



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

**Lot 1 DP 360716 & Lot 15 DP 7956
288-294 Coramba Road, Coffs Harbour**

**May 2021
VERSION 2 Exhibition**

PLANNING PROPOSAL STATUS

Stage	Version / Date <i>(blank until achieved)</i>
Reported to Council – Initiate s3.33 Version 1 - Pre_Exhibition	Version 1 – Pre_Exhibition February 2021
Referred to DPIE s3.34(1) Version 1 - Pre_Exhibition	6 April 2021
Gateway Determination s3.34(2) Version 1 - Pre_Exhibition	7 May 2021
Amendments Required:	Nil
Public Exhibition – Schedule 1 Clause 4 Version 2 - Exhibition	Version 2 – Exhibition 26 May 2021 to 25 June 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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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 LEP 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 amend Coffs Harbour LEP 2013 to accurately apply environmental conservation and low density residential zoned land at 288-294 Coramba Road, Coffs Harbour (the subject land). The Planning Proposal will:

- Rezone that part of the subject land with negligible environmental value from Zone E2 Environmental Conservation to Zone R2 Low Density Residential, and
- Amend the Lot Size Map and Terrestrial Biodiversity Map to reflect the amended land use zones.

Public Exhibition

This planning proposal will be placed on public exhibition in accordance with any Gateway Determination issued by NSW Planning Industry and Environment. Copies of the planning proposal and supportive information will be made available on Council's Have Your Say Page <https://haveyoursay.coffsharbour.nsw.gov.au/> for the duration of the exhibition period.

All interested persons will be 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:
Joseph Kirwood on 66484628
or email joseph.kirwood@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	Rezoning for Low Density Residential Purposes
Property Details	Lot 1 DP 360716 & Lot 15 DP 7956 (PN 2127560) 288-294 Coramba Road, Coffs Harbour
Current Land Use Zone(s)	Zone R2 Low Density Residential & Zone E2 Environmental Conservation
Proponent	Geoff Smyth & Associates
Landowner	Mr. P F Battaglia & Mrs. M D Battaglia
Location	See Figure 1 – Location Map

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 accurately apply environmental conservation and low density residential zoned land at 288-294 Coramba Road, Coffs Harbour.

The Site

The site is located at 288-294 Coramba Road, Coffs Harbour – Lot 1 DP 360716 and Lot 15 DP 7956 and is shown in Figure 1. The subject land is located approximately 2.2 km west of the Coffs Harbour City Centre. The subject land is bounded by William Sharp Drive to the north, Bakers Close and Coramba Road to the west, private property to the east and Coffs Creek to the south. The subject land has an area of 1.108 hectares and is currently within Zone R2 Low Density Residential and Zone E2 Environmental Conservation under Coffs Harbour LEP 2013. The existing and proposed zones within the locality are shown in Part 4 (mapping of this Planning Proposal).

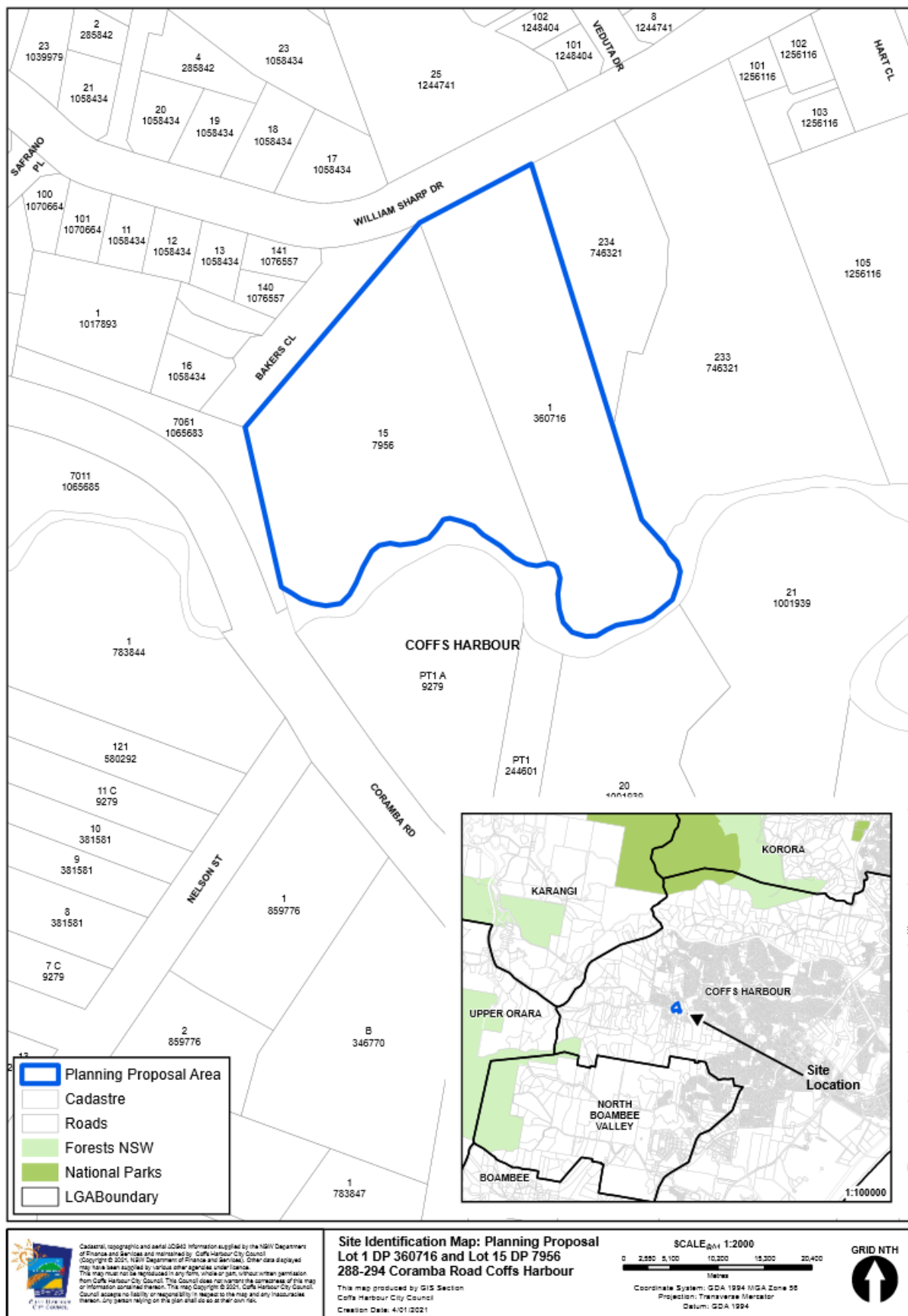


Figure 1: Location Map

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend Coffs Harbour LEP 2013 to amend Zone E2 Environmental Conservation on the subject land, thus rezoning the land with negligible environmental values to Zone R2 Low Density Residential.

PART 2 – EXPLANATION OF PROVISIONS

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

- Coffs Harbour Land Zoning Map (Sheet LZN_006A) over 288-294 Coramba Road, Coffs Harbour – Lot 1 DP 360716 & Lot 15 DP 7956 to change land currently within Zone E2 Environmental Conservation to Zone R2 Low Density Residential;
- Coffs Harbour Minimum Lot Size Map (Sheet LSZ_006A) over 288-294 Coramba Road, Coffs Harbour – Lot 1 DP 360716 & Lot 15 DP 7956 to change those parts of the land proposed to be within Zone R2 Low Density Residential (and currently subject to minimum lot size provision AB – 40 hectares) to F – 400 metres; and
- Coffs Harbour Terrestrial Biodiversity Map (Sheet CL2_006A) over 288-294 Coramba Road, Coffs Harbour – Lot 1 DP 360716 & Lot 15 DP 7956 to change those parts of the land proposed to be within Zone R2 Low Density Residential to no longer be mapped as terrestrial biodiversity.

All of the above amendments to LEP 2013 maps are shown in Part 4 (mapping) of this Planning Proposal.

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 *Coffs Harbour Local Growth Management Strategy* identifies the subject land as being suitable for infill development within Chapter 4 the Compact City Program. Much of the surrounding land in the West Coffs area has been developed for residential lots, and an application was lodged with Council to subdivide the property into seven residential lots. This planning proposal will amend the E2 Environmental Conservation zone boundary to no longer include a portion of the site with no environmental values.

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

Yes. This proposal relates to an individual site, rather than a Local Government Area (LGA) wide issue. A site-specific planning proposal accompanied by relevant environmental planning studies and supported

by current planning strategies is the ideal pathway to achieving the intended outcomes of the planning proposal.

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. This planning proposal will result in a minor increase to Zone R2 Low Density Residential on the subject land by shifting the E2 Environmental Conservation boundary, and therefore does not provide for a substantial increase in residential development. As such, the criteria in the Net Community Benefit test cannot be properly applied to this planning proposal.

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.

Action 1.2 - Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.

Comment - This planning proposal responds to the environmental attributes of the land in an appropriate manner. As the area proposed to be rezoned from E2 Environmental Conservation to R2 Low Density Residential does not have any current environmental value, the proposal is deemed to be consistent. The additional area of land within Zone R2 Low Density Residential is within the mapped urban growth area for the Coffs Harbour LGA.

- **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.

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

Comment - This planning proposal manages and responds to the environmental attributes of the land in a responsible manner. As the subject land is located in an area of environmental significance, only appropriate parts of the site, without environmental values, are proposed to be rezoned to R2 Low Density Residential.

- **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.

Action 3.2 - Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.

Action 3.3 - Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.

Comment - This planning proposal manages and responds to the environmental attributes of the land in an appropriate manner.

GOAL 2 – A THRIVING, INTERCONNECTED ECONOMY

- ***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.

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.

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.

Comment - This planning proposal will enable a variety of housing opportunities within a low density residential setting and identified infill area.

GOAL 3 – VIBRANT AND ENGAGED COMMUNITIES

- ***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.

Comment - The site does not contain any mapped known or predictive Aboriginal Cultural Heritage (ACH) and an AHIMS search has not revealed any ACH sites on or near the site.

- ***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.

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.

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.

Comment - The site does not contain any mapped known or predictive Aboriginal Cultural Heritage (ACH) and an AHIMS search has not revealed any ACH sites on or near the site.

GOAL 3 – VIBRANT AND ENGAGED COMMUNITIES

- ***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.

Comment - An approved seven lot subdivision applies to the subject land, which may result in a variety of low density residential housing types.

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. The LSPS was prepared in accordance with the *Environmental Planning and Assessment Act 1979* and Regulations, and provides a 20-year land use planning vision for the Coffs Harbour LGA. It identifies 16 Planning Priorities to be delivered in four themes to 2040: connected, sustainable, thriving and leadership. This planning proposal is a minor zoning change from E2 Environmental Conservation to R2 Low Density Residential in West Coffs, and will enable the subject land to achieve compact growth through infill. The planning proposal is consistent with the vision, relevant planning priorities and associated actions within the local strategic planning statement as follows:

Planning Priority	Action
5. Deliver greater housing supply, choice and diversity	A5.1 – Review and amend Council's local planning controls relating to housing supply, choice and diversity as outlined in the Local Growth Management Strategy.
	A5.5 – Implement remaining actions from the Local Growth Management Strategy as funding allows.

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. Within each theme there are a number of objectives, and for each objective there are a number of strategies to assist in achieving the objectives. The planning proposal is generally consistent with the following relevant objectives and strategies within the Plan:

Objective	Strategy
<i>A thriving and sustainable local economy</i>	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.

Coffs Harbour Local Growth Management Strategy

The subject land is identified in *Coffs Harbour Local Growth Management Strategy Chapter 4 – Compact City Program*. As a result of the North Coast Regional Plan 2036 directions, the NSW Department of Planning, Industry and Environment endorsed Chapters 1 to 4 of the *Coffs Harbour Local Growth Management Strategy* on 13th January 2020. The approach provided by Chapter 4 is achieved through infill and urban renewal in targeted locations, resulting in compact urban form that provides for the protection of both place character and environmental values. The subject land is part of the West and Central Coffs infill area within this Chapter, with key principles to deliver housing diversity and choice, as well as high quality infill and renewal development to reinforce a sense of place.

