



IIRF 21/1562

Gateway determination report – PP-2021-2733

Amend Port Macquarie-Hastings LEP 2011 to rezone Lots 1-52 DP 776681, Sancrox (collectively known as Le Clos Sancrox) from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.

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Relevant reports and plans

Planning Proposal PP-2020-2733 (Council ref: PP2019-2.1, date: 30/03/2021)

Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036

Draft Fernbank Creek and Sancroix Villages Structure Plan

North Coast Regional Plan 2036

1 Planning proposal

1.1 Overview

LGA	Port Macquarie-Hastings Council
PPA	Port Macquarie-Hastings Council
NAME	Le Clos Sancrox (725 lots, 22 jobs)
NUMBER	PP-2021-2733
LEP TO BE AMENDED	Port Macquarie-Hastings LEP 2011
ADDRESS	Le Clos Sancrox
DESCRIPTION	Lots 1-52 DP 776681
RECEIVED	9/04/2021
FILE NO.	IRF21/ 1562
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is:

- to modify land zoning, minimum lot size, floor space ratio and height of buildings provisions in relation to a number of land holdings collectively known as Le Clos Sancrox.

The intended outcome of the planning proposal is to facilitate a change in land use from rural to urban and environmental including medium density and general residential, public open space, business, environmental conservation, environmental management and environmental living. This change is intended to facilitate the development of a variety of residential and supporting uses and to conserve areas of high environmental value within the site.

The objectives of the planning proposal are considered adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Port Macquarie-Hastings Council LEP 2011 per the changes below:

Control	Current	Proposed
Zone	RU1 Primary Production	R1, R3, B2, E2, E3, E4 & RE1
Maximum height of the building	Nil	R3 – 11.5m B2 – 11.5m R1 & RE1 – 8.5m E2, E3 & E4 - Nil
Floor space ratio	Nil	R3 – 1.00 B2 – 1.00 R1 & RE1 – 0.65 E2, E3 & E4 - Nil
Minimum lot size	40ha	R1, R3, B2 & RE1 - 450 E2 & E3 – 40ha E4 - 2000
Number of lots/area	RU1	R1 - 683, 73.2ha R3 - 42, 2.3ha B2 - 1ha E4 – 3, 1.5ha (existing dwellings)

The explanation of provisions within the planning proposal is not considered to be adequate in that the current and proposed zoning, minimum lot size (MLS), floor space ration (FSR) and height of buildings (HoB) can only be determined by referring to the maps in the Appendix. It is recommended that prior to exhibition, the planning proposal be amended to include a table which clearly indicates the current and proposed changes to zoning, MLS, FSR and HoB, including an approximate area of the proposed zone changes, to ensure that the explanation of provisions adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal relates to Lots 1 – 52 DP 776681, Sancrox collectively known as Le Clos Sancrox.

The site is located on the southern side of Sancrox Road, approximately 1.3km from the Pacific Highway to the east. Sancrox Road links to Port Macquarie approximately 13km to the east and approximately 6.4km west to Wauchope (Figure 1).

The site includes the following features:

- storage building in north-west corner;
- Le Clos Sancrox Road along the eastern boundary;

- 46 residential building blocks with frontage to Le Clos Sancrox Road;
- 46 bush blocks, each connected to a residential building block;
- 3 dwellings on residential building blocks;
- previous viticulture infrastructure and small outbuildings associated with the rural use of the land; and
- the remainder of the site not containing dwellings is primarily cleared and currently utilised for grazing of cattle.

A number of drainage lines dissect the site falling towards Sancrox Road. Le Clos Sancrox is part of the previous wider Cassegrain vineyards and has an active development consent in place being DA 50/87 issued on 8 April 1987 subject to conditions, for the creation of 46 rural home site and viticulture allotments and support allotments.

The subject site is subject of a Moratorium of development on the site, which will be resolved by way of this planning proposal. Council has resolved to proceed with a site-specific planning proposal for the subject site in parallel with the wider Outline Planning for the Fernbank Creek – Sancrox area.

The subject land has been identified as an Investigation Area within the Port Macquarie - Hastings Urban Growth Management Strategy (Figure 3) for potential residential landuse. Within the North Coast Regional Plan 2036 (NCRP) however, the site is located outside the Urban Growth Area (Figure 3). An assessment under the NCRP Urban Growth Area Variation Principles (Appendix) is contained in section 3 of this report.

To the north of the site is Verdun Estate which was also part of the previous vineyard land and has recently been rezoned by Council to large lot residential. To the north is a range of rural-residential dwellings and an animal boarding and breeding establishment. To the north-east of the site is Sancrox Quarry and further along Sancrox Road is Expressway Spares, which is part of a future industrial land investigations area. The site is generally surrounded by rural land, noting that extensive clearing has occurred on the land to the east recently (Figure 4).

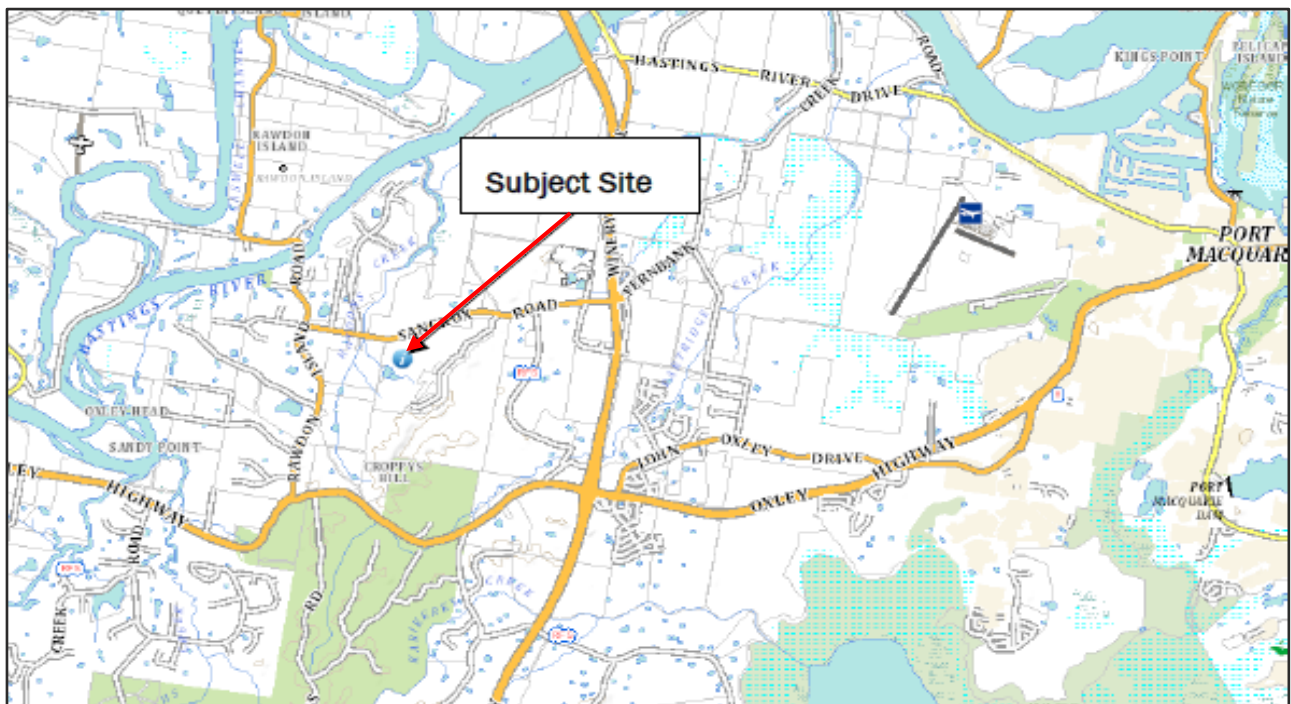


Figure 1 Subject site (source: Planning Proposal)



Figure 2 Site context and proposed layout (source: Planning Proposal Appendix M - Social Impact Assessment, Land Dynamics)

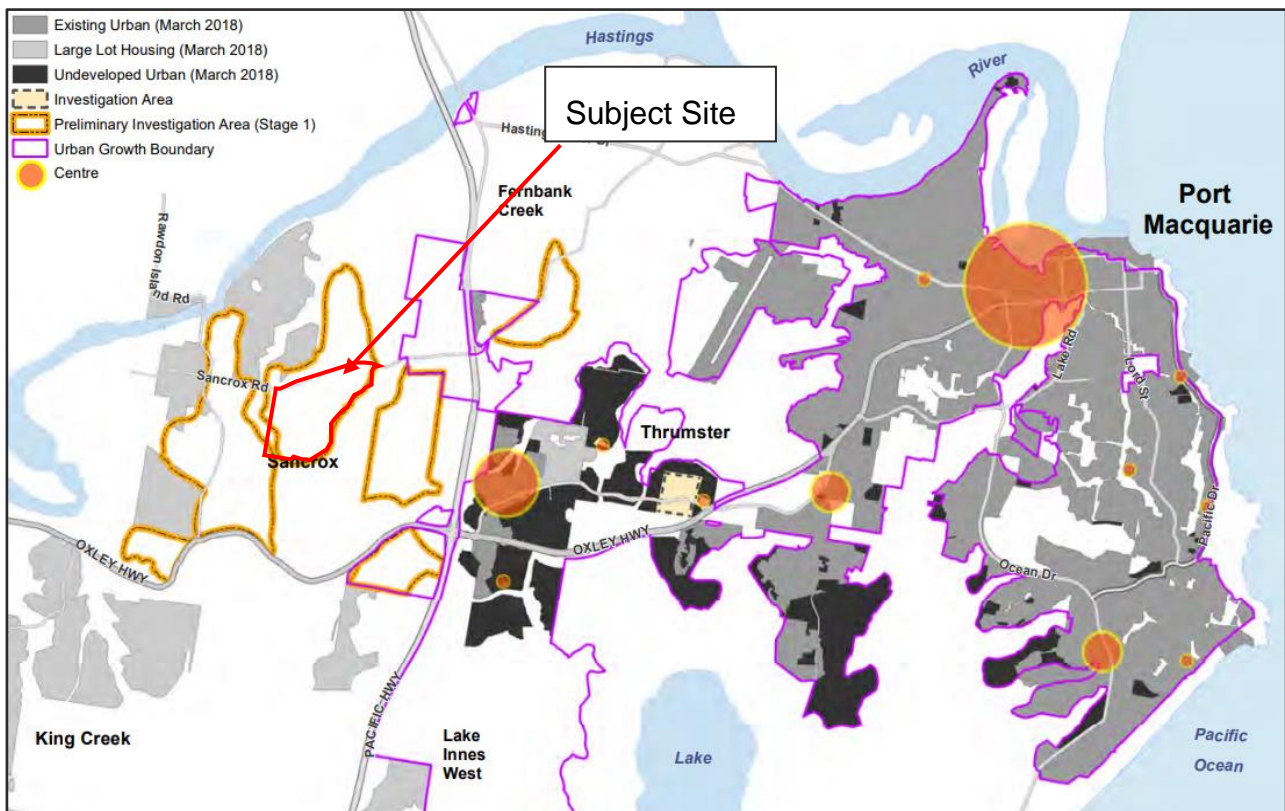


Figure 3 - Subject site within the UGMS 2017-2036 showing Preliminary Investigation Area (source: planning proposal)

