed LEP amendment does not seek to amend any mapping layers of Coffs Harbour LEP 2013; or rezone land from a rural zone to a residential, business, industrial, village or tourist zone; or increase the permissible density of land within a rural zone of the LGA.</p>
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials</p>	N/A	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction, such as:</p> <p>(a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.</p>

S9.1 Direction	Applicable	Consistent	Comment
	which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		The proposed LEP amendment will not prohibit or restrict exploration or mining.
1.4 Oyster Aquaculture	<p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p>	N/A	The proposed LEP amendment does not impact on a Priority Oyster Aquaculture Area.
1.5 Rural Lands	<p>Applies when a relevant planning authority prepares a planning proposal that:</p> <p>(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</p> <p>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed LEP amendment seeks to update relevant land use zone objectives for the RU2 Rural Landscape zone within Coffs Harbour LEP 2013 to accord with adopted actions within Chapter 5 Rural Lands of the Coffs Harbour Local Growth Management Strategy 2020. These updates are intended to further protect and reinforce the agricultural production value of rural land and land use conflicts.</p> <p>The proposed LEP amendment also aims to amend the Land Use Table to list artisan food and drink industries and ‘rural function centres’ as development that is</p>

S9.1 Direction	Applicable	Consistent	Comment
			<p>permitted with consent in Zone RU2 Rural Landscape.</p> <p>The proposed LEP amendment does not seek to amend any mapping layers of Coffs Harbour LEP 2013.</p> <p>In this regard, the proposed LEP amendment will not adversely affect land within a rural zone or result in changes to the minimum lot size on land within a rural or environment protection zone.</p>
2 Environment and Heritage			
2.1 Environment Protection Zones	<p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed LEP amendment seeks to add two new zone objectives to Zone E3 Environmental Management of Coffs Harbour LEP 2013 to better manage environmental risks and natural hazards and to ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.</p> <p>In this regard, the proposed LEP amendment assists to facilitate the protection and conservation of environmentally sensitive areas; and is unlikely to reduce the environmental protection standards that apply to the land.</p>
2.2 Coastal Protection	Applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal	Yes	The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.

S9.1 Direction	Applicable	Consistent	Comment
	<p>wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area – as identified in <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and objectives of the relevant coastal management areas,</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit; and</p> <p>(c) the NSW Coastal Design Guidelines 2003, and</p> <p>(c) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under the <i>Coastal Management Act 2016</i>.</p>		<p>Part of this proposed LEP amendment is to strengthen the aims of Coffs Harbour LEP 2013 to incorporate additional strategic planning matters to better incorporate the objects of the <i>Environmental Planning and Assessment Act 1979</i> and the directions and actions of the North Coast Regional Plan 2036. It proposes the addition of an aim which states: ‘To promote the effective management of natural hazards and risks and the creation of a climate resilient community’.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical,</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>Part of this proposed LEP amendment is to amend Clause 7.2 Earthworks of Coffs Harbour LEP 2013, to add in ‘the effect of the development on Aboriginal cultural</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>		<p>heritage'. This will provide increased protection of Aboriginal objects and places, as Clause 7.2 does not currently require that the potential effect of earthwork on Aboriginal cultural heritage is considered prior to granting consent to earthworks under this clause.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environment protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs</p>	N/A	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>(a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</p>		
2.6 Remediation of Contaminated Land	<p>This direction applies when a relevant planning authority prepares a planning proposal for land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997; or on land which development for the purposes referred to in the contaminated land planning guidelines is being carried out, or where development for the purposes of residential, educational, recreational or childcare purposes; or a hospital is proposed.</p> <p>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed amendment is administrative in nature and seeks only to amend the aims and various Land Use Table zone objectives of the Coffs Harbour LEP 2013 and to amend the Land Use Table to include two additional permitted uses in Zone RU2.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority</p>		

S9.1 Direction	Applicable	Consistent	Comment
	is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and 	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>Part of this proposed LEP amendment is to strengthen the aims of Coffs Harbour LEP 2013 to incorporate additional strategic planning matters to better incorporate the objects of the <i>Environmental Planning and Assessment Act 1979</i> and the directions and actions of the North Coast Regional Plan 2036.</p> <p>The proposed LEP amendment also seeks to update relevant land use zone objectives for residential zones within Coffs Harbour LEP 2013 to accord with adopted actions within Chapter 3 Strategic Approach, Chapter 4 Compact City Model and Chapter 7 Residential Lands of the Coffs Harbour Local Growth Management Strategy 2020.</p> <p>These updates are intended to embed the adopted place-making framework and Compact City growth model into the aims of the Coffs Harbour LEP 2013; to promote design excellence to reflect Council's adopted vision; and to ensure that connectivity is a key consideration in planning for development, in accordance with the Coffs Harbour Local Growth Management Strategy 2020.</p> <p>The proposed LEP amendment is also intended to promote housing diversity and choice within all</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>		<p>residential zones and also within Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use in accordance with recommendations contained with the Coffs Harbour Local Growth Management Strategy 2020.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans)</p>	<p>Yes</p>	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>This proposal does not seek to permit or prohibit development for the purposes of a caravan park or manufacture homes estate.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposal does not seek to amend home occupation provisions under Coffs Harbour LEP 2013.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>