In addition to Chapter 4, *Coffs Harbour Local Growth Management Strategy Chapter 7 – Residential Lands* also applies to the subject land. Chapter 7 as endorsed by NSW Department of Planning, Industry and Environment on 10th December 2020, reinforces the direction of Chapter 4 in conjunction with North Coast Regional Plan 2036 Direction 22: Deliver greater housing supply.

The Planning Proposal is consistent with the applicable chapters of *Coffs Harbour Local Growth Management Strategy*, as infill will be achieved through a minor rezoning on the subject land from E2 Environmental Conservation to R2 Low Density Residential. Environmental values shall not be reduced as a result of the proposal, and any resulting future development will contribute to the surrounding neighbourhood.

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

The table provided in Appendix 1 provides an assessment of consistency against each State Environmental Planning Policy relevant to the Planning Proposal.

8. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The table provided in Appendix 2 provides an assessment of consistency against Ministerial Planning Directions relevant to the Planning Proposal.

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?

The following constraints apply to the subject land (or adjoin the subject land):

- Primary koala habitat;
- Adjoining primary koala habitat;
- Riparian land;
- Terrestrial biodiversity (to which Clause 7.4 of the Coffs Harbour LEP 2013 applies); and
- Zone E2 Environmental Conservation.

The proposed land use zone change from E2 Environmental Conservation to R2 Low Density Residential as identified in Part 4 (mapping) on the subject land responds to these issues. The area to which this planning proposal applies does not contain high conservation value land (excluding a minor sliver of land along the southern boundary of the site mapped as primary koala habitat).

The north east portion of the subject land is within Zone E2 Environmental Conservation under Coffs Harbour LEP 2013, as it is mapped as containing primary koala habitat, riparian land and terrestrial biodiversity. A mapping anomaly has however been identified where some of the land within Zone E2 Environmental Conservation on the north east portion of the subject land does not contain ecological, scientific, cultural or aesthetic value, and thus does not meet the objectives of Zone E2 Environmental Conservation. It is therefore unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposed zoning change in this locality to Zone R2 Low Density Residential.

The southern portion of the Subject Land is also mapped as containing primary koala habitat, riparian land and terrestrial biodiversity and is within Zone E2 Environmental Conservation under Coffs Harbour LEP 2013. Development Consent 0371/20DA recently issued by Council for a seven lot Torrens title subdivision requires most of the land within Zone E2 Environmental Conservation on the southern portion of the site to be dedicated to Council with a vegetation management plan in place. The planning proposal seeks to rezone a very small sliver of land along the southern boundary of the site to Zone R2 Low Density Residential to align with the new property boundary approved under Development Consent 0371/20DA. The impacts associated with this are negligible due to the minor area subject to the land use zone change, therefore it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal.

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

Yes. The following is a summary of other likely environmental effects as a result of the planning proposal and how they are to be managed.

Bushfire Risk

The subject land is affected by Category 1 Bushfire Prone Land and an associated 100m buffer area. Bushfire Risk has been addressed in a Bushfire Hazard Assessment Report submitted with the Request to Amend Coffs Harbour LEP 2013 (see Appendix 3). The assessment determines that the concurrent seven lot residential subdivision approved on the subject land complies with the specific objectives for the development type and the performance criteria for the various proposed Bushfire Protection Measures in accordance with *Planning for Bushfire Protection 2019*.

Future development applications for all development on the subject land will be required to comply with section 4.14 of the *Environmental Protection and Assessment Act 1979* or section 100B of the *Rural Fires Act 1997*, depending on the nature of the proposed development, and the relevant provisions of *Planning for Bushfire Protection 2019*.

Flood Prone Land

Council's spatial mapping indicates that the subject land is prone to flooding (refer to Figure 2). The majority of land within the 100-year flood extent is within Zone E2 Environmental Conservation. Notwithstanding this, some of the land proposed to be within Zone R2 Low Density Residential is within the 100-year flood extent.

Flooding was adequately considered by Council as part of a recent approval to subdivide the land into seven Torrens title lots (0371/20DA) (refer to Figure 3). This consent contains a condition for a restriction to be placed on title of the lots under Section 88B of the *Conveyancing Act 1919*. The restriction on the use of land must prohibit fill, earthworks, building and construction works below the 1% AEP (100 year) flood extent. Any future dwelling on lots 5, 6 and 7 must provide Council with a structural engineer's report that certifies the structure has been designed to withstand the forces of floodwater, debris and buoyancy, up to and including the Probable Maximum Flood (PMF) event.

There are adequate planning controls in place to ensure that flooding is appropriately managed as part of any future development applications (if the above development consent is not acted upon). Future development on the land must comply with Clause 7.3 of Coffs Harbour LEP 2013 and Section E4 of Coffs Harbour Development Control Plan (DCP) 2015. Clause 7.3 of Coffs Harbour LEP 2013 establishes minimum floor levels for future development, whilst E4.2 of Coffs Harbour DCP 2015 provides that buildings are to be designed and located so that they are free from any high hazard flood areas.



Figure 2: Flood Prone Land map

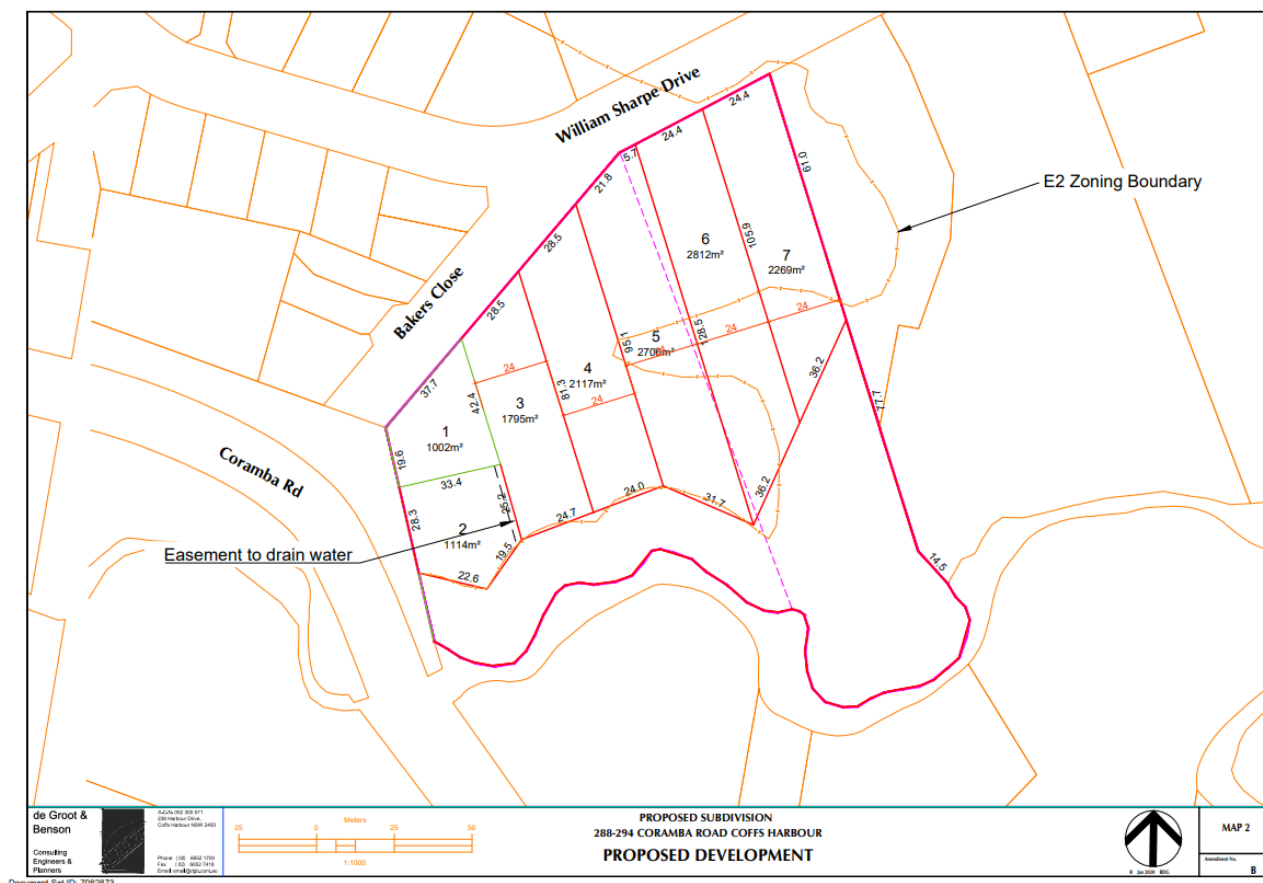


Figure 3: Approved Subdivision Layout

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

It is unlikely that the planning proposal would result in adverse social or environmental effects. Social benefits include a minor increase in housing stock in West Coffs, which may be beneficial to public community activities in the neighbouring area. Economic benefits are limited to the establishment and construction of the subdivision and future associated dwellings.

Section D – State and Commonwealth interests

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

Yes. The planning proposal is unlikely to create significant additional demand on existing public infrastructure. The subsequent amendment to the Coffs Harbour LEP 2013 will enable the creation and development of seven lots, which can be serviced through extension of the pre-existing reticulated water service and sewerage system, available to the site. Vehicular access to the subdivided lots can be safely achieved from Coramba Road and Bakers Close.

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

A Gateway determination has not been issued by the NSW Department of Planning, Industry and Environment as yet, thus consultation with public authorities and government agencies has not yet been undertaken.

At this stage in the process there does not appear to be any matters of interest to Commonwealth authorities in relation to the planning proposal.

PART 4 – MAPPING

Proposed maps amendments to Coffs Harbour LEP 2013, as described in Part 2 of this planning proposal, are shown below.

Technical Notes:

- *An amended version of these map sheets will be created and supplied to NSW Department of Planning, Industry and Environment if Council resolves to initiate the planning proposal.*