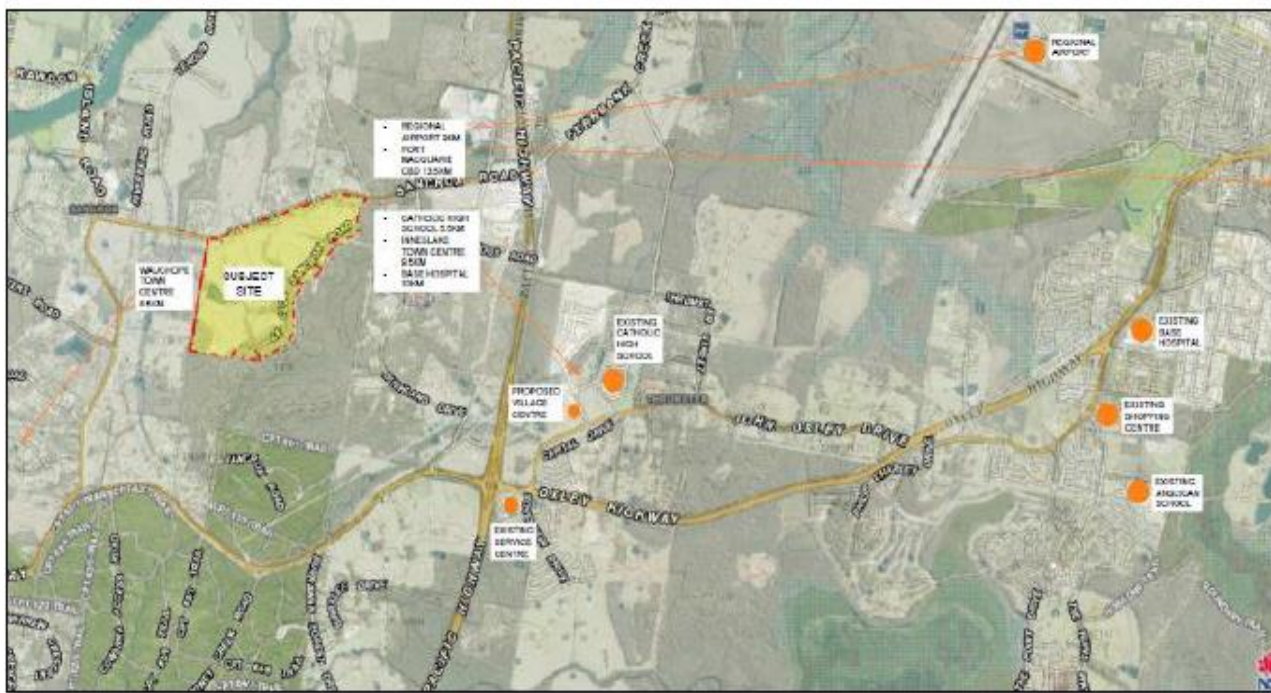
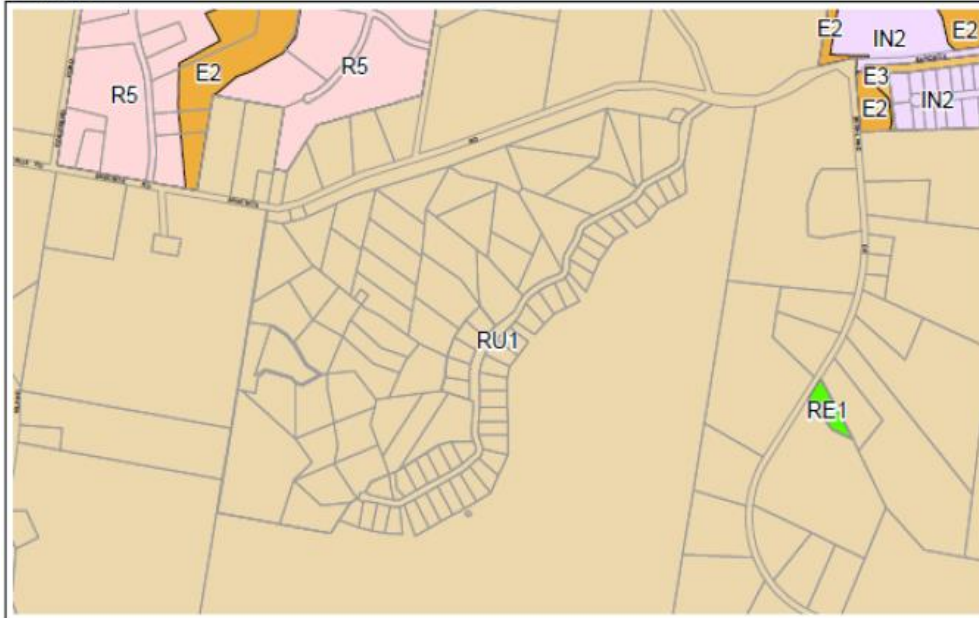


Figure 4 - Broadscale context of subject site (source: Planning Proposal Appendix M - Social Impact Assessment, Land Dynamics)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Port Macquarie-Hastings LEP 2011 land zoning (Figure 5), MLS (Figure 6), FSR (Figure 7) and HoB (Figure 8) maps. The maps are considered suitable for community consultation. However, maps consistent with the Standard Technical Requirements will need to be prepared before the making of the LEP amendment.

Current



Zone Codes

	B2 Local Centre		E4 Environmental Living		R3 Medium Density Residential
	E2 Environmental Conservation		IN2 Light Industrial		R5 Large Lot Residential
	E3 Environmental Management		R1 General Residential		RE1 Public Recreation
			RU1 Primary Production		

Proposed

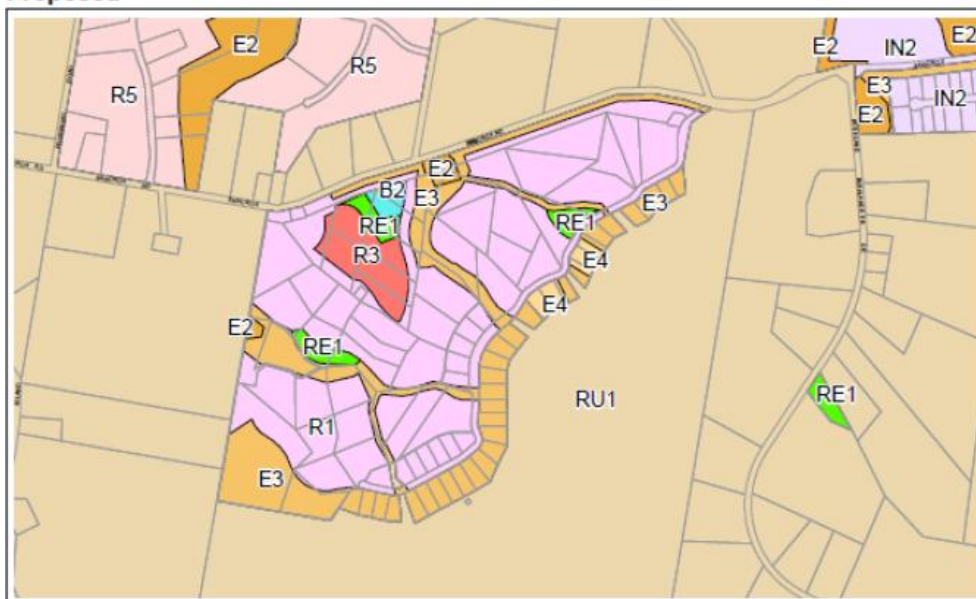
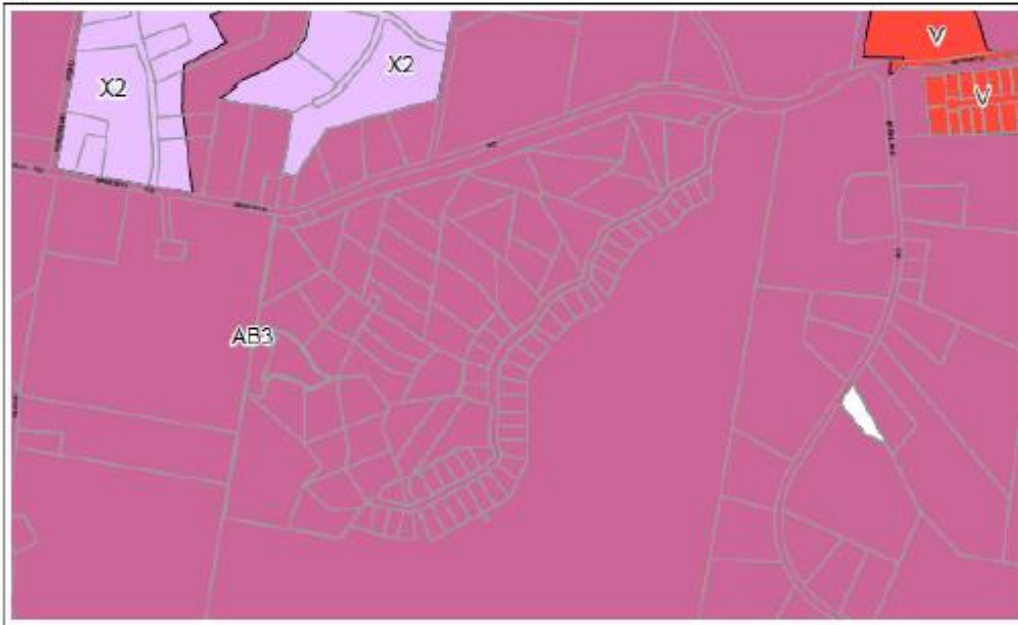