S9.1 Direction	Applicable	Consistent	Comment
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>Part of this proposed LEP amendment is to strengthen the aims of Coffs Harbour LEP 2013, with a new aim being 'To provide for active living and connectivity through the provision of healthy built environments,'.</p> <p>The proposed LEP amendment also proposes updates to relevant land use zone objectives for various zones within Coffs Harbour LEP 2013 to accord with Council's adopted vision for its Place and Movement Strategy (currently in development with the NSW Government), proposing a new objective for most zones: 'To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure'.</p> <p>These updates are intended to embed the adopted place-making framework and Compact City growth model into the aims of the Coffs Harbour LEP 2013; and to ensure that connectivity is a key consideration in planning for development.</p> <p>The proposed LEP amendment is not inconsistent with the objectives of the planning direction.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>This planning proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	<p>Applies when a relevant planning authority prepares</p>	Yes	<p>The proposed LEP amendment does not contain provisions that</p>

S9.1 Direction	Applicable	Consistent	Comment
	a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.		contradict or hinder the objectives of this planning direction. This proposed LEP amendment will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Yes	The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction. The acid sulfate soil provisions of the Coffs Harbour LEP 2013 will remain unchanged.
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.	Yes	The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction. The proposed LEP amendment is unlikely to impact on any mine subsidence area.
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. A planning proposal must include provisions that give	Yes	The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction. The proposal will apply to aims and objectives of the plan, and thereby affecting land identified as being flood prone across the LGA.

S9.1 Direction	Applicable	Consistent	Comment
	<p>effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard 		<p>However, the flood prone land provisions of Coffs Harbour LEP 2013 will remain unchanged.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>areas), roads or exempt development.</p> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
4.4 Planning for Bushfire Protection	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 56 of the Act, and</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposal will apply to aims and objectives of the plan, and thereby affecting land identified as being bushfire prone across the LGA. However, the bushfire protection provisions of Coffs Harbour LEP 2013 will remain unchanged.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, 		

S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>		
5. Regional Planning			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p>(4) A planning proposal that applies to land located on</p>	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposal will not affect commercial or retail land along the Pacific Highway.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>“within town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within district centres rather than spread along the Highway; (b) development with frontage to the Pacific Highway must consider impacts that the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “within town” means areas which prior to the draft LEP have an urban zone (e.g. Village, residential, tourist, commercial and industrial etc.) and where the Pacific Highway is less than 80km/hour. <p>(5) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction. (b) development with frontage to the Pacific Highway must 		

S9.1 Direction	Applicable	Consistent	Comment
	<p>consider the impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc.) or are in areas where the Pacific Highway speed limit is 80 km/hour or greater.</p> <p>(6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the highway interchange(s) at those localities.</p>		
5.10 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>Part of this proposed LEP amendment is to strengthen the aims of Coffs Harbour LEP 2013 and to update relevant land use zone objectives to incorporate additional strategic planning matters to better incorporate the objects of the</p>

S9.1 Direction	Applicable	Consistent	Comment
			<p><i>Environmental Planning and Assessment Act 1979</i>; the directions and actions of the North Coast Regional Plan 2036; and the actions contained within Council's adopted Coffs Harbour Local Growth Management Strategy 2020, which is also aligned to the North Coast Regional Plan 2036.</p> <p>The proposed LEP amendment is consistent with the relevant goals, directions and actions within the North Coast Regional Plan 2036 as outlined in Part 3 Section B (4) of this planning proposal.</p>
5.11 Development of Aboriginal Land Council Land	This direction applies when a planning authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019; or an interim development delivery plan published on the Department's website on the making of this direction.	N/A	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed LEP amendment does not affect land shown on the Land Application Map for <i>State Environmental Planning Policy (Aboriginal Land) 2019</i>; or an interim development delivery plan published on the Department's website on the making of this direction.</p>
6. Local Plan Making			

S9.1 Direction	Applicable	Consistent	Comment
6.1 Approval of Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and 		<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed LEP amendment does not include any concurrence, consultation or referral provisions, nor does it identify any development as designated development.</p>

Sg.1 Direction	Applicable	Consistent	Comment
	(i) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	Yes	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The proposed LEP amendment does not amend any LEP maps, nor does it create, alter or reduce existing zonings or reservations of land for public purposes.</p>
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already</p>	N/A	<p>The proposed LEP amendment does not contain provisions that contradict or hinder the objectives of this planning direction.</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The proposed LEP amendment does not seek to impose restrictive site specific controls.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>		