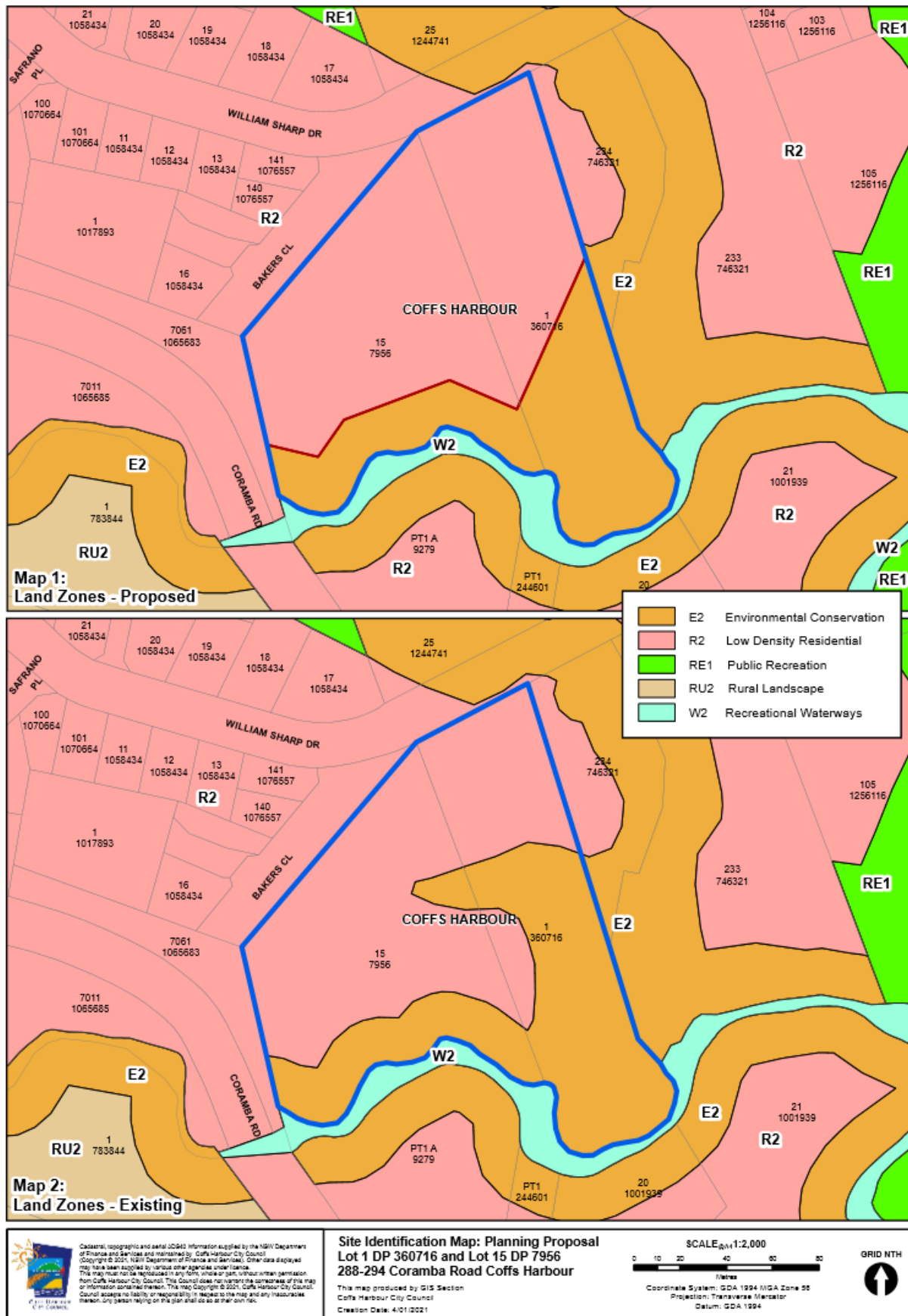


Figure 3: Land zoning map comparison – existing and proposed (Sheet LZN_006A)

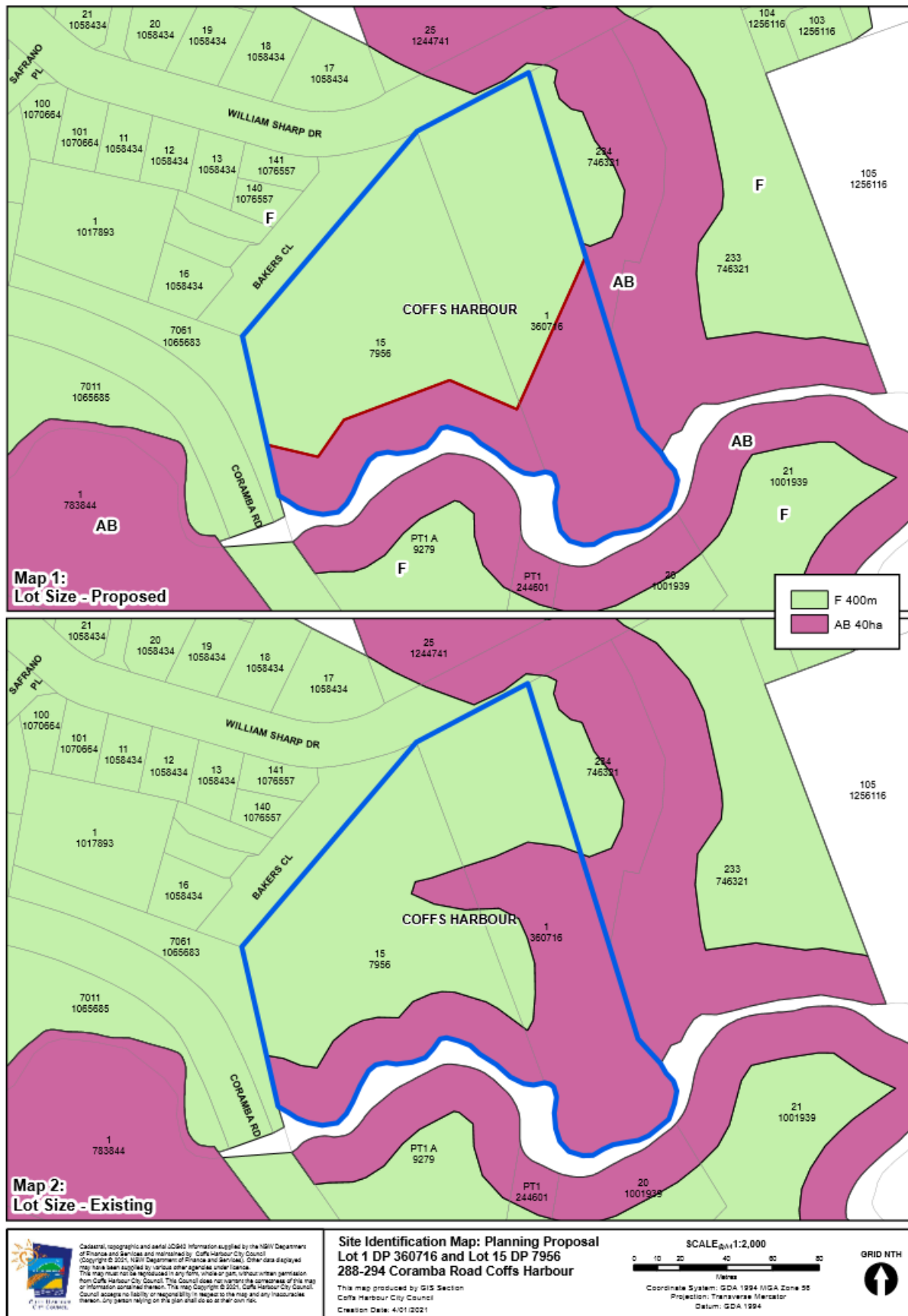


Figure 4: Land size map comparison – existing and proposed (Sheet LSZ_006A)

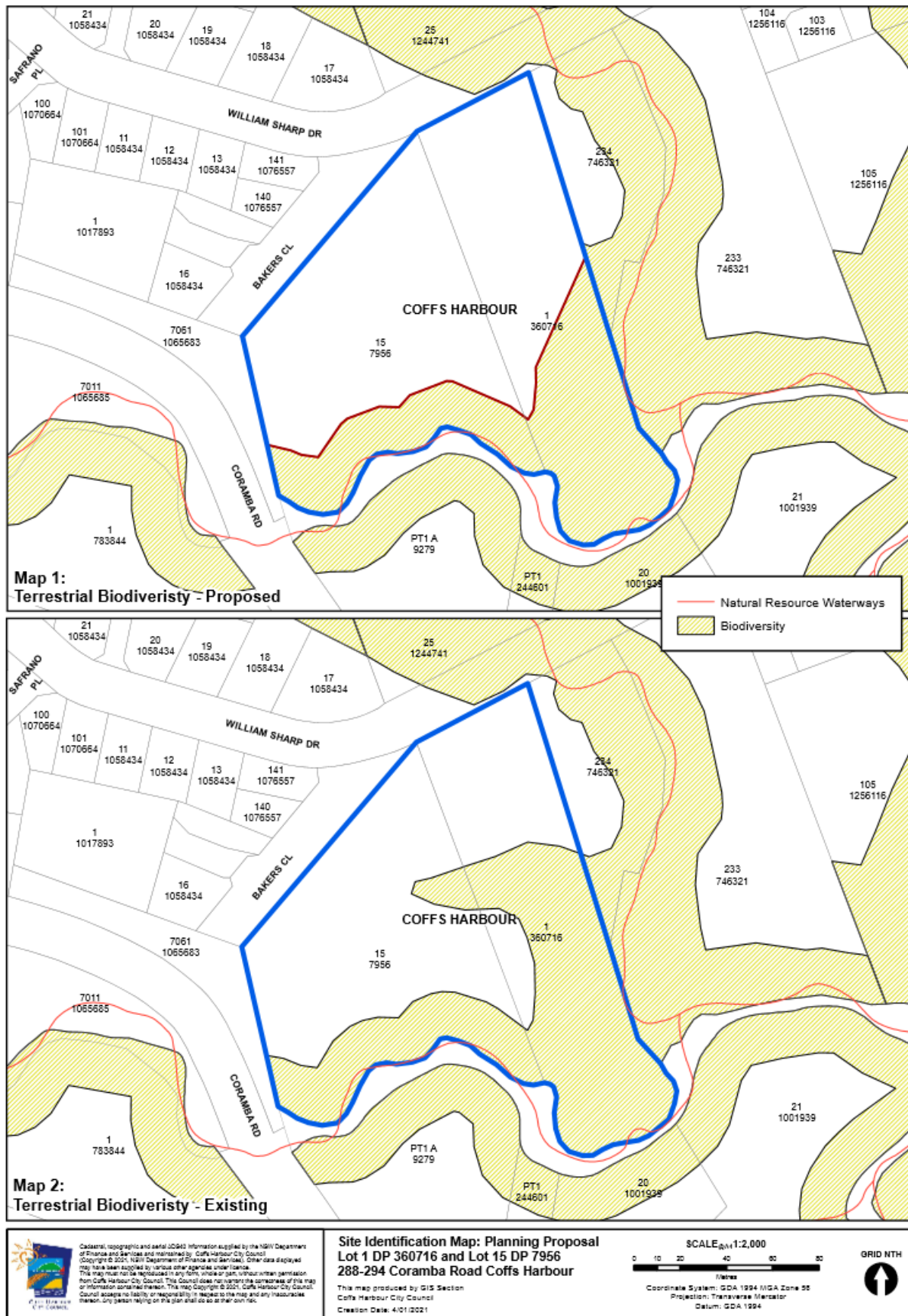


Figure 5: Terrestrial biodiversity map comparison – existing and proposed (Sheet CL2_006A)

PART 5 – COMMUNITY CONSULTATION

The Gateway determination issued by the Department of Planning, Industry and Environment specifies that public exhibition is required under Section 3.34 (2) (c) and Schedule 1 Clause 4 of the Act as follows:

- a) the planning proposal is classified as low impact as described in A guide to preparing local environmental plans (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of 14 days; and
- b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).

Consultation is required with the following public authorities/organisations under Section 3.34 (2) (d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:

- NSW Rural Fire Service; and
- Biodiversity Conservation Division (BCD)

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

The proposed LEP amendment will be exhibited in accordance with the Gateway Determination and relevant provisions of Section 3.34 (2) of the Environmental Planning and Assessment (EP&A) Act 1979.

Council at its Ordinary Meeting of 25 March 2021 resolved to publicly exhibit the planning proposal for a minimum of 14 days.

As the Draft Coffs Harbour Development Control Plan 2015 – Amendment 22 (288-294 Coramba Road Coffs Harbour) is to be exhibited concurrently, the planning proposal will be exhibited for a period of 28 days.

Public Exhibition of the planning proposal will include the following:

Advertisement

Placement of an online advertisement in the Coffs Newsroom.

Consultation with affected owners and adjoining landowners

Written notification of the public exhibition to the proponent, the landowner and adjoining/adjacent landowners.

Website

The planning proposal will be made publicly available on Council's Have Your Say Website 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 the Department of Planning, Industry and Environment will specify the date that the planning proposal is to be completed.