Figure 5 - Current and Proposed LZN Maps (source: Planning proposal)

Minimum Lot Size

Current



Minimum Lot Size

■ G 450	■ X2 8000
■ V 2000	■ AB3 40 ha

Blank - no maximum

Proposed

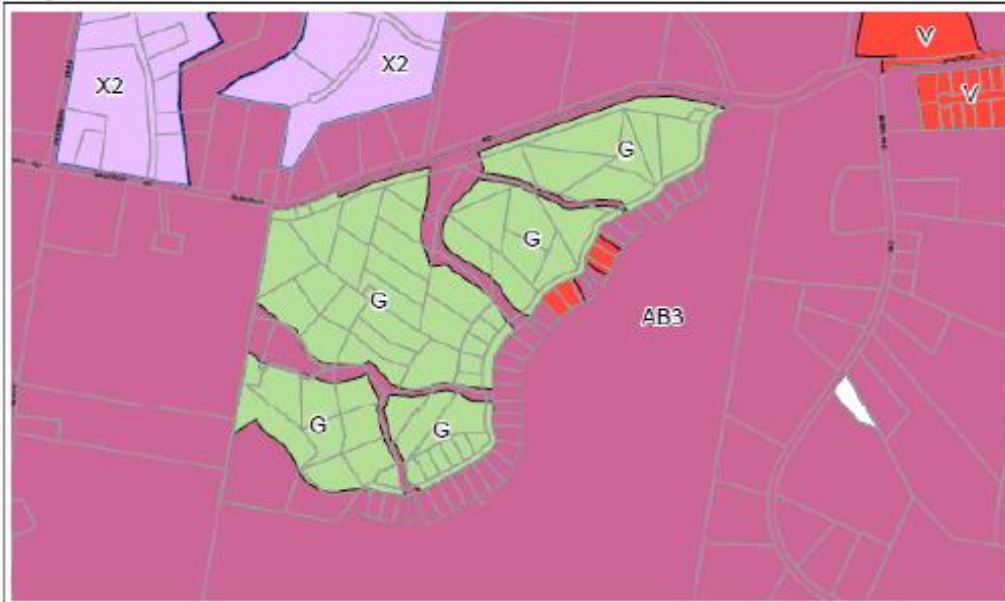




Figure 6 - Current and Proposed LSZ Maps (source: planning proposal)

Current**Maximum Floor Space Ratio (n:1)**

	G	0.65
	N	1.00
Blank - no maximum		

Proposed

Figure 7 - Current and Proposed FSR Maps (source: planning proposal)

Current**Maximum height of buildings**

 I	8.5m	 L	11.5m
Blank - no maximum		 N2	14.5m

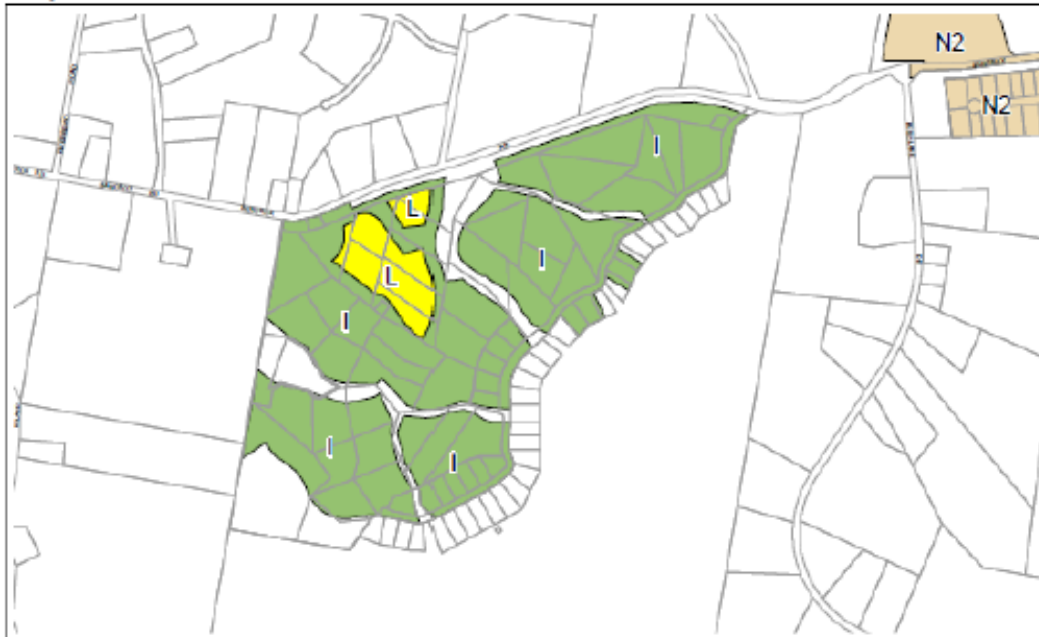
Proposed

Figure 8 - Current and Proposed HoB Maps (source: planning proposal)

2 Need for the planning proposal

The Port Macquarie - Hastings Urban Growth Management Strategy (UGMS) 2011-2031 was endorsed by the Department in November 2018. Approval for the strategy was subject to the following conditions and enables Council to undertake the identified investigations and prepare structure plans and planning proposals to implement its recommendations:

- the potential release areas outside the urban growth areas identified in the North Coast Regional Plan 2036 are endorsed only for investigation;
- changes to the regional plan urban growth area boundaries to include the release areas will not be made until the investigations have been completed and appropriate structure plans are endorsed by the Department of Planning and Environment (or individual planning proposals can demonstrate consistency with the regional plan and the urban growth area variation principles); and
- detailed assessment of site-specific development constraints such as proximity to mineral resources, regionally significant farmland and potential high-environmental-value land in relation to release areas will be required at the structure plan or planning proposal stage to confirm consistency with relevant state environmental planning policies and section 9.1 Directions and the suitability of the land for development.

The UGMS identified rural residential investigation of Le Clos Sancrox as an immediate action to facilitate the potential long-term growth of Port Macquarie. Having regard to the conditions imposed on the UGMS above, initial planning investigations of the area were followed by the development of an Issues Paper and formation of a Reference Group in 2011.

This planning proposal and the wider Fernbank Creek and Sancrox Planning Investigation is a subsequent outcome of a Resolution of Council when adopting UGMS 2017-2036, which identified the area as a '*Preliminary Investigation Area*'. At its Ordinary Meeting of 20 February 2019, Council Resolved to invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning (the Fernbank Creek and Sancrox Planning Investigation) in order to assist in informing the planning process.

The Fernbank Creek and Sancrox Planning Investigation and the subsequent draft Fernbank Creek and Sancrox Villages Structure Plan will enable Council to meet the strategic planning obligations imposed by the UGMS endorsement conditions. These conditions require that changes to the regional plan urban growth area boundaries will not be made until the investigations have been completed and appropriate structure plans are endorsed by the Department of Planning and Environment (or individual planning proposals can demonstrate consistency with the regional plan and the urban growth area variation principles). As Council has resolved to undertake and exhibit the Structure Plan concurrently with the planning proposal, it is yet to be endorsed by the Department.

The planning proposal is considered the best means of amending Port Macquarie-Hastings Council LEP 2011 to bring into effect the objectives and intended outcomes for the subject site which are to amend the zoning, MLS, FSR and HoB provisions so that use of the land may be undertaken for residential, public open space, environmental and business purposes.

3 Strategic assessment

3.1 Regional Plan

The relevant Regional Plan for this planning proposal is the North Coast Regional Plan 2036 and it has identified that “*The regional cities of Tweed Heads, Lismore, Coffs Harbour and Port Macquarie are the primary growth anchors, delivering new jobs, and more diverse housing as well as high quality essential services*”.

In particular, the NCRP states the following regional priorities as relevant to the proposal:

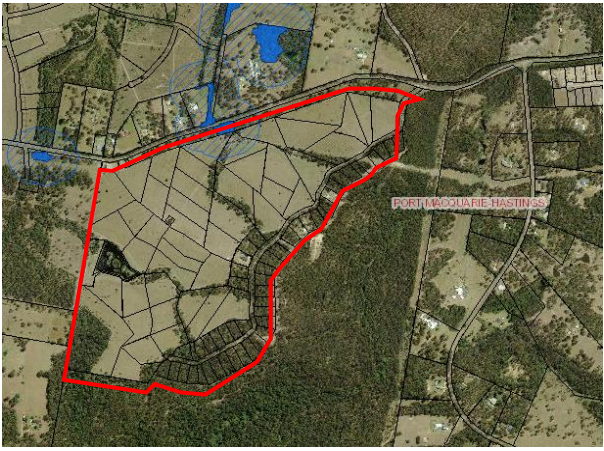
- Deliver housing and job opportunities In Port Macquarie, Wauchope, lake Cathie, Bonny Hills and Camden Haven; and
- Protect environmental assets and important farmland areas that sustain the agricultural and tourism industries.