Table 1: Anticipated Timeline

Milestone	Anticipated Timeframe
Decision by Council to initiate the planning proposal	March 2021
Commencement (date of Gateway determination)	May 2021
Peer review & provision of additional information (if required)	Not applicable
Public exhibition & agency consultation	May – June 2021
Consideration of submissions	July 2021
Reporting to Council for consideration	August 2021
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	September 2021

APPENDIX 1 – 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>This policy does not apply as the subject land is not located within the Coastal Zone footprint.</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) 2020	Yes	Yes – justifiably inconsistent	<p>This SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure that permanent free-living populations will be maintained over their present range.</p> <p>The subject land contains mapped primary koala habitat that is mostly within Zoned E2 Environmental Conservation.</p> <p>Development Consent 0371/20DA provides for the land within Zone E2 Environmental Conservation along the southern boundary of the allotment to be dedicated to Council with a vegetation management plan in place.</p> <p>The planning proposal contains a very small sliver of land mapped as primary koala habitat along the southern boundary of the site that will be changed to Zone R2 Low Density Residential to align with the new property boundary approved under DC 0371/20DA.</p> <p>The impacts associated with this are negligible due to the minor area of zone change. It is not considered necessary to prepare an environmental study pursuant to Clause 17(3) of this Policy.</p>
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.

State Environmental Planning Policy	Applicable	Consistent	Comment
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	Yes	Yes	Searches of the land contamination register, records of notices and contaminated sites notified to the Environmental Protection Authority have not identified any contamination risks for the subject land. As a result, contamination risks are considered minimal and manageable within recognised remediation procedures and industry approved best practice guidelines.
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.
SEPP (State and Regional Development) 2011	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

State Environmental Planning Policy	Applicable	Consistent	Comment
			(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

APPENDIX 2 – 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).	N/A	The planning proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	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). Under this direction a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	N/A	The planning proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be	Yes	This planning proposal does not: (a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.

S9.1 Direction	Applicable	Consistent	Comment
	incompatible with such development.		
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	<p>The planning proposal does not affect land within a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”.</p>
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>	No – Justifiably inconsistent for reasons listed.	<p>The planning proposal affects land within an existing environmental protection zone.</p> <p>The proposed LEP amendment includes a reduction of Zone E2 Environmental Conservation on the north eastern portion of the subject land due to the absence of high ecological, scientific, cultural or aesthetic values.</p> <p>The planning proposal also proposes to rezone two very small slivers of land mapped as primary koala habitat along the southern boundary of the site from Zone E2 Environmental Conservation to Zone R2 Low Density Residential to align with the new property boundary approved under a recent subdivision by Coffs Harbour City Council. The impacts associated with the reduction of Zone E2 Environmental Conservation in this locality are negligible.</p> <p>For these reasons the provisions of the Planning Proposal that are</p>

S9.1 Direction	Applicable	Consistent	Comment
			<p>inconsistent are considered to be “of minor significance”.</p> <p>An approval for a variation to this s9.1 Direction is considered to be reasonable under the circumstances.</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 following constraints apply to the subject land (or adjoin the subject land):</p> <ul style="list-style-type: none"> • Primary koala habitat; • Adjoining primary koala habitat; • Riparian land; • Terrestrial biodiversity (to which Clause 7.4 of the Coffs Harbour LEP 2013 applies); and • Zone E2 Environmental Conservation. <p>The proposed zone change from E2 Environmental Conservation to R2 Low Density Residential as identified in Part 4 (mapping) on the subject land responds to these issues. The area to which this proposal applies does not contain high conservation value land (excluding a minor sliver of land along the southern boundary of the site mapped as primary koala habitat).</p> <p>The land within Zone E2 Environmental Conservation on the north east portion of the subject land does not accord with the objectives of this zone due to the absence of high ecological, scientific, cultural or aesthetic values. It is therefore unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposed zoning change.</p> <p>The land along the south boundary of the Subject Land is mapped as primary koala. Development Consent 0371/20DA recently issued by Coffs</p>

S9.1 Direction	Applicable	Consistent	Comment
			<p>Harbour City Council requires most of the land within Zone E2 Environmental Conservation along the southern boundary of the site to be dedicated to Council with a vegetation management plan in place. The planning proposal does however propose to rezone a very small sliver of land mapped as primary koala habitat along the southern boundary of the site to Zone R2 Low Density Residential to align with the new property boundary approved under Development Consent 0371/20DA.</p> <p>The impacts associated with this are negligible due to the minor area of zone change, therefore it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal.</p>
2.2 Coastal Protection	<p>Applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal 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</p>	N/A	The subject land is not within the coastal zone.

S9.1 Direction	Applicable	Consistent	Comment
	<p>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>		
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, 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</p>	Yes	<p><i>European Heritage</i></p> <p>The Subject Land does not contain any items listed as Heritage Items in Schedule 5 of Coffs Harbour LEP 2013 or the State Heritage Register. There are no European Heritage issues that would prevent the rezoning of the Subject Land.</p> <p><i>Aboriginal Cultural Heritage</i></p> <p>The Subject Land does not contain any mapped known or predictive Aboriginal Cultural Heritage (ACH) and an AHIMS search of the subject land has not revealed any ACH sites on or near the site.</p>

S9.1 Direction	Applicable	Consistent	Comment
	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.		
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> <ul style="list-style-type: none"> (a) where the land is within an environment protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> (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 (ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution</i> 	Yes	The planning proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area.

S9.1 Direction	Applicable	Consistent	Comment
	<i>Control Commission, September 1985.</i>		
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 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</p>	Yes	Council records do not identify any past activities on the subject land that would suggest that land contamination is a relevant consideration for this planning proposal.

S9.1 Direction	Applicable	Consistent	Comment
	<p>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 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.</p>		
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> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant</p>	Yes	<p>The planning proposal is concurrent with a seven lot residential subdivision approved for the subject land. This represents an opportunity to broaden housing choice and design in West Coffs, and thus achieve the vision and actions provided by the <i>Coffs Harbour Local Growth Management Strategy</i>.</p> <p>Appropriate planning controls are also contained within <i>Coffs Harbour LEP 2013</i> and <i>Coffs Harbour DCP 2015</i> to ensure development within Zone</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>residential development is permitted or proposed to be permitted.</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible</p>		<p>R2 Low Density Residential provides for quality built form outcomes.</p>

S9.1 Direction	Applicable	Consistent	Comment
	residential density of land.		
3.2 Caravan Parks and Manufactured Home Estates	<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> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (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 	Yes	The planning proposal does not seek to amend any provisions within Coffs Harbour LEP 2013 that relate caravan parks or manufactured home estates.

S9.1 Direction	Applicable	Consistent	Comment
	subdivision proposals), and (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.		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	Yes	The planning proposal does not seek to amend any provisions within Coffs Harbour LEP 2013 that relate to home occupations.
3.4 Integrating Land Use and Transport	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. 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: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	Yes	The planning proposal comprises a minor rezoning of land within Zone E2 Environmental Conservation and Zone R2 Low Density Residential. The proposal includes an expansion of Zone R2 Low Density Residential on the Subject Land and a minor reduction in Zone E2 Environmental Conservation. The Subject Land is within an existing urban neighbourhood which is adequately serviced and located within a reasonable distance to business centres. The Subject Land has access to Coramba Road and Bakers Close.
3.5 Development Near Regulated Airports and Defence Airfields	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.	N/A	The planning proposal does not affect land within the vicinity of a regulated airport or defence airfield.

S9.1 Direction	Applicable	Consistent	Comment
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	N/A	The planning proposal does not seek to 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 planning proposal does not apply to land with the probability of containing acid sulphate soils.
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 planning proposal does not apply to 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.
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 effect to and are consistent with the NSW Flood Prone Land Policy and the	No – Justifiably inconsistent for reasons listed.	Council's spatial mapping indicates that the subject land is prone to flooding (refer to Figure 2). The majority of land within the 100-year flood extent is within Zone E2 Environmental Conservation. Notwithstanding this, some of the land proposed to be within Zone R2 Low Density Residential is within the 100-year flood extent.

S9.1 Direction	Applicable	Consistent	Comment
	<p>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 areas), roads or exempt development. <p>A planning proposal must not impose flood related development controls above the residential flood planning</p> 		<p>Flooding was adequately considered by Council as part of a recent approval to subdivide the land into seven Torrens title lots (0371/20DA) (refer to Figure 3).</p> <p>This consent contains a condition for a restriction to be placed on title of the resulting lots under Section 88B of the Conveyancing Act 1919. The restriction on the use of land must prohibit fill, earthworks, building and construction works below the 1% AEP (100 year) flood extent. Any future dwelling on lots 5, 6 and 7 must provide Council with a structural engineer's report that certifies the structure has been designed to withstand the forces of floodwater, debris and buoyancy, up to and including the Probable Maximum Flood (PMF) event.</p> <p>There are adequate planning controls in place to ensure that flooding is appropriately managed as part of any future development applications (if the above development consent is not acted upon).</p> <p>Future development on the land must comply with Clause 7.3 of Coffs Harbour LEP 2013 and Section E4 of Coffs Harbour DCP 2015.</p> <p>Clause 7.3 of Coffs Harbour LEP 2013 establishes minimum floor levels for future development, whilst E4.2 of Coffs Harbour DCP 2015 provides that buildings are to be designed and located so that they are free from any high hazard flood areas.</p> <p>For these reasons, the provisions of the planning proposal that are inconsistent are considered to be "of minor significance".</p> <p>An approval for a variation to this s9.1 Direction is considered to be reasonable under the circumstances.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>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 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>	Yes	<p>The subject land is mapped as Category 1 Bush Fire Prone Land and mapped as being within the 100m buffer area.</p> <p>Bushfire Risk has been addressed in a Bushfire Hazard Assessment Report submitted with the Request to Amend Coffs Harbour LEP 2013 (see Appendix 3).</p> <p>Bushfire risk has also been adequately considered by Council as part of a recent approval to subdivide the land into seven Torrens title lots (0371/20DA) (refer to Figure 3).</p> <p>Upon making of the subject Planning Proposal, all future development applications for development involving bush fire prone land will be required to comply with section 4.14 of the <i>Environmental Protection and Assessment Act 1979</i> or section 100B of the <i>Rural Fires Act 1997</i>, depending</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(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</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <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</p>		<p>on the nature of the proposed development, and the relevant provisions of <i>Planning for Bushfire Protection 2019</i>.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>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 “within town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must be concentrated within district centres rather than spread along the Highway;</p> <p>(b) development with frontage to the Pacific Highway must</p>	Yes	The planning proposal will not affect commercial and/or retail land along the Pacific Highway, North Coast.

S9.1 Direction	Applicable	Consistent	Comment
	<p>consider impacts that the development has on the safety and efficiency of the highway; and</p> <p>(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> <p>(5) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.</p> <p>(b) development with frontage to the Pacific Highway must consider 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”,</p>		

S9.1 Direction	Applicable	Consistent	Comment
	<p>“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 <i>North Coast Regional Plan 2036</i> applies to the Coffs Harbour LGA and includes actions on environmental, economic and social (community) opportunities, as well as maintaining character and housing.</p> <p>Specific responses to relevant strategic directions and the accompanying actions contained within the <i>North Coast Regional Plan 2036</i> are provided in Part 3, Section A (3) and Section B (4) above.</p> <p>It is considered that the planning proposal will result in development that supports the intent of the actions contained within the <i>North Coast Regional Plan 2036</i> and is therefore considered to be consistent with that Plan.</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	N/A	This direction is not applicable to the Coffs Harbour LGA.

S9.1 Direction	Applicable	Consistent	Comment
	Policy (Aboriginal Land) 2019; or an interim development delivery plan published on the Department's website on the making of this direction.		
6. Local Plan Making			
6.1 Approval of Referral Requirements	<p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and.</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an</p>	Yes	<p>The planning proposal does not seek to:</p> <ul style="list-style-type: none"> - include any provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority; or - identify development as designated development.

S9.1 Direction	Applicable	Consistent	Comment
	<p>officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	Yes	The planning proposal does not seek to create, alter or reduce land reserved for a public purpose.
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>	Yes	The planning proposal does not seek to allow a particular development to be carried out.

S9.1 Direction	Applicable	Consistent	Comment
	<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 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>		




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BUSHFIRE HAZARD ASSESSMENT REPORT

REPORT PREPARED IN RELATION TO:	7-LOT RESIDENTIAL SUBDIVISION
PROPERTY DESCRIPTION:	LOTS 1//360716 & 15//7956, 288-294 CORAMBA ROAD, COFFS HARBOUR.
REPORT COMMISSIONED BY: (my Client)	Geoff Smyth Consulting.
	 DATE ISSUED: 29/01/2020

IMPORTANT NOTICE

Site inspections, and the results found herein, are carried out in accordance with the methodology as set out in the document "Planning for Bushfire Protection 2006".

The results of the site inspections and their correlation with **PBP-2006** are based on information provided by the "Reference Documents" and information provided by the Client (or his/her agents).

Holiday Coast Bushfire Solutions Pty Ltd will not be held liable for the omission to provide, or restrict access to, critical information (such as restrictions on property Title, easements, relevant consultant reports, etc) relevant to this development proposal.

The author of this Report, S. Ellis, possesses industry-relevant qualifications including Graduate Diploma in Design for Bushfire Prone Areas (UWS), Certificate 2 & 3 in Firefighting Operations and Certificate 4 in Firefighting Supervision.

This Report is not an application for a Bushfire Safety Authority, but rather forms part of such application. It is the proponent's responsibility to provide the Consent Authority with an assessment of the matters set out in Clause 44 of the Rural Fires Regulation 2013. It is the Consent Authority's responsibility to provide the application for a Bushfire Safety Authority to the NSW Rural Fire Service, in its entirety.

DATE SAVED: 29/01/2020
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GLOSSARY

Acceptable solution	Measures which have been deemed to meet the specified performance criteria.
Assembly point	An area or building/structure that is used to assemble people for evacuation or that have evacuated from a site in an emergency situation.
Asset protection zone (APZ)	A fuel-reduced area surrounding a built asset or structure which provides a buffer zone between a bushfire hazard and an asset. The APZ includes a defensible space within which firefighting operations can be carried out. The size of the required asset protection zone varies with slope, vegetation and Fire Danger Index (FDI).
Australian Standard AS 3959 (AS 3959)	AS 3959:2009 <i>Construction of buildings in bushfire-prone areas</i> , Standards Australia, 2009.
BAL certificate	A certificate issued to identify the bushfire attack level (BAL) of a proposed development in the Complying Development process under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
Bushfire assessment report	A report submitted with the development application (DA) which establishes compliance with PBP. The report determines the extent of bushfire attack and the proposed mitigation measures. Appendix 1 sets out the information requirements for a bushfire assessment. See also clause 44 of the <i>Rural Fires Regulation 2013</i> .
Bushfire attack level (BAL)	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. In the Building Code of Australia, the BAL is used as the basis for establishing the requirements for construction to improve protection of building elements.
Bushfire	An unplanned fire burning in vegetation; also referred to as wildfire.
Bushfire attack	Attack by burning embers, radiant heat or flame generated by a bushfire.
Bushfire hazard	Any vegetation that has the potential to threaten lives, property or the environment.
Bushfire prone land (BPL)	An area of land that can support a bushfire or is likely to be subject to bushfire attack, as designated on a bushfire prone land map.
Bushfire prone land map (BPLM)	A map prepared in accordance with NSW RFS requirements and certified by the Commissioner of the NSW RFS under section 10.3(2) of the <i>Environmental Planning and Assessment Act 1979</i> .
Bushfire protection measures (BPMs)	A range of measures (controls) used to minimise the risk arising from a bushfire. BPMs include asset protection zones (APZs), construction standards, suitable access, water and utility services, emergency management and landscaping.
Bushfire risk	Is the likelihood and consequence of a bushfire igniting, spreading and causing damage to assets of value to the community. Risk may be rated as being extreme, major, moderate, minor or insignificant and is related to the vulnerability of the asset.
Bushfire safety authority (BSA)	An approval by the Commissioner of the NSW RFS that is required for a subdivision for residential or rural residential purpose or for a SFPP development listed under section 100B (6) of the <i>Rural Fires Act 1997</i> .
Certifying authority	As defined in the <i>Environmental Planning and Assessment Act 1979</i> , those with authority to issue Part 6 certificates and Complying Development Certificates (CDCs).



Complying development	Complying development is a combined planning and construction approval for straightforward development that can be determined through a fast track assessment by a council or private accredited certifier.
Consent authority	As defined in the <i>Environmental Planning and Assessment Act 1979</i> , in relation to development consents, usually the local council.
Defendable space	An area adjoining an asset that is managed to reduce combustible elements and is free from constructed impediments. It is a safe working environment in which active firefighting can be undertaken to defend the structure, before and after the passage of a bushfire.
Development	As defined in the <i>Environmental Planning and Assessment Act 1979</i> .
Development application (DA)	An application for consent to carry out development such as building, subdivision, or the use of a building or land. Applications are normally made to the local council.
Development footprint	The building envelope or area shown on a plan over which any buildings and associated asset protection zones may be constructed.
Ecologically sustainable development	As defined in section 6 of the <i>Protection of the Environment Administration Act (NSW) 1991</i> .
Effective slope	The land beneath the vegetation which most significantly affects fire behaviour, having regard to the vegetation present.
Exit	A doorway opening to a road or open space, as defined in the National Construction Code (NCC).
Fire Danger Index (FDI)	The chance of a fire starting, its rate of spread, its intensity and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both the long- and short-term drought effects. Note: FDI in PBP refers to the Forest Fire Danger Index calculated by the McArthur Mk 5 Forest Fire Danger Meter using the equations published by Noble, I.R., Bary, G.A.V., and Gill, A.M., 1980. Grassland Fire Danger Index (GFDI) values are calculated by the McArthur Mk 4 Grassland Fire Danger Meter using the equations published by Purton, C.M., 1982.
Flame zone	The distance from a bushfire at which there is deemed to be significant potential for sustained flame contact to a building. The flame zone is determined by the calculated distance at which the radiant heat from the design fire exceeds 40kW/m ² .
Grasslands	Grassed areas capable of sustaining a fire. Under Australian Standard 3959, this is identified as low open shrubland, hummock grassland, closed tussock grassland, tussock grassland, open tussock, sparse open tussock, dense sown pasture, sown pasture, open herbfield, and sparse open herb field. Grass, whether exotic or native, which is regularly maintained at or below 10cm in height (including maintained lawns, golf courses, maintained public reserves, parklands, nature strips and commercial nurseries) is regarded as managed land.
Grassland deeming provision	An acceptable solution applying to properties in grassland hazard areas which replaces the site assessment procedure in AS 3959.
Infill development	Refers to the development of land by the erection of or addition to, a building (or buildings), which is within an existing allotment and does not require the spatial extension of services. Existing services may include public roads, electricity, water or sewerage.
Inner protection area (IPA)	The component of an asset protection zone which is closest to the asset (measured from drip line). It consists of an area maintained to minimal fuel loads so that a fire path is not created between the hazard and the building.
Integrated development	As referred to under s4.46 (formerly S91) of the <i>Environmental Planning and Assessment Act 1979</i> , an integrated development is one that requires development consent and approval from one or more government agencies, and is not a state significant development (SSD) or complying development.
Isolated development	Development which is located predominantly in native bushland or is considered to be within a remote area. Access and evacuation may be challenging due to distances that are required to be travelled through bushfire prone areas.
Local Environmental Plan (LEP)	An environmental planning instrument prepared under Part 3 of the <i>Environmental Planning and Assessment Act 1979</i> . Local environmental plans guide planning decisions and the ways in which land is used through zoning and development controls.
Managed land	Land that has vegetation removed or maintained to a level that limits the spread and impact of bushfire. It may include existing developed land (residential, commercial or industrial), roads, golf course fairways, playgrounds, sports fields, vineyards, orchards, cultivated ornamental gardens and commercial nurseries. Most common will be gardens and lawns within curtilage of buildings. These areas will be managed to meet the requirements of an asset protection zone.



National Construction Code (NCC)	The National Construction Code, published by the Australian Building Codes Board, comprising the Building Code of Australia as Volumes One and Two, and the Plumbing Code of Australia as Volume Three.
Outer protection area (OPA)	The outer component of an asset protection zone, where fuel loads are maintained at a level where the intensity of an approaching bushfire would be significantly reduced. Applies to forest vegetation only.
Performance-based solution	A method of complying with the Performance Criteria other than by an acceptable solution.
Primitive camping	A predetermined site which is part of a commercially operated venture where there may already be a site for a tent and a fire pit.
Setback	The distance required through planning provisions to separate a building from the bushfire hazard, street frontage or from adjacent buildings or property boundary.
Short fire run	A fire run which has a single point of ignition and a short distance to travel, where the calculated resultant head width is less than 100 metres.
Special fire protection purpose (SFPP) developments	Developments where the vulnerable nature of the occupants means a lower radiant heat threshold is required in order to allow the evacuation of occupants, and emergency services to operate in support of those occupants.
State Environmental Planning Policy (SEPP)	An environmental planning instrument prepared under Part 3 of the <i>Environmental Planning and Assessment Act 1979</i> .
Subdivision	As defined in the <i>Environmental Planning and Assessment Act 1979</i> .
Tourist accommodation	A building or place that provides temporary or short-term accommodation on a commercial basis including backpackers accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments.
Vegetation classification	Vegetation type identified using the formations and classifications within <i>Ocean Shores to Desert Dunes: The Native Vegetation of New South Wales and the ACT</i> (Keith, 2004).

0.0 REGULATORY FRAMEWORK

Below are relevant extracts of the document “*Planning for Bushfire Protection 2006*” (PBP-2006). Sections have been suitably modified to reflect the scope of this proposed development and its relationship with the relevant legislation.

0.1 Environmental Planning and Assessment Act

On 1 August 2002 the Environmental Planning and Assessment Act 1979 (*EP&A Act*) and the Rural Fires Act 1997 (*RF Act*) were both amended to enhance bushfire protection through the development assessment process.

0.2 Bushfire Prone Land Mapping

Bushfire prone land maps provide the trigger for the various development assessment provisions. The identification of bushfire-prone areas in NSW is required under section 10.3 of the *EP&A Act*. The NSW Rural Fire Service designates, through separate guidelines, what constitutes a bushfire-prone area and how it is to be mapped. Each Council then prepares a map in accordance with the guidelines and submits the map for approval by the NSW Rural Fire Service.

The subject property has been identified as bushfire-prone land by the Coffs Harbour City Council’s Bushfire Prone Land Map, a copy of the relevant extract is provided below.



Figure 1: extract of Bushfire Prone Land Map (<https://www.planningportal.nsw.gov.au>, 2019)

0.3 The Development Assessment Framework

The EP&A Act establishes a system for requiring bushfire protection measures on bushfire-prone land at Development Application (DA) stage. It requires Councils to map bushfire-prone land. If any part of a development site is affected, special submission and assessment requirements may apply to the DA.

Section 4.46 of the EP&A Act (in combination with the RF Act requirements for a section 100B Bushfire Safety Authority) classes subdivision (including community title subdivision) as Integrated Development.

In summary, if a development site is on bushfire-prone land, the requirements of PBP-2006 will apply. For subdivision an Integrated DA approval must be obtained from the NSW Rural Fire Service, i.e. a Bushfire Safety Authority is required. The matters to be addressed in the application for a Bushfire Safety Authority are set out in cl.44 of the Rural Fires Regulation 2013.

0.4 Planning for Bushfire Protection – meeting the requirements

PBP-2006 introduces a performance-based approach, and identifies *objectives* and detailed *Performance Criteria* to satisfy desired outcomes.