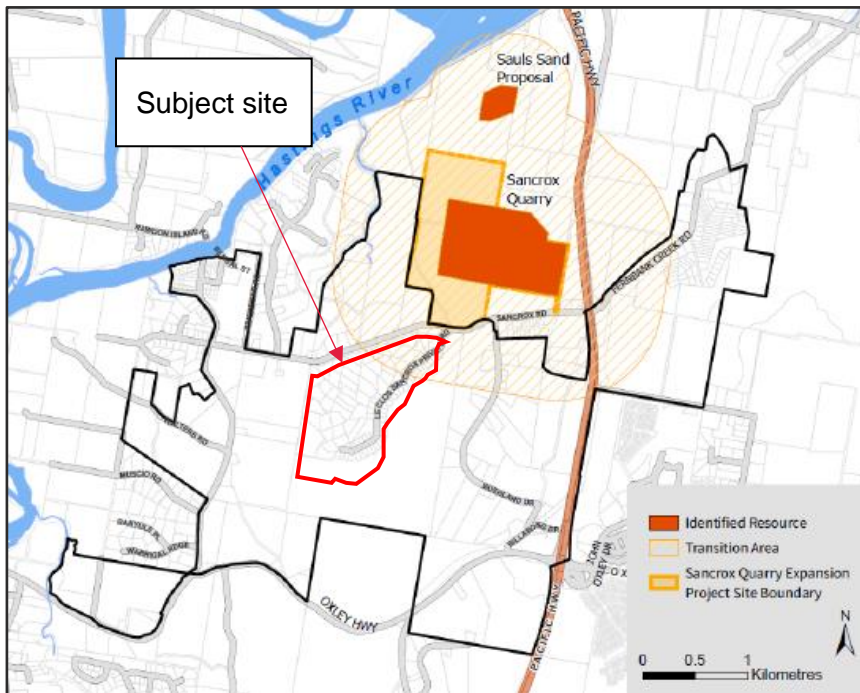
Whilst the subject site is located outside of the urban investigation area boundaries identified in the NCRP, in response to the need for additional housing stock identified in the Regional Strategy, the subject site provides an opportunity to accommodate additional housing without adverse environmental impacts or loss of agricultural land given that the site has not been utilised as a vineyard for approximately 30 years.

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan.

Regional Plan Objectives	Justification/Consistency
Direction 1: Deliver environmentally sustainable growth	<p>The planning proposal is considered consistent with this Direction. Proposed development has been focused to areas of least biodiversity sensitivity, with consideration of the ‘avoid, minimise, offset’ principles. The subject site is not flood prone, mapped as important farmland and no areas of known Aboriginal Heritage Significance are proposed to be impacted upon. Bush fire constraints have been considered to ensure compliance with Planning for Bush fire Protection 2019.</p> <p>Areas of the subject site which contain significant environmental values will be protected by the proposed environmental zoning.</p> <p>The site is located west of the Pacific Highway and outside the coastal area.</p> <p>Despite the site being relatively free of site-specific constraints, the planning proposal is considered to be inconsistent with this Direction as growth is planned outside of the mapped urban growth areas. The NCRP allows for variations to the urban growth area boundary where strategic planning or planning proposals (rezoning) can justify the variation by addressing the Urban Growth Area Variation Principles in Appendix A. The proposal’s consideration of these principles is detailed in Table 5.</p>
Direction 22: Deliver greater housing supply	<p>The NCRP estimates that the Port Macquarie - Hastings LGA will need to deliver an additional 8,800 dwellings to meet the regions projected housing needs.</p> <p>The subject site has been identified in Council’s UGMS as a potential long- term growth area and in response to this, the planning proposal will deliver approximately 683 new lots.</p>

Direction 23: Increase housing diversity and choice	The proposal aims to rezone the most suitable parts of the land to a mix of general residential and medium density residential. The provision of an additional 683 new lots within a range of zones will assist in delivering housing diversity and therefore meet the needs of a changing population and support the reduction of household size.
Direction 25 Deliver more opportunities for affordable housing	The proposal will help to deliver more opportunities for affordable housing also enabling a greater variety of housing types.

Urban Growth Area Variation Principles	Justification
Policy	<p>The proposal is considered to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036, relevant Section 9.1 Directions, applicable State Environmental Planning Policies and Council's Urban Growth Management Strategy. Identification of the area within the UGMS (known as the Fernbank Creek and Sancrox Planning Investigation Area) is currently being strategically supported by development of the draft Fernbank Creek and Sancrox Villages Structure Plan as required by the conditions of the Department's endorsement of the UGMS.</p>
Infrastructure	<p>The road network, transport and servicing of the site and the wider area has been considered in by a number of specialist reports and plans. It has been determined that upgrades can be provided without relying upon adjoining private landowners and can service the wider area.</p>
Environmental and Farmland Protection	<p>Ecological assessment and constraints planning have been undertaken to inform the proposed LEP provisions. This assessment has found that the site contains threatened species and their habitats along with a confirmed and a mapped endangered ecological community (EEC). In order to avoid impacts to these species, large areas of ecological value will be protected, and corridors created to provide connections to large areas of ecological significance on adjoining land. Development will be focused to areas of least biodiversity sensitivity with the designation of two areas of identified endangered ecological communities within the site as E2 Environmental Conservation.</p> <p>SEPP (Coastal Management) 2018 mapping identifies a small portion of land along the northern boundary of the site as being affected by coastal wetlands and proximity area to coastal wetlands (Figure 9). Development is not precluded from this area, but any future development application will be designated development. Given the location on Sancrox Road, opposite an unformed road and as it is a low point on the site and with exceptional sight distance, the full extent of this area cannot be avoided by development. However, the environmental qualities in this area have been considered in the zoning layout, with application of the E2 zone around the coastal wetlands area.</p>  <p>Figure 9 - Subject site showing land mapped as Coastal Wetlands and Proximity Area for Coastal Wetlands (source: SEPP (Coastal Management) 2018 Maps</p>

	<p>The maps accompanying the current LEP do not identify the site as being affected by heritage. An Aboriginal Cultural Heritage Assessment has also been undertaken. The site is not mapped as Important Farmland under the NCRP.</p>
Land use conflict	<p>There are no active intensive commercial agricultural activities, sewerage treatment plants or waste facilities within the vicinity of the proposal. However, a quarry, which may be considered an incompatible land use, is located to the north-east of the site. A State Significant Development Application has recently been exhibited for an expansion of the quarry to the west of the existing quarry site (Figure 10).</p>  <p>Figure 10 – Subject site showing location of existing quarry and proposed expansion/transition area (source: Planning proposal)</p> <p>In relation to potential land use conflicts between the proposed Sancrox Quarry, the Sancrox Quarry Expansion Project and adjoining areas within the site, the Department of Regional NSW – Mining, Exploration and Geoscience, Geological Survey NSW (GSNSW) was consulted by Council in March 2020 in relation to the wider Fernbank Creek and Sancrox planning investigation. Council has also considered the Sancrox Quarry Expansion Project Environmental Impact Statement (EIS) (ERM 2019) in the preparation of the planning proposal.</p> <p>In its response, the Department advised that any determination of the Sancrox Quarry Expansion Project (SSD 7293) would likely see GSNSW place a 1km transition area (buffer) around any approved expansion disturbance area as the quarry uses blasting techniques and that this transition area would slightly encroach further into the proposal site (transition areas are an indicative area surrounding an identified resource and indicate an area that may possibly be impacted by potential activities associated with mining or quarrying operations).</p> <p>Whilst it is understood that the quarry expansion proposal may be refined in response to submissions received in relation to the public exhibition of the EIS, the EIS has been referenced as the best available source of information at the time that this planning proposal was developed.</p> <p>In relation to the potential impacts of the quarry expansion, the EIS identified that both construction and operational noise levels have the potential to exceed the</p>

	<p>applicable criteria, limits and thresholds if they are not suitably mitigated. The assessment also identified that blasting overpressure and vibration levels have a limited potential to exceed the applicable criteria. In addition to noise and vibration, the EIS assesses other potential impacts including air quality, hydrology, soil and water, traffic, social and amenity impacts which may occur as a result of the construction and operation of the quarry. In response to this, the EIS recommends a number of mitigation, management and monitoring options to reduce these potential impacts. Overall, it concluded that there were no significant environmental impacts identified during the preparation of the EIS that cannot be mitigated by appropriate mitigation and management strategies</p> <p>Notwithstanding the above, this planning proposal incorporates land use intensification within the vicinity of the quarry. As such, the potential impacts of quarry operations in relation to this proposed change in land use have been considered by Council, and the proposed zoning and concept layout provides a vegetated buffer to the existing quarry and any future expansion to assist in mitigating potential impacts.</p> <p>The wider area of Sancrox surrounding the site is currently zoned rural, as is the subject site currently. Given the progression of the wider Fernbank Creek and Sancrox Planning Investigation, it is reasonable to expect that the adjoining land to the north and west will be pursued for similar development in the future under the framework of the draft Fernbank Creek and Sancrox Villages Structure Plan. The land to the south and east is of high environmental value. As such, it would be reasonable to expect that land use in these locations will not change significantly in the future. Furthermore, the proposed zonings and concept layout provides for a vegetated corridor along much of these two boundaries which will provide a buffer to the environmentally significant land to the south and east, assisting with reducing any potential land use conflict.</p> <p>Further consultation with Mining, Exploration and Geoscience, Geological Survey NSW (GSNSW) is recommended.</p>
Avoiding risk	<p>The site is bush fire prone land and bush fire constraints, along with associated mitigation measures, have been identified through a Strategic Bush Fire Study to comply with Planning for Bushfire Protection 2019. This has included the zoning layout being developed having regard to the necessary Asset Protection Zones (APZs).</p> <p>The subject site is not mapped as being subject to flooding, containing acid sulfate soils, being highly erodible or having severe slope.</p>
Heritage	<p>The planning proposal is supported by an Aboriginal Cultural Heritage Assessment prepared by the Birpai Local Aboriginal Land Council. The assessment advised that there is no reason that the rezoning cannot proceed subject to:</p> <ul style="list-style-type: none"> • an Aboriginal Sites officer being present when excavation or clearing commences; and • at such time as development site works start, should any artefacts be turned up or located, Birpai LALC Aboriginal Site Officers are to be contacted immediately and work on site stopped pending further assessment. <p>In addition to the above, the maps accompanying the current LEP do not identify the site as being affected by heritage, nor the surrounding land. No State listed items are located within the vicinity of the site.</p> <p>Consultation with Heritage NSW and the Birpai Local Aboriginal Land Council is recommended</p>

Coastal Area	The site is located west of the Pacific Highway therefore this principal is not applicable.
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Having regard to the information above, it is considered that the planning proposal has satisfied the Urban Growth Area Variation Principles contained within the NCRP such that a variation to the undertaken.