The general *aims* and *objectives* of PBP-2006 are:

- | | |
|-------|--|
| (i) | afford occupants of any building adequate protection from exposure to a bushfire; |
| (ii) | provide for a defensible space to be located around buildings; |
| (iii) | provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition; |
| (iv) | ensure that safe operational access and egress for emergency service personnel and residents is available; |



- (v) provide for ongoing management and maintenance of bushfire protection measures, including fuel loads in the asset protection zone (APZ); and
- (vi) ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bushfire fighting).

Performance Criteria are the outcomes to be met for satisfying the bushfire protection measures (BPM). The *Performance Criteria* can be satisfied in one of two different ways:

- use of the Acceptable Solutions; OR
- demonstrating another solution satisfying the specific *objectives* and *Performance Criteria*.

These *Performance Criteria* can be found in the Tables in Chapter 4 of PBP-2006. Specifically, subdivision development proposals should meet the relevant requirements provided at Section 4.1 of PBP-2006.

Performance Criteria allow applicants, Consent Authorities and the NSW Rural Fire Service to be flexible and innovative in responding development opportunities and constraints. In order to reach an acceptable siting and design solution, the *Performance Criteria* have been developed taking into account the range of circumstances across the State and recognising that no two sites or proposals are the same.

They also allow applicants, Councils and the NSW Rural Fire Service to consider a broad range of issues and information, including community expectations, environmental protection and the application of new technologies.



1.0 GENERAL DESCRIPTION OF LAND AND PROPOSAL

1.1 The Land

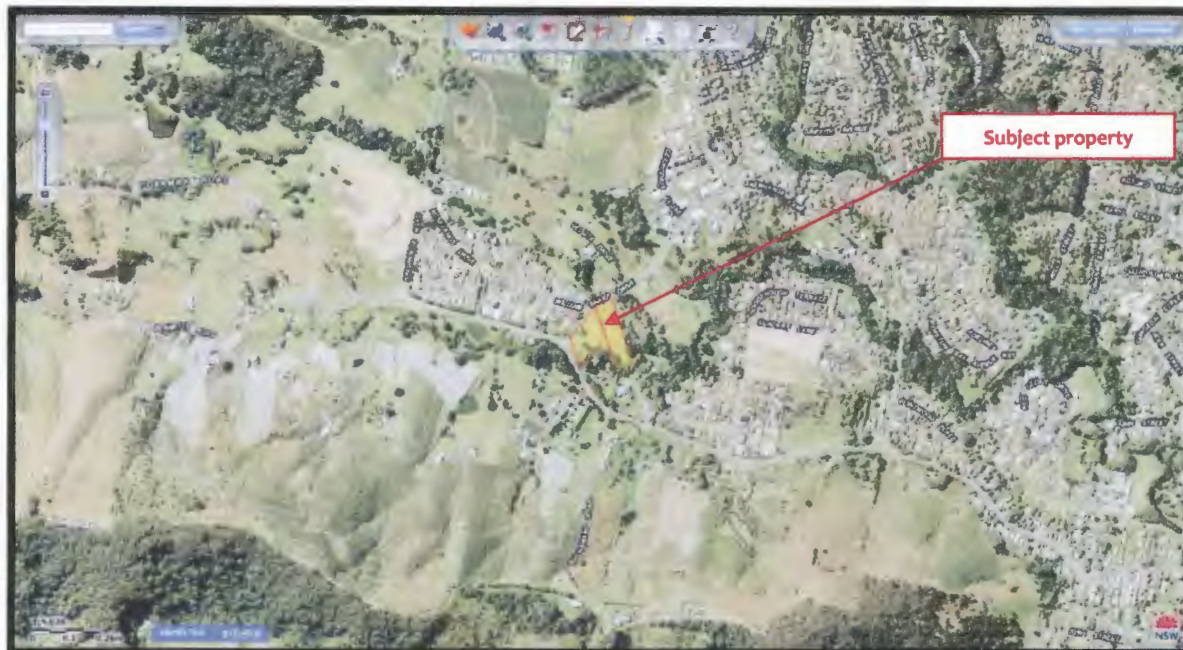


Figure 2: aerial image showing general location of property (© NSW Lands, 2019)

The site is located on the western fringe of Coffs Harbour, just north of Coramba Road. The property consists of 2 lots with the common boundary dissecting the property generally north-south.

The property is constrained by bushfire hazard vegetation identified in the form of riparian corridors located to the east and south of the property. The site assessment conducted for this proposal will verify whether this vegetation is in fact a bushfire hazard (refer to section 2 of this Report). Much of the eastern portion of the property is also flood-prone land.

The property is serviced by Council's reticulated water supply, and this will be augmented to ensure all proposed new lots are provided with the supply.



Figure 3: aerial image showing general landuse surrounding the property (© NSW Lands, 2019)

1.2 The Proposal

This Report is an assessment of a 7-lot subdivision. Lot sizes range from 1008m² to 5000m².

The property fronts three (3) street frontages: Coramba Road, Bakers Close and William Sharp Drive. All of the proposed new lots will gain access directly off one of these existing streets, no new public roads will be constructed.

Plans of the proposed subdivision is provided below.

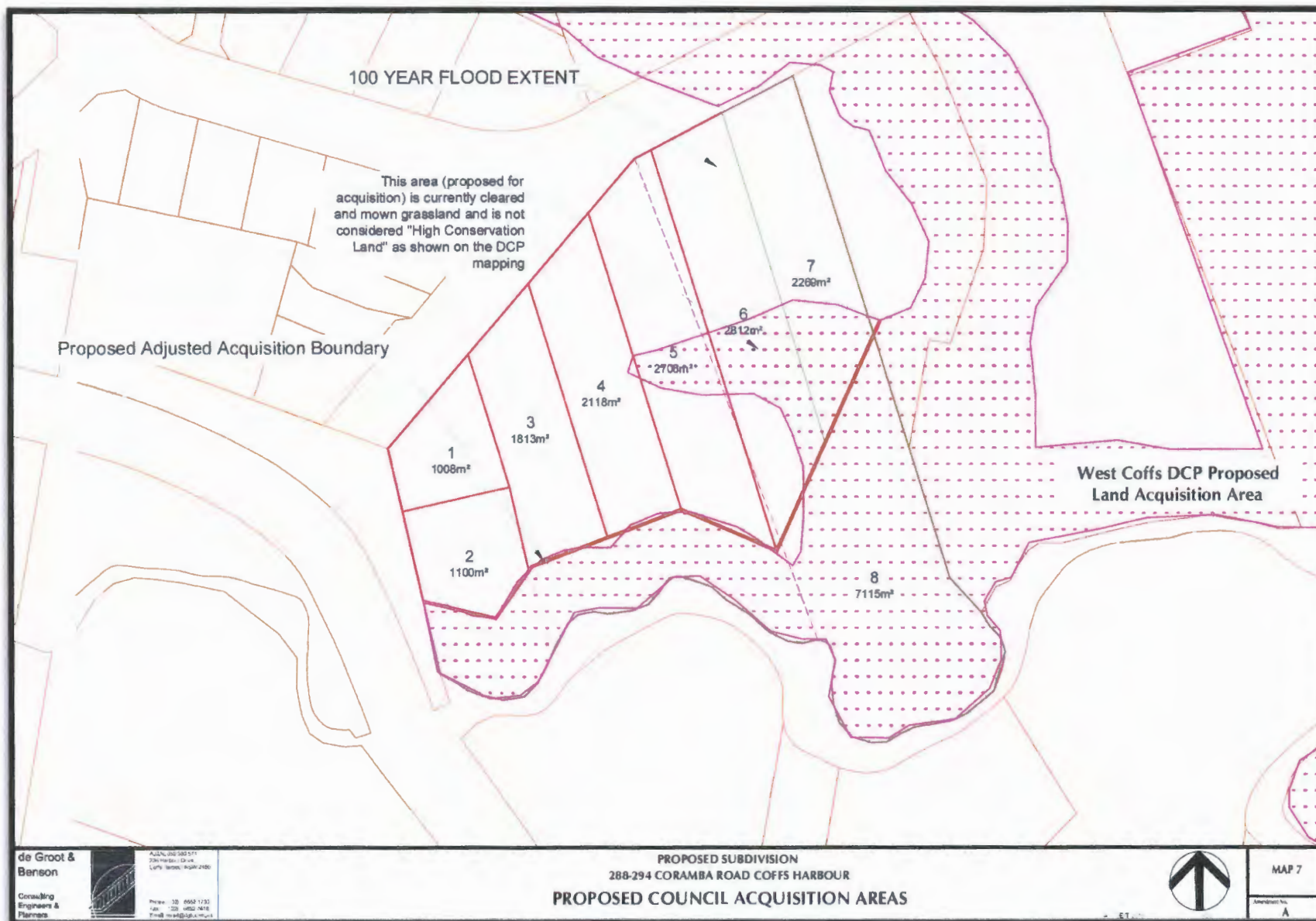


Figure 4: plan of proposed lot layout



2.0 SITE ASSESSMENT

2.1 Vegetation Description

The procedure adopted for the site inspection followed the site assessment methodology of PBP-2006. The methodology is outlined below.

A2.3 Site assessment methodology for determining APZ

- (a) Determine vegetation formations, as follows:
 - (i) identify all vegetation in all directions from the site for a distance of 140 metres;
 - (ii) consult Table A2.1 to determine the predominant vegetation type; and
 - (iii) select the predominant vegetation formation as described in Table A2.1.
- (b) Determine the effective slope of the land under the Predominant Vegetation Class and the site.
- (c) Determine the appropriate fire (weather) area in Table A2.3 and note the relevant FDI.
- (d) Consult Tables A2.4 – 2.7 and determine the appropriate setback for the assessed land use, vegetation group and slope range.

A vegetation assessment was carried out to include a distance of 140 metres from the proposed dwelling envelopes, in all directions. It is determined that the general vegetation description is summarised as follows:

Table 1

ASPECT	VEGETATION DESCRIPTION
North	North of the site, on the northern side of William Sharp Drive, is a riparian corridor bounded by residential development on both sides. The riparian corridor is essentially a "grassland" environment, however due to potential revegetation, this corridor will not likely remain as such.
East	Residential development adjoins the northern portion of the eastern boundary of the site. The southern portion of the eastern boundary adjoins a riparian corridor, draining from the north, and then to the east.
South	Almost the entire southern boundary adjoins a riparian corridor that drains to the east. The riparian vegetation is bordered by a strip of weeds approximately 5m - 10m wide. This fringe vegetation is within or borders areas identified as E2 Zone or flood-prone land. Part of the land adjacent to the existing riparian corridor will not be managed as APZ, and therefore the concession afforded to "remnant" vegetation in accordance with PBP-2006 will not be assumed for this area.
West	South-west of Coramba Road is the same riparian corridor that adjoins the southern boundary of the site. To the west of Bakers Close is residential development.



2.2 Past or Future Disturbance Factors (including extenuating circumstances)

As mentioned above in the vegetation description, part of the existing managed area along the northern edge of the riparian corridor along the southern boundary of the site will not be maintained in its current non-hazard state. The result is that the existing riparian corridor will be potentially widened. This widening will have a detrimental effect to not only the land yield from the subject property, but will increase the bushfire threat to the neighbouring existing developments.

Apart from the riparian corridor mentioned above, there are not considered to be any past or future vegetation disturbance factors that are likely to have a significant influence over the current level of wildfire threat to the proposed new lots.

2.3 Slope Assessment

A slope assessment was carried out to include a distance of 100 metres from the proposed dwelling envelopes, in all directions. Photographs were taken to verify my assessment. Slope was determined using a clinometer.