3.2 Local

The proposal states that it is consistent with the following local plans (apart from Council's LSPS which hasn't been discussed) and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Local Strategies	Justification
Local Strategic Planning Statement	<p>Whilst Council has not discussed consistency of the planning proposal with the LSPS, it is considered to be consistent with the themes and planning priorities contained within the LSPS. In particular, the planning proposal will achieve the following Planning Priorities:</p> <ul style="list-style-type: none"> • PP1 - Protect, conserve and enhance our biodiversity, areas of high environmental value and our scenic & cultural landscapes while cultivating sustainable growth and development; • PP2 - Manage growth sustainably; and • PP 7 - Provide for a diversity of housing in the right locations <p>Prior to exhibition, it is recommended that the planning proposal be updated to include a discussion on the proposal's consistency with the LSPS.</p>

Port
Macquarie-
Hastings
Urban
Growth
Management
Strategy
2017-2036

The Port Macquarie - Hastings Urban Growth Management Strategy (UGMS) 2011-2031 was endorsed by the Department in November 2018. Approval for the strategy was subject to several conditions (detailed earlier) that enables Council to undertake the identified investigations and prepare structure plans and planning proposals to implement its recommendations. The Le Clos Sancrox site is identified as a '*potential long-term growth area*' within the UGMS.

The resolutions of Council, with the latest being 20 February 2019, required immediate commencement of Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS, and to invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.

The Fernbank Creek and Sancrox Planning Investigation and the subsequent draft Fernbank Creek and Sancrox Villages Structure Plan (Figure 11) will enable Council to meet the strategic planning obligations imposed by the UGMS endorsement conditions. These conditions require that changes to the regional plan urban growth area boundaries will not be made until the investigations have been completed and appropriate structure plans are endorsed by the Department of Planning and Environment (or individual planning proposals can demonstrate consistency with the regional plan and the urban growth area variation principles). As Council has resolved to undertake and exhibit the Structure Plan concurrently with the planning proposal, it is yet to be endorsed by the Department.

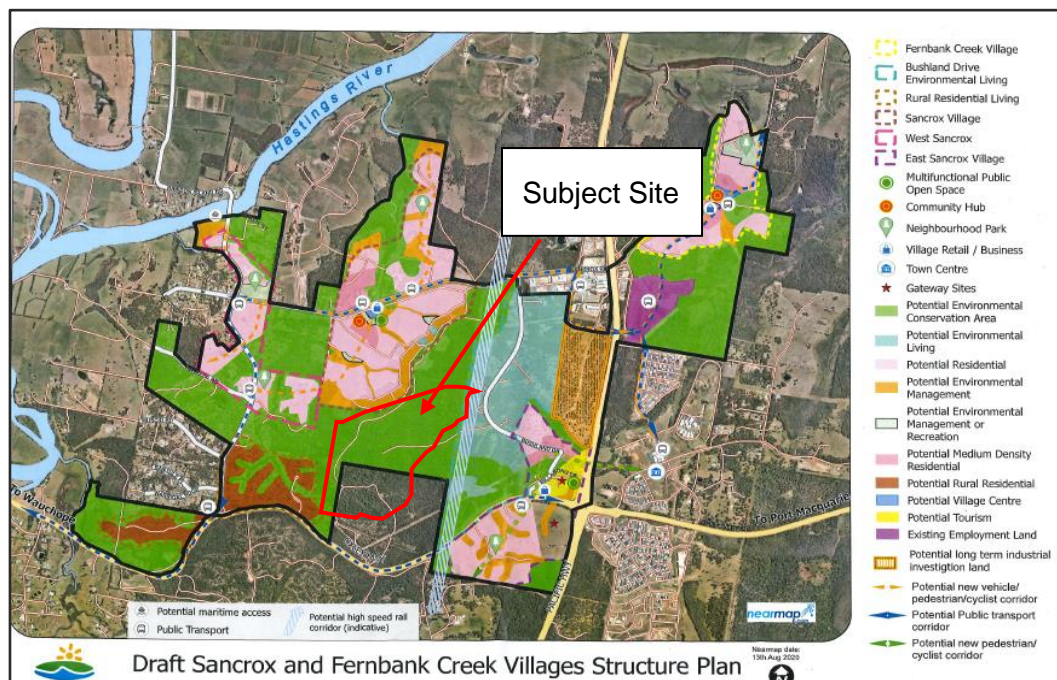


Figure 11 - Draft Sancrox and Fernbank Creek and Villages Structure Plan (source: PMHC)

3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions apart from the following:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	No - justifiably inconsistent	<p>This Direction applies as the planning proposal will affect land within a proposed business zone.</p> <p>The inconsistency with this Direction is considered to be of minor significance as the proposed area of B2 Local Centre zone is approximately 1ha in area and is unlikely to have a detrimental impact on either the Port Macquarie or Wauchope CBD's or other surrounding local centres as detailed in the accompanying Economic Impact Assessment.</p>
1.2 Rural Zones	No - justifiably inconsistent	<p>The proposal is inconsistent with this Direction as it proposes to rezone land from a rural zone to residential and business zones.</p> <p>This inconsistency is considered to be of minor significance as the planning proposal aims to undertake rezoning of the subject site in accordance with the recommendations of the UGMS. The UGMS has been endorsed by the Department subject to the following conditions:</p> <ul style="list-style-type: none"> the potential release areas outside the urban growth areas identified in the North Coast Regional Plan 2036 are endorsed only for investigation; changes to the regional plan urban growth area boundaries to include the release areas will not be made until the investigations have been completed and appropriate structure plans are endorsed, or individual planning proposals can demonstrate consistency with the regional plan and the urban growth area variation principles); and detailed assessment of site-specific development constraints such as proximity to mineral resources, regionally significant farmland and potential high-environmental-value land. <p>It is considered that the planning proposal has adequately justified the proposed variation to the Urban Growth Area boundary under the NCRP (see Part 3) and has provided a detailed assessment of the site showing it to be relatively</p>

		unconstrained in regards to bushfire, acid sulfate soils, Important Farmland, flooding, contamination and Aboriginal cultural heritage (subject to further assessment at the development application stage). Consultation with Department of Primary Industries – Agriculture and the Division of Biodiversity and Conservation is however recommended.
1.3 Mining, Petroleum Production and Extractive Industries	No	<p>This Direction applies as the proposed rezoning of the site and will have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.</p> <p>The Sancrox Quarry is located to the immediate north of the proposal. It is an identified mineral resource which supplies the construction industry with a range of products.</p> <p>Mineral resources have been considered in the development of the planning proposal with council previously undertaking consultation with GCNSW in relation to development of the draft Fernbank Creek and Sancrox Villages Structure Plan. Despite this, it is recommended that consultation again be undertaken with GSNSW and until this has occurred, consistency with this Direction remains unresolved.</p>
1.5 Rural Lands	No - justifiably inconsistent	<p>This Direction applies as the planning proposal will affect land within a rural zone and is unable to satisfy all the requirements of the Directions such as supporting farmers in exercising their right to farm and the Rural Subdivision Principles.</p> <p>This inconsistency is considered to be of minor significance as the proposed rezoning of the subject site is in accordance with the recommendations of the UGMS and additional studies indicate the site to be relatively unconstrained and not mapped under the NCRP as containing Important Farmland.</p>
2.1 Environment Protection Zones	No - justifiably inconsistent	<p>This planning proposal is inconsistent with this Direction as it effects land mapped as containing Potential HEV in the NCRP, Biodiversity Values as shown on the Biodiversity Values Map and EEC's under the Biodiversity Conservation Act 2016.</p> <p>The inconsistency with this Direction is considered to be of minor significance as the planning proposal is accompanied by a BDAR (summary of findings) that assess flora, and fauna and makes recommendations in relation to biodiversity credits. The site contains two EEC's (which will be protected by an E2 zoning), no threatened flora, limited potential for threatened fauna (due to the extensive cleared nature of the site) and does not</p>

		<p>contain core koala habitat under SEPP (Koala Habitat Protection) 2020. Further details are provided in Part 4.1 of this report.</p> <p>Consultation with BCD is recommended.</p>
2.2 Coastal Management	No – justifiably inconsistent	<p>This Direction is relevant to the planning proposal as the subject land contains land mapped as Coastal Wetlands and Proximity Area to Coastal Wetlands as identified by the SEPP (Coastal Management) 2018.</p> <p>The planning proposal is inconsistent with this Direction as it does not include provisions that give effect to and are consistent with the <i>Coastal Management Act 2016</i> and other documents specified by the Direction.</p> <p>The areas within the site mapped as Coastal Wetlands and Proximity Area to Coastal Wetlands have been considered in the layout of the proposed development and are proposed to be rezoned to E2 Environmental Conservation to ensure their protection. Development on land mapped as Proximity Area to Coastal Wetlands is not precluded but rather will become designated development at the development application stage.</p> <p>The inconsistency is considered to be of minor significance as the proposed rezoning is in accordance with the UGMS, coastal wetlands will be protected by an E2 zoning and the subject land as a whole is physically and spatially separated from any foreshore area or watercourses and is unlikely to impact on any coastal land or foreshore area.</p>
2.3 Heritage Conservation	No - justifiably inconsistent	<p>The planning proposal is inconsistent with this Direction as it does not contain provisions to facilitate the conservation of matters of Aboriginal heritage significance.</p> <p>The inconsistency with the Direction is considered to be of minor significance as the planning proposal is supported by an Aboriginal Cultural Heritage Assessment that found no reason from an Aboriginal Cultural and Heritage perspective that the rezoning cannot proceed. The subject site also does not contain any items listed as having local or state heritage significance.</p> <p>Consultation with NSW Heritage and the relevant Local Aboriginal Land Council is however recommended.</p>
4.4 Planning for Bushfire Protection	No - inconsistent	<p>The proposal is inconsistent with this Direction as the site is identified as bushfire prone. Consultation</p>

		<p>with the NSW Rural Fire Service is required within the terms of the Direction.</p> <p>Consistency with this Direction will remain unresolved until consultation has been undertaken</p>
5.10 Implementation of Regional Plans	No – justifiably inconsistent	<p>The planning proposal is considered to be inconsistent with this Direction as whilst the site has been identified in an endorsed strategy for further investigation, the subject site is located outside the Urban Growth Area boundary and contains land mapped as containing Potential HEV in the NCRP.</p> <p>The inconsistency with this Direction is considered to be of minor significance as the planning proposal has adequately addressed the Urban Growth Area Variation Principles in the NCRP and is supported by a BDAR (summary of findings) which found the site to contain two EEC's (which will be protected by an E2 zoning), no threatened flora, limited potential for threatened fauna (due to the extensive cleared nature of the site) and no core koala habitat under SEPP (Koala Habitat Protection) 2020. Further detail regarding the biodiversity values of the site are discussed in Part 4.1 of this report.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Coastal Management) 2018	This SEPP applies as part of the subject site has been mapped as containing Coastal Wetlands and Proximity Area to Coastal Wetlands under the SEPP	Yes	<p>It is proposed to apply an E2 - Environmental Conservation zoning to the mapped coastal wetlands area.</p> <p>It is considered that the planning proposal has adequately addressed the coastal wetlands and proximity area to coastal wetlands with mitigation measures able to be implemented at the development application stage of the proposal.</p>
SEPP (Koala Habitat Protection) 2020	This SEPP applies as the Port-Macquarie-Hastings LGA is listed in Schedule 1 of the SEPP and the land contains potential Koala habitat.	Yes	<p>The planning proposal is supported by an Ecological Assessment which has found that the site, whilst containing potential Koala habitat, does not constitute core koala habitat, that being:</p> <p><i>‘an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population’</i></p> <p>A combination of a grid-based Spot Assessment Technique (SAT) survey, spotlighting and call playback failed to detect any Koalas. Extensive ecological investigations undertaken as part of the Sancrox Structure Plan in 2015 however identified a sub-regional connection in a north-south direction to the east of the site and a local connection through the centre of the site and as such the footprint of the future residential subdivision and associated proposed zonings has been manipulated to allow for increased koala food tree retention and creation of corridor links.</p>

SEPP 55 Remediation of Land	This SEPP applies as the planning proposal seeks to rezone land for residential and business purposes	Yes	The planning proposal is supported by a Stage 1 Site Contamination Assessment. This assessment has found the site to be appropriate for proposed residential development from a site contamination perspective provided the recommendations and advice of the report are adopted at the development application stage.
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4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Environmental Impact	Assessment
Biodiversity	<p>The planning proposal was supported by summary of findings of the Biodiversity Development Assessment Report (BDAR) which provided an assessment of the Avoid/Minimise/Offset principles under the <i>Biodiversity Conservation Act 2016</i>; mitigation measures; and a preliminary overview assessment of other statutory obligations for the proposed development. This summary states that detailed information will be provided in the Biodiversity Certification Assessment Report (BCAR), which is to be prepared after approval of planning proposal for a final development concept for which bio-certification is to be sought.</p> <p>Assessment of the ecological constraints of the site identified the following (Figure 12):</p> <ul style="list-style-type: none"> three Plant Community Types (PCT) were identified (one artificial being the aquatic vegetation in the large dam and the other two forest PCTs showing high levels of historical disturbance i.e. past logging, total clearing and more recently cattle grazing. an EEC within the development envelope (limited areas only) – <i>Swamp Oak Swamp Forest on Coastal Floodplain</i> however PMHC EEC mapping also maps the vegetation around the ephemeral watercourse in the southwest corner of the site as an EEC – <i>River-flat Eucalypt Forest on Coastal Floodplains</i>. no threatened flora. limited potential for threatened fauna due to the extensively cleared nature of the site.

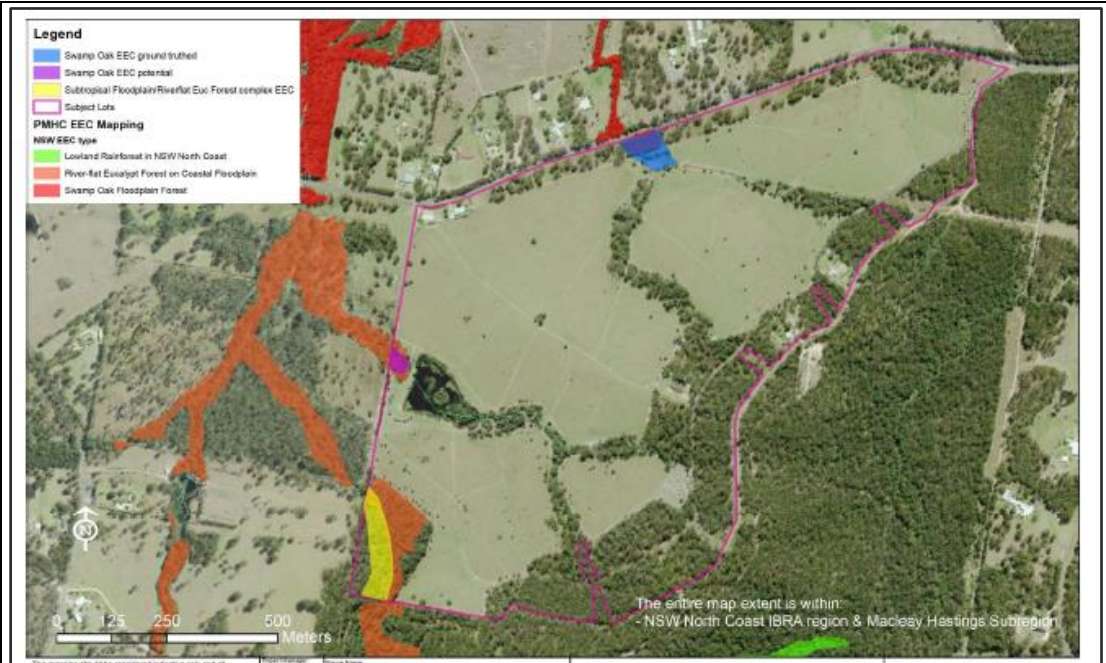


Figure 12 - EEC's on site (source: JB Enviro)

The planning proposal has sought to protect these areas of environmental significance through the adoption of an E2 - Environmental Conservation Zone.

Part of the subject land is also mapped as containing Potential High Environmental Values (HEV) under the NCRP (Figure 13) with Figure 14 showing where vegetation in this area will be lost and offset as a result of the proposed development. Whilst the BDAR found two EEC's on site, there was no threatened flora, limited potential for threatened fauna and no koala habitat that could be classified as core koala habitat under the relevant SEPP (see further detail following). The site has been extensively cleared being used for many years as a vineyard.

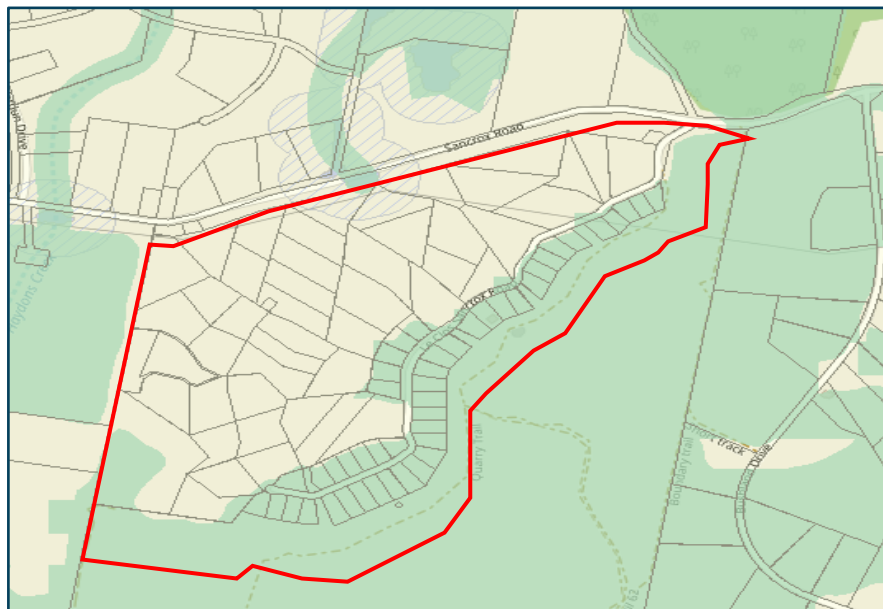


Figure 13 - Potential HEV land (source: NCRP)