The gradient that would most significantly influence fire behaviour varied, and is summarised as follows:

Table 2

ASPECT	VEGETATION CLASSIFICATION	EFFECTIVE SLOPE
North	Riparian corridor	Upslope
East	Riparian corridor	0° - flat ground
South	Forest Riparian corridor	0° - flat ground
West	Riparian corridor	Upslope

3.0 BUSHFIRE ASSESSMENT MATTERS - CLAUSE 44 OF THE RURAL FIRES REGULATION 2013

3.1 Identification of any significant environmental features on the property

The following environmental features are to be considered and assessed by the applicant in a Statement of Environmental Effects:

- riparian corridors
- SEPP 14 – Coastal Wetlands
- SEPP 26 Littoral rainforests
- SEPP 44 – Koala Habitat
- areas of geological interest
- environmental protection zones or steep lands (>18°)



- land slip or flood prone areas
- National parks estate or various other reserves

3.2 The details of any threatened species, population or ecological community identified under the [Threatened Species Conservation Act 1995](#) that is known to the applicant to exist on the property

These matters are to be considered and assessed by the applicant in a Statement of Environmental Effects.

3.3 The details and location of any Aboriginal object (within the meaning of the [National Parks and Wildlife Act 1974](#)) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property

Aboriginal heritage issues are to be considered and assessed by the applicant in a Statement of Environmental Effects.

3.4 A bushfire assessment for the proposed development (including the methodology used in the assessment) that addresses the following matters:

3.4.1 The extent to which the development is to provide for setbacks, including asset protection zones

Table A2.5 of Appendix 2 of PBP-2006 is used to determine minimum APZ distances.

Table A2.5 Minimum Specifications for Asset Protection Zones (m) for Residential and Rural Residential Subdivision Purposes (for Class 1 and 2 buildings) in FDI 80 Fire Areas ($\leq 29\text{ kW/m}^2$)					
		Effective Slopes			
Vegetation Formation	Upslope/Flat	>0°-5°	>5°-10°	>10°-15°	>15°-18°
Rainforests	10	10	15	15	20
Forests	20	20	30	40	45
Woodland	10	15	15	20	25
Plantations (Pine)	15	20	25	35	40
Tall Heath (Scrub)	15	15	20	20	20
Short Heath (Open Scrub)	10	10	10	15	15
Freshwater Wetlands	10	10	10	15	15
Forested Wetlands	15	20	20	30	35
Semi-Arid (Woodland)	10	10	10	10	15
Arid Shrubland	10	10	10	15	15

Figure 5: Table A2.6 from Appendix 2 of PBP-2006

Table 3

ASPECT	VEGETATION CLASSIFICATION	EFFECTIVE SLOPE	MINIMUM APZ
North	Riparian corridor* ^{Note 1}	Upslope	10 m
East	Riparian corridor* ^{Note 1}	0° - flat ground	10 m
South	Forest	0° - flat ground	20m



	Riparian corridor* ^{Note 1}		10 m
West	Riparian corridor* ^{Note 1}	Upslope	10 m

Note 1

At page 52 of PBP-2006, a concession is granted for narrow strips of vegetation lining watercourses. These areas of vegetation are considered a low hazard and are treated as "rainforest".

All of the minimum APZ distances provided in Appendix 2 of PBP-2006 can be accommodated by the proposed development, either within the subject property or by the existing streets and roads.

This matter will be dealt with in more detail at sections 3.4.7 & 3.4.9.1 of this Report.

3.4.2 The siting and adequacy of water supplies for fire fighting

The subject property is serviced by Council's reticulated water supply. The nearest fire hydrants (HP) are located as per the attached plan below.

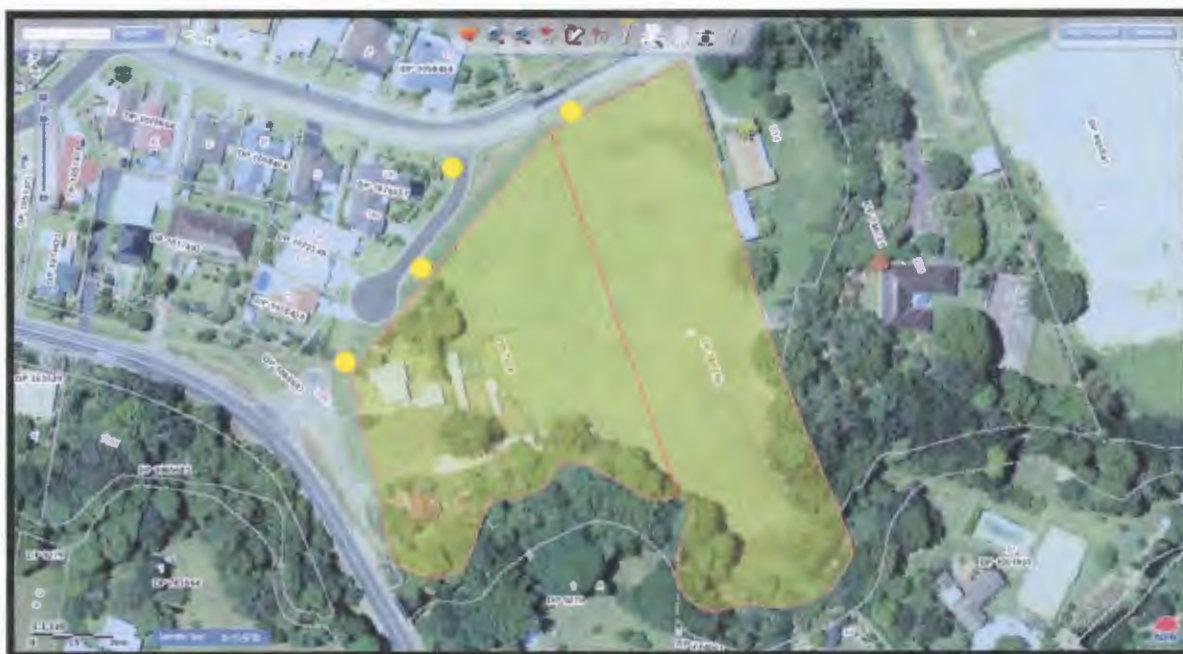


Figure 6: aerial image indicating fire hydrant locations

This matter will be dealt with in more detail at sections 3.4.9.2 of this Report.

3.4.3 The capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency

Coramba Road is a major arterial road and will easily accommodate the traffic generated by the additional lot fronting Coramba Road.



Bakers Close is a minor urban street with a width of approximately 5m and currently services 3 existing lots. Three (3) new lots will front Bakers Close. Consideration should be given to parking restrictions along Bakers Close.

William Sharp Drive is a typical urban street with a width in excess of 8m. William Sharp Drive will accommodate the extra traffic generated by the additional 7 lots.

3.4.4 Whether or not public roads in the vicinity that link with the fire trail network have two-way access

There are no fire trails existing in the vicinity of the site, or proposed as part of this subdivision.

All of the proposed lots interface with the hazard vegetation, and measures will be put in place relating to APZs and landscaping to ensure appropriate separations.

The hazard vegetation constraining the site is within riparian corridors and given the low threat and risk, there would be no expectation to require fire truck access to these areas of vegetation.

3.4.5 The adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response

All of the proposed lots are able to accommodate DEs that are within 70m of the public road. The internal property access road provisions of PBP-2006 will not apply.

This matter will be discussed in more detail at section 3.4.9.3 & 3.4.9.5 of this Report.

3.4.6 The adequacy of bush fire maintenance plans and fire emergency procedures for the development site

Apart from the ongoing management and maintenance of the approved APZs, there are not considered to be any other management plans necessary for this proposal.

3.4.7 The construction standards to be used for building elements in the development

The procedure adopted for determining the construction standards applicable followed the site assessment methodology of Addendum Appendix 3 of PBP-2006. The methodology is outlined below.

A3.5 Site assessment methodology for determining level of bushfire attack
Step 1: Determine vegetation formation types and sub-formations around the building (see Appendix 2), as follows:



- (i) Identify all the vegetation types within 140 metres of the site using Keith (2004);
- (ii) Classify the vegetation formations as set out in Table A2.1 in Appendix 2; and
- (iii) Convert Keith to Specht classifications using Table A3.5.1 below.
AS3959-2009 as referenced in the BCA-2010 uses AUSLIG (1990) vegetation classifications while PBP uses Keith.

Step 2: Determine the distance between each vegetation formation identified (from the edge of the foliage cover) and the building.

Step 3: Determine the effective slope of the ground for each vegetation group (see Appendix 2) using the classes provided below. Slopes are classified as follows:

- (i) Upslopes are considered to be 0°.
- (ii) Greater than 0° but not greater than 5° downslope.
- (iii) Greater than 5° but not greater than 10° downslope.
- (iv) Greater than 10° but not greater than 15° downslope.
- (v) Greater than 15° but not greater than 20° downslope.

Step 4: Determine the relevant FDI for the council area in which the development is to take place from Table A2.3 in Appendix 2.

Step 5: Match the relevant FDI, appropriate vegetation, distance and effective slope classes to determine the bushfire attack levels using the relevant tables of AS3959-2009 as indicated below:

- FDI 100 - Table 2.4.2
- FDI 80 - Table 2.4.3
- FDI 50 - Table 2.4.4

Steps 1, 2, and 3

Figure 7 below is the conversion table used for dealing with the anomalies caused by the different vegetation classes in Appendix 2 and Appendix 3 of PBP-2006.

David Keith's <i>Ocean Shores to Desert Dunes</i>	AUSLIG (1990) Pictorial Analysis (AS3959-2009)
Forests (Wet & Dry Sclerophyll)	Forest
Pine Plantations	
Forested Wetlands	
Woodlands (Grassy, Semi-Arid)	Woodland
Tall Heath (Scrub)	Scrub
Freshwater Wetlands	
Short Heath (Open Scrub)	Shrubland
Arid Shrubland	Mallee/Mulga
Alpine Complex (Sedgelands)	Tussock Moorland
Rainforest	Rainforest
Grassland	Grassland

Figure 7: Conversion of vegetation classification from David Keith's *Ocean Shores to Desert Dunes* (used in PBP-2006) to the AUSLIG Pictorial Analysis (used in AS3959-2009).

Table 4: revised slope summary

ASPECT	KEITH'S VEGETATION CLASSIFICATION (used in Appendix 2 of PBP-2006)	AUSLIG's VEGETATION CLASSIFICATION (used in Addendum Appendix 3 of PBP-2006)	EFFECTIVE SLOPE
North	Riparian corridor* ^{Note 2}	Riparian corridor* ^{Note 2}	Upslope
East	Riparian corridor* ^{Note 2}	Riparian corridor* ^{Note 2}	0° - flat ground
South	Forest Riparian corridor* ^{Note 2}	Forest Riparian corridor* ^{Note 2}	0° - flat ground
West	Riparian corridor* ^{Note 2}	Riparian corridor* ^{Note 2}	Upslope

**Note 2**

As stipulated above, at page 52 of PBP-2006, a concession is granted for narrow strips of vegetation lining watercourses. These areas of vegetation are considered a low hazard and are treated as "rainforest".

Steps 4 and 5

The FDI for the site is 80, therefore the relevant Table in AS3959-2018 Construction of buildings in bushfire-prone areas is Table 2.5, extract provided below.

Vegetation classification	BALs				
	BAL—FZ	BAL—40	BAL—29	BAL—19	BAL—12.5
	Distance (m) of the site from the predominant vegetation class				
	All upslopes and flat land (0 degrees)				
A. Forest	<16	16—<21	21—<31	31—<42	42—<100
B. Woodland	<10	10—<14	14—<20	20—<29	29—<100
C. Shrubland	<7	7—<9	9—<13	13—<19	19—<100
D. Scrub	<10	10—<13	13—<19	19—<27	27—<100
E. Mallee/Mulga	<6	6—<8	8—<12	12—<17	17—<100
F. Rainforest	<6	6—<9	9—<13	13—<19	19—<100
G. Grassland	<6	6—<8	8—<12	12—<17	17—<50

Figure 8: extract of Table 2.5 of AS3959

All of the proposed new lots are able to accommodate a DE that is able to meet the BAL-29 setback from the identified riparian corridors and regeneration of forest along the riparian corridor. The following BAL plan graphically represents the compliance with the AS3959-2018 setbacks.

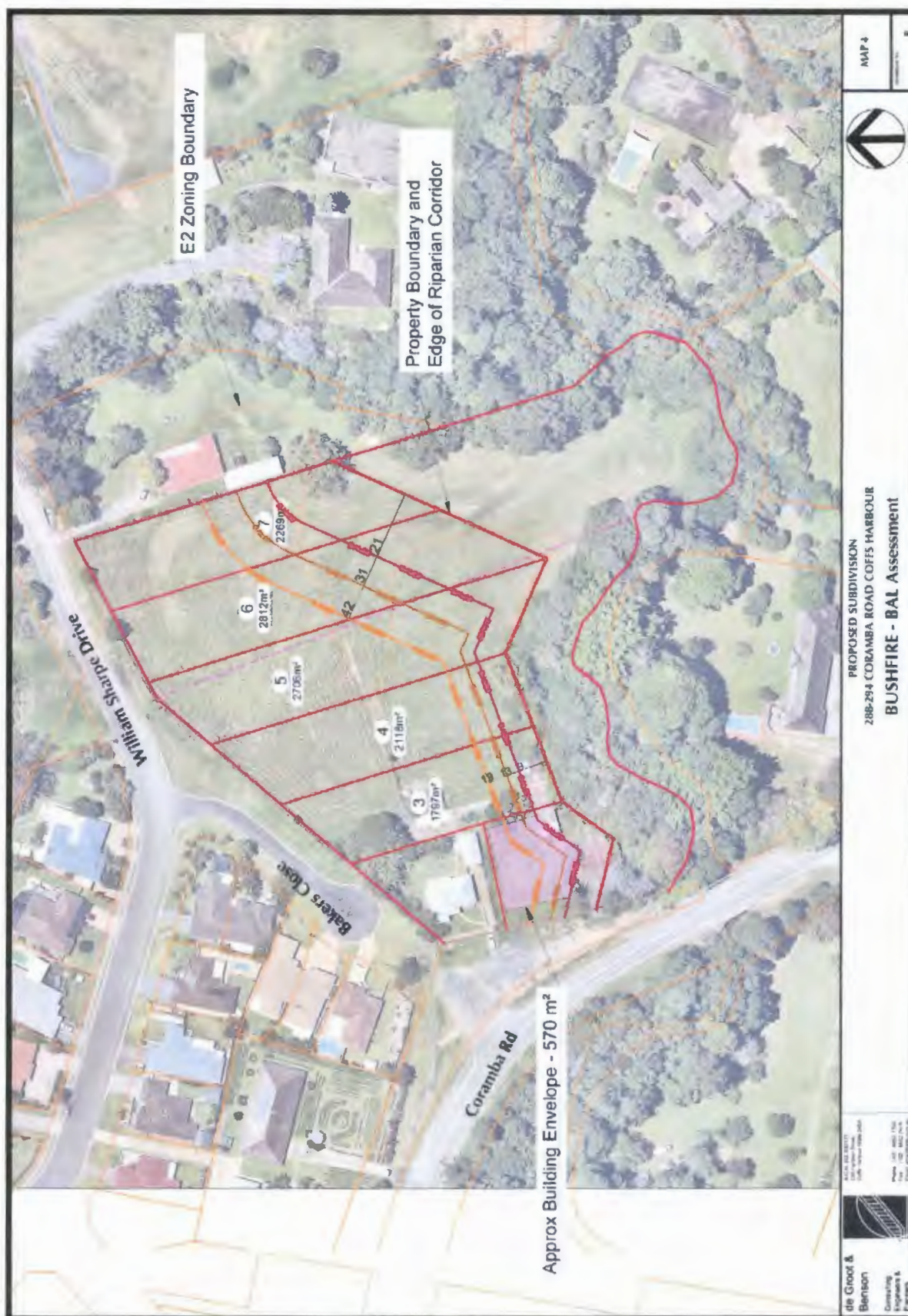


Figure 9: proposed subdivision plan with BALs overlayed



3.4.8 The adequacy of sprinkler systems and other fire protection measures to be incorporated into the development

No sprinkler systems are intended to be provided as part of this development proposal.

3.4.9 An assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Chapter 4 (Performance Based Controls) of Planning for Bush Fire Protection.

3.4.9.1 Asset Protection Zones / Separation Distances

Table 5 below sets out the *Performance Criteria* and *Acceptable Solutions* provided in PBP-2006, and the extent to which the proposal complies with the *Acceptable Solution*.

Table 5

PBP-2006 Performance Criteria	PBP-2006 Acceptable Solution	Complies / Does Not Comply
[1] Radiant heat levels at any point on a proposed building will not exceed 29kW/m ² .	[1.1] An APZ is provided in accordance with the relevant tables/ figures in Appendix 2 of <i>PBP-2006</i> . [1.2] The APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3)	Complies Complies
[2] APZs are managed and maintained to prevent the spread of a fire towards the building.	[2.1] In accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005) <i>Note: A Monitoring and Fuel Management Program should be required as a condition of development consent.</i>	Complies
[3] APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated.	[3.1] The APZ is located on lands with a slope less than 18°.	Complies

In relation to *Acceptable Solution 1.1*, the required separation distances required by Appendix 2 and Addendum Appendix 3 of PBP-2006 have been complied with, and are set out in sections 3.4.1 & 3.4.7 of this Report.

In relation to *Acceptable Solution 2.1*, the APZs and landscaping for the site should be provided in accordance with the principles contained in the NSW Rural Fire Service documents “Standards for Asset Protection Zones” (2005) and “Appendix 5 of PBP-2006 – Landscaping and Property Maintenance” (2006). These documents are provided as Appendix A of this Report for the benefit of the Client.



3.4.9.2 Water Supplies

Table 6 below sets out the *Performance Criteria* and *Acceptable Solutions* provided in PBP-2006, and the extent to which the proposal complies with the *Acceptable Solution*.

Table 6

PBP-2006 Performance Criteria	PBP-2006 Acceptable Solution	Complies / Does Not Comply
Reticulated water supplies [4] Water supplies are easily accessible and located at regular intervals.	[4.1] Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.	Complies
	[4.2] Fire hydrant spacing, sizing and pressures comply with AS2419.1-2005. Where this cannot be met, the RFS will require a test report of the water pressures anticipated by the relevant water supply authority. In such cases, the location, number and sizing of hydrants shall be determined using fire engineering principles.	Complies
	[4.3] Hydrants are not located within any road carriageway.	Complies
	[4.4] All above ground water and gas service pipes external to the building are metal, including and up to any taps.	Able to comply
	[4.5] The provisions of parking on public roads are met.	Able to comply

In relation to *Acceptable Solution 4.4*, the proposed dwellings are able to accommodate this requirement.

In relation to *Acceptable Solution 4.5*, the issue of on-street parking on Bakers Close should be considered given its current width.

3.4.9.3 Capacity of Public Roads

Table 7 below sets out the *Performance Criteria* and *Acceptable Solutions* provided in PBP-2006, and the extent to which the proposal complies with the *Acceptable Solution*.

Table 7

PBP-2006 Performance Criteria	PBP-2006 Acceptable Solution	Complies / Does Not Comply
[5] Firefighters are provided with safe all weather access to structures (thus allowing more efficient use of firefighting resources).	[5.1] Public roads are two-wheel drive, all weather roads.	Not applicable



<p>(6) Public road widths and design that allow safe access for firefighters while residents are evacuating an area.</p>	<p>(6.1) Urban perimeter roads are two-way, that is, at least two traffic lane widths (carriageway 8m minimum kerb to kerb), allowing traffic to pass in opposite directions. Non-perimeter roads comply with Table 4.1 – Road widths for Category 1 Tanker (Medium Rigid Vehicle).</p> <p>(6.2) The perimeter road is linked to the internal road system at an interval of no greater than 500m in urban areas.</p> <p>(6.3) Traffic management devices are constructed to facilitate access by emergency services vehicles.</p> <p>(6.4) Public roads have a cross fall not exceeding 3°.</p> <p>(6.5) All roads are through-roads. Dead-end roads are not recommended, but if unavoidable, dead-ends are not more than 200m in length, incorporate a minimum 12m outer radius turning circle, and are clearly sign posted as a dead-end and direct traffic away from the hazard.</p> <p>(6.6) Curves of roads (other than perimeter roads) are a minimum inner radius of 6m and minimal in number, to allow for rapid access and egress.</p> <p>(6.7) The minimum distance between inner and outer curves is 6m.</p> <p>(6.8) Maximum grades for sealed roads do not exceed 15° and an average grade of not more than 10° or other gradient specified by road design standards, whichever is the lesser gradient.</p> <p>(6.9) There is a minimum vertical clearance to a height of 4m above the road at all times.</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>
<p>(7) The capacity of road surfaces and bridges is sufficient to carry fully loaded firefighting vehicles.</p>	<p>(7.1) The capacity of road surfaces and bridges is sufficient to carry fully loaded firefighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.</p>	<p>Not applicable</p>
<p>(8) Roads that are clearly sign- posted (with easily distinguishable names) and buildings/properties that are clearly numbered.</p>	<p>(8.1) Public roads greater than 6.5m wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water for fire suppression.</p> <p>(8.2) Public roads between 6.5m and 8m wide are “No Parking” on one side with the services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.</p>	<p>Not applicable</p> <p>Not applicable</p>
<p>(9) There is clear access to reticulated water supply.</p>	<p>(9.1) Public roads up to 6.5m wide provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.</p>	<p>Not applicable</p>



	[9.2] One-way only public access roads are no less than 3.5m wide and provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.	Not applicable
[10] Parking does not obstruct the minimum paved width.	[10.1] Parking bays are a minimum of 2.6m wide from kerb edge to road pavement. No services or hydrants are located within the parking bays. [10.2] Public roads directly interfacing the bush fire hazard vegetation provide roll top kerbing to the hazard side of the road.	Not applicable Not applicable

No new public roads are proposed as part of this proposal.

3.4.9.4 Access and Egress

Table 8 below sets out the *Performance Criteria* and *Acceptable Solutions* provided in PBP-2006, and the extent to which the proposal complies with the *Acceptable Solution*.

Table 8

PBP-2006 Performance Criteria	PBP-2006 Acceptable Solution	Complies / Does Not Comply
[11] Access to properties is provided in recognition of the risk to fire fighters and/or evacuating occupants.	[11.1] At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200m from a public through-road.	Not applicable
[12] The capacity of road surfaces and bridges is sufficient to carry fully loaded firefighting vehicles.	[12.1] Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.	Not applicable
[13] All weather access is provided.	[13.1] Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).	Not applicable
[14] Road widths and design enable safe access for vehicles	[14.1] A minimum carriageway width of 4m for rural-residential areas, rural landholdings or urban areas with a distance of greater than 70m from the nearest hydrant point to the most external part of a proposed building (or footprint). [14.2] In forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay. [14.3] A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches.	Not applicable Not applicable Not applicable



	(14.4) Internal roads for rural properties provide a loop road around any dwelling or incorporate a turning circle with a minimum 12m outer radius.	Not applicable
	(14.5) Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.	Not applicable
	(14.6) The minimum distance between inner and outer curves is 6m.	Not applicable
	(14.7) The cross-fall is not more than 10°.	Not applicable
	(14.8) Maximum grades for sealed roads do not exceed 15° and not more than 10° for unsealed roads.	Not applicable
	(14.9) Access to a development comprising more than 3 dwellings have formalised access by dedication of a road and not by right of way.	Not applicable

PBP-2006 provides the following concession in relation to property access roads.

No specific access requirements apply in a urban area where a 70m unobstructed path can be demonstrated between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles (i.e. a hydrant or water supply).

None of the property access road provisions will apply to this proposal.

3.4.9.5 Fire Trails

None of the fire trail provisions will apply to this proposal.



3.4.9.6 Additional Bushfire Protection Measures

In addition to the bushfire protection measures discussed above, the following Table identifies the PBP-