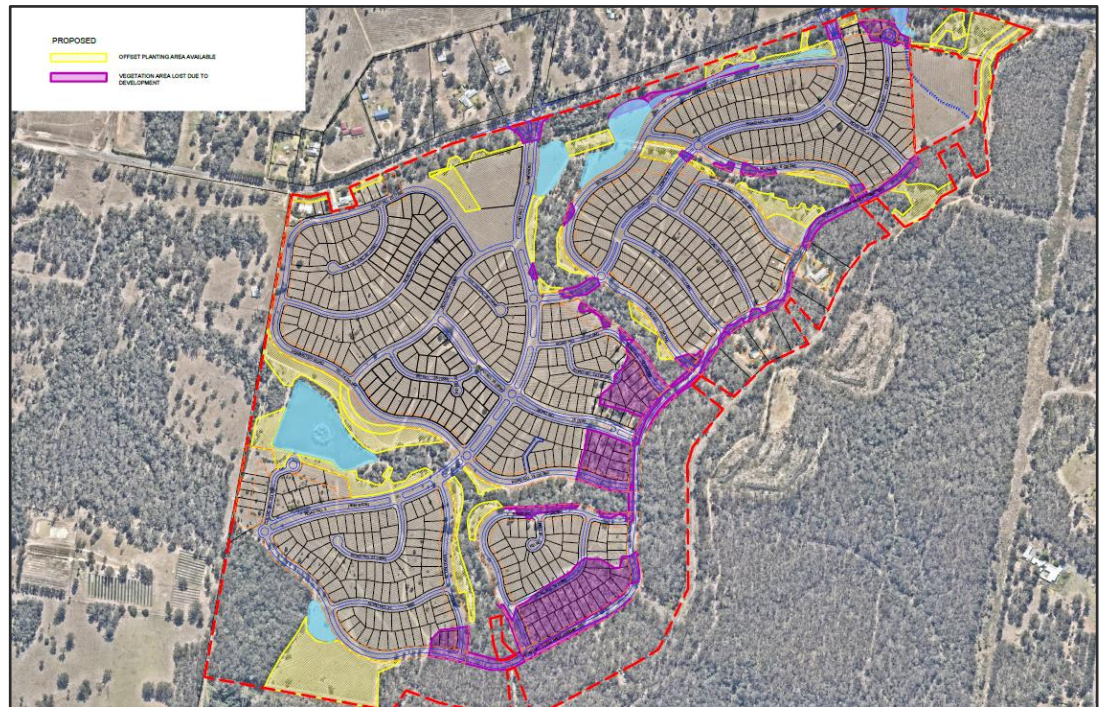


Figure 14 - Proposed vegetation offset areas (source: JB Enviro)

The site does contain koala habitat however a combination of a SAT survey spotlighting and call playback in the breeding seasons failed to detect any Koalas, despite adjacent land to the south and east being identified as Core Koala Habitat (low density Koala population). Notwithstanding this, the proposed development concept considers the potential for long term recovery of the local Koala population by:

- Converting the majority of the currently heavily forested parts of the site (much of which is currently zoned for large lot residential) to an Environmental zoning to protect it in perpetuity;
- Infill planting with native forest dominated by Koala food trees in the existing cleared area in the southwest to reinforce local and regional linkage values;
- Retaining and augmenting riparian zones to maintain local corridor values; and
- Utilising best practice for road crossings of riparian zones to provide for Koalas to pass under the roads

This proposal is not considered to require referral to the Department of Environment and Energy for approval under the Environment Protection and Biodiversity Conservation Act 1999. Consultation is however recommended with BCD.

Bushfire

The site is identified as being bush fire prone. The planning proposal is supported by a strategic bush fire study to ensure consideration of potential bush fire impacts and the implementation of appropriate mitigation measures in accordance with Planning for Bushfire Protection 2019.

The bush fire study has advised that appropriate asset protection zones (APZs) can be accommodated on site and this has informed the environmental zoned land boundaries and that the required APZs can and will be contained in residentially zoned land. The study has also found there to be no major constraints to the proposed residential occupation of the site as proposed as it is feasible to design and build resilience into the planned community that matches or exceeds the bushfire protection requirements provided for by NSW Rural Fire Service, Planning for Bushfire Protection, 2019.

	<p>The Rural Fire Service has been consulted in relation to the Fernbank Creek and Sancrox Planning Investigation, which incorporates Le Clos Sancrox proposal and advice provided to Council in relation to matters that should be taken into consideration in the preparation of the strategic bush fire study for the area.</p> <p>Despite previous consultation with RFS in relation to the Fernbank Creek and Sancrox Planning Investigation and the conclusion of the strategic bush fire study that the proposed rezoning of land does not pose any bushfire threat management risks which could not be resolved through the development planning process further consultation with RFS is recommended and required in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection.</p>
Coastal Wetlands	<p>SEPP (Coastal Management) 2018 mapping identifies a small portion of land along the northern boundary of the site as being affected by Coastal Wetlands and Proximity Area to Coastal Wetlands (Figure 9). Development is not precluded from the mapped area but rather any future development application will be designated development. Given the location on Sancrox Road, opposite an unformed road and as it is a low point on the site and with exceptional sight distance, the full extent of this area cannot be avoided by development. However, the environmental qualities in this area have been considered in the zoning layout, with application of a proposed E2 - Environmental Conservation zoning within the coastal wetlands area.</p> <p>It is considered that the planning proposal has adequately addressed the issue of Coastal wetland and Proximity to Coastal Wetlands with mitigation measures able to be implemented at the Development application stage of the proposal.</p>
Noise and Traffic	<p>The planning proposal was supported by a Noise Assessment which looked both noises generated at and into the site and noise concerns external to the site.</p> <ol style="list-style-type: none"> 1. <u>Noise from the Pacific Highway</u> This is considered to be below noise guidelines due to the distance of the Highway from the site. 2. <u>Traffic noise generated by the development</u> Whilst the development will generate traffic, modelled noise levels for existing residences are expected to be below the assessment criteria even with allowable increases (EPA's Road Noise Policy). For future residences, modelled noise levels are also below the assessment criteria with mitigation measures at the development application stage enabling this to be reduced further if needed. 3. <u>Animal Boarding</u> Located to the north, this landuse has the potential to be audible from the subject site. The existing nearest residential neighbour is approximately 200 m from the kennel. In the preliminary design of the development, the nearest residential components are also approximately 200 m from the kennel. If the kennel noise to existing residential neighbours meets the target levels of the New South Wales Noise Policy for Industry, then it will also comply with those targets at future residences. Further noise assessment and potential design mitigation measures incorporated into the development at the development application stage may be required. 4. <u>Proposed High Speed Rail (HSR)</u> Given the distance from the alignment to the nearest proposed lots, and that the railway line may be in cut at this location, it is probable that noise from the railway will comply with guidelines at residential lots.

	<p>HSR noise to a potential school, particularly if the school is located in the north-east corner of the site, may need to be considered with mitigation and design measures imposed on any such future landuse.</p> <p>5. <u>Quarry Operations (existing and proposed expansion)</u></p> <p>There is an existing quarry to the north-east of the subject site (Figure 10). The quarry has proposed an expansion and a noise assessment has been published as <i>Sancrox Quarry Expansion Noise and Vibration Impact Assessment</i>, August 2019 by ERM (The Quarry NIA). Recommendations from the associated EIS have also been considered in the planning proposal, bearing in mind that the expansion project may be refined in response to submissions.</p> <p>In relation to the potential impacts of the quarry expansion, the EIS identified that both construction and operational noise levels have the potential to exceed the applicable criteria, limits and thresholds if they are not suitably mitigated. The assessment also identified that blasting overpressure and vibration levels have a limited potential to exceed the applicable criteria. In addition to noise and vibration, the EIS assesses other potential impacts including air quality, hydrology, soil and water, traffic, social and amenity impacts which may occur as a result of the construction and operation of the quarry.</p> <p>Regarding the potential impacts identified above, the EIS recommends a number of mitigation, management and monitoring options to reduce such impacts.</p> <p>Overall, the EIS concluded that there were no significant environmental impacts identified during the preparation of the EIS that cannot be mitigated by appropriate mitigation and management strategies. In consideration of potential impacts, the proposed Le Clos Sancrox zoning and concept layout provides a vegetated buffer to the existing quarry and any future expansion to assist in mitigating potential impacts.</p> <p>If further potential acoustic impacts are identified at the development application stage, individual ameliorative measures can be investigated and implemented.</p>
Visual	<p>The site has frontage to Sancrox Road and will be visible to passers-by, as well as some nearby properties. In order to mitigate potential visual impacts, a vegetated corridor has been proposed between Sancrox Road and much of the proposed development within the site. In addition, the provisions of Council's Development Control Plan would apply to future development within the site, which would act to guide urban design outcomes.</p>
Aboriginal cultural heritage	<p>An Aboriginal Cultural Assessment was undertaken to support the planning proposal. This report found that:</p> <ul style="list-style-type: none"> • consultation with local Aboriginal peoples with a relationship to the area revealed no knowledge of occupation or cultural heritage associations with the subject land; • no material traces, evidence or expressed knowledge of Aboriginal use of the site were found; and • the proposed clearing is not considered to impact upon or have any significance for the local Aboriginal community and their cultural heritage.
Contamination	<p>A Site Contamination Assessment was undertaken to support the planning proposal. It has concluded that the site is suitable for the proposed residential use with regard to the presence of soil contamination provided the recommendations of the report are adopted and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements. It is considered that this can be adequately addressed at the development application stage. The planning proposal is</p>

	considered to be consistent with section 9.1 Direction 2.6 Remediation of Contaminated Land.
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4.2 Social and economic

A Social Impact Assessment, Economic Impact Assessment (SIA) and Land Supply and Demand Assessment has been undertaken to support the planning proposal.

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Social and Economic Impact	Assessment
Social	<p>The SIA aimed to analyse and manage the intended and unintended social consequences, both positive and negative, of the proposal. The SIA established that this could only occur at a high level with the rezoning.</p> <p>Potential negative impacts include:</p> <ul style="list-style-type: none"> • impacts on existing social cohesion of the existing community; • risk perception within the existing community (as identified from the community survey); • increased concentration of people in close proximity to each other and other local residents; • increased traffic and impact on road safety in local area; • impact on the existing character/identity of the local area; and • acoustic impacts for the new residents from the existing animal boarding establishment and the quarry. <p>The SIA concluded that the potential negative impacts associated with the proposal can be mitigated as part of the development application design and assessment process, as well as through appropriate ongoing site management and as part of a refinement of certain aspects of the site design.</p> <p>Potential positive outcomes include:</p> <ul style="list-style-type: none"> • a new residential area that incorporates liveability considerations such as pedestrian and cyclist connectivity throughout the development, a local town centre, connection through to existing employment land and the Thrumster town centre to the east and to other residential areas of the Fernbank Creek and Sancrox planning investigation area to the north and west; • a variety of housing forms within walking distance of the local centre and proposed bus stops with a portion of R3 zoned allowing for increased densities; • potential for a new school and child-care centre in the western portion of the site in the vicinity of the local business centre; and • employment generation within the small business zone, as well as through the construction phase for all zones; <p>The SIA found that the business component, even on the small scale proposed, is a key factor for creating a complete liveable, sustainable and healthy community and that the net benefit will be experienced beyond Le Clos Sancrox. The proposal aims to balance growth with the preservation of land</p>

	containing high biodiversity values whilst ensuring development achieves high levels of liveability.
Economic	<p>Key findings of the EIA (which only considered potential impacts from the planned business zoned land) are listed below:</p> <p>Potential negative impacts:</p> <ul style="list-style-type: none"> • potential impacts upon existing retail centres in the wider locality; • loss of land for housing; • the business land may be slow to develop; and • amenity impacts from the business use adjoining residential uses. <p>Potential positive benefits:</p> <ul style="list-style-type: none"> • there is unlikely to be an adverse impact upon the retail hierarchy of Port Macquarie given the small scale proposed; • there is a strong need for a neighbourhood or local centre between Thrumster and Wauchope and the proposed zoning addresses a shortfall at the lower end of the hierarchy following the closure of the former Sancrox Corner Store; • the local or neighbourhood centre will service existing residents, as well as the new population from Le Clos Sancrox and the remainder of the Sancrox area once developed; • the potential economic impact will not threaten the viability or level of service presently enjoyed by residents and visitors but will enhance the overall level of service by providing a facility not presently available in this location. Any potential impacts are likely to be in the short term and would be made good through the provision of a new business centre; • the proposal (neighbourhood centre) will reduce car dependency due to its planned integration into the development of the new Le Clos Sancrox with good connectivity for walking and cycling and public transport; • the net benefit to the community in providing a local or neighbourhood centre within Le Clos Sancrox residential development is the key contribution to provision of a liveable community; • there will be an economic injection experienced by the businesses who operate from the proposed business land and the location and connections ensure easy access. <p>The EIA concludes that the proposed rezoning will have a positive economic impact, not only within the immediate Sancrox Area, but the wider LGA, through the provision of additional housing and employment land.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Infrastructure	Assessment
Local	<p>The site has frontage to Sancrox Road, which has access to the east to the Pacific Highway and Oxley Highway to the south via Rawdon Island Road.</p> <p>The traffic assessment accompanying this planning proposal does not identify the need for intersection upgrades at these major roads.</p> <p>Essential infrastructure currently available to the site includes water, electricity and telecommunications whilst sewer and stormwater infrastructure to service the site is available with infrastructure upgrades. Expected infrastructure upgrades will also include road works, bus stops, pedestrian pathways and cycleway, new intersections, new sewerage and water infrastructure and extension of services. Any additional future infrastructure requirements associated with the proposal identified through the wider Fernbank Creek and Sancrox Planning Investigation or any other Council, State or Federal Government investigation, plan or strategy would be required to be addressed at the developer's expense.</p> <p>The planning proposal has stated that development of the subject site is not expected to place additional unreasonable demand on open space or waste facilities, with wider impacts associated with these facilities and services also being considered as part of the wider Fernbank Creek and Sancrox Planning Investigation.</p> <p>In relation to service provision by local emergency and community services, consultation is required to be undertaken as part of the progression of this proposal and the wider Fernbank Creek and Sancrox Planning Investigation to identify any additional service requirements and associated mechanisms to facilitate such services.</p> <p>A number of the services would need to be upgraded to ensure capacity is met and this will require further detailed investigation.</p>
State	<p>The planning proposal aims to rezone approximately 105ha of RU1 zoned land to create an additional:</p> <ul style="list-style-type: none"> • 683 - R1 zoned lots; • 42 – R3 zoned lots; • 3 – E4 zoned lots; and • 1ha -B2 zoned land. <p>As a result of the large potential lot yield, this site may be determined to be Urban Release Area under Part 6 of Port Macquarie Hastings LEP 2011 and therefore trigger the need to make satisfactory arrangements for State Public Infrastructure contributions under clause 6.1.</p> <p>The planning proposal has not specifically addressed the potential need for State Public Infrastructure apart from a general discussion under the application of SEPP (Infrastructure) 2007. It will be necessary therefore that the Gateway determination be conditioned to ensure consultation with all relevant agencies to determine the potential need for State Public Infrastructure.</p>

5 Consultation

5.1 Community

Council to date, has undertaken considerable community consultation in regard to the draft Fernbank Creek and Sancrox Villages Structure Plan and the Social Impact Assessment accompanying the planning proposal. This has included internal Council consultation and direct community engagement and consultation with relevant government agencies through a public exhibition process of the draft structure plan. Council has indicated that feedback has been generally positive, but with amenity impacts such as noise from the nearby animal boarding establishment and quarry being of high concern. Matters raised during this initial consultation phase have been taken with the planning proposal being amended where necessary to address the issue.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

It should be noted that the Department has received correspondence from an adjoining landholder in relation to the planning proposal. This landholder is concerned not only about the transparency of the planning proposal process but the potential of the development to detrimentally impact their property access as well as creating future land use conflicts that could impact the future agricultural use of their land.

An amendment was undertaken to the planning proposal following Council's resolution to seek a Gateway determination to remove this land from the proposal. However, the draft Fernbank Creek and Sancrox Villages Structure Plan still includes the land, as it seeks to provide a broader planning picture and certainty around the strategic planning framework and future development of the Fernbank and Sancrox Planning Investigation Area as identified in the UGMS.

The Department has also received correspondence from an adjoining landowner in relation to the structure plan as Council has resolved to exhibit the draft structure plan together with the planning proposal. Due to the concern raised by the adjoining landowner in relation to the structure plan, it is recommended that Council decouple the structure plan from the planning proposal.

5.2 Agencies

Port Macquarie-Hastings Council has not nominated the public agencies to be consulted about the planning proposal. It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- NSW Department of Education
- Transport for NSW (TfNSW)
- Mid North Coast Health
- NSW Police
- NSW Ambulance
- NSW Fire and Rescue
- NSW Department of Justice
- DPIE - Biodiversity and Conservation Division (BCD)
- DPI - Agriculture
- Essential Energy
- Birpai Local Aboriginal Land Council
- NSW Heritage

- Mining, Exploration and Geoscience Division of the Department of Regional NSW (GSNSW)

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority. However, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal to align with the Minister for Planning and Public Spaces announcement to issue a new section 9.1 Direction which will allow only the Minister to rezone land from a rural zone to an environmental zone.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the subject land is identified in the Port Macquarie-Hastings Urban Growth Management Strategy 2011 – 2031 as Investigation Area for potential residential land use;
- an assessment of the Urban Growth Area Boundary Variation Principles of the NCRP has been adequately demonstrated;
- rezoning of the subject land will assist in delivering Directions 1, 22 and 23 of the NCRP and thus assist in delivering environmentally sustainable growth, additional housing supply, diversity and choice;
- rezoning of the subject site will assist in achieving relevant planning priorities in council's LSPS;
- supporting studies have indicated the site to be relatively free of constraints and able to be adequately serviced.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- amend the property details on page 5 to reflect the correct DP number;
- detail in Part 1 the zones that the subject land will be rezoned to;
- provide greater detail in Part 2 how the objectives and intended outcomes in Part 1 will be achieved by listing the current and proposed zones, minimum lot size, floor space ratio and height of building provisions.
- include in Part 3 (B) (4) a discussion on the consistency of the planning proposal with Council's Local Strategic Planning Statement

9 Recommendation

It is recommended the Director, as delegate of the Secretary:

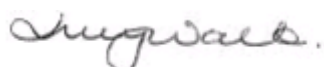
- Agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zone, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal

Management, 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land and 5.10 Implementation of Regional Plans are minor or justified; and

- Note that the consistency with section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the Director, as delegate of the Minister:

1. **note** the planning proposal (**Attachment A**);
2. **determine** that the planning proposal should proceed subject to the following conditions:
 1. Prior to community consultation, the planning proposal is to be updated to:
 - amend the property details on page 5 to reflect the correct DP number;
 - detail in Part 1 the zones that the subject land will be rezoned to;
 - provide greater detail in Part 2 how the objectives and intended outcomes in Part 1 will be achieved by listing the current and proposed zones, minimum lot size, floor space ratio and height of building provisions; and
 - include in Part 3 (B) (4) a discussion on the consistency of the planning proposal with Council's Local Strategic Planning Statement.²⁷
 2. Consultation is required with the following public authorities:
 - NSW Department of Education
 - Transport for NSW (TfNSW)
 - Mid North Coast Health
 - NSW Police
 - NSW Ambulance
 - NSW Fire and Rescue
 - NSW Department of Justice
 - DPIE - Biodiversity and Conservation Division (BCD)
 - DPI - Agriculture
 - Essential Energy
 - Birpai Local Aboriginal Land Council
 - NSW Heritage
 - Mining, Exploration and Geoscience Division of the Department of Regional NSW (GSNSW)
 3. The planning proposal should be made available for community consultation for a minimum of 28 days.
 4. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
 5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 6. sign the Gateway determination (**Attachment B**) noting that Council is not the local plan-making authority and the letter to Council (**Attachment C**).



11/05/2021

(Signature)

(Date)

Lucy Walker
A/Manager, Local and Regional Planning
Northern Region



13/5/2021

(Signature)

(Date)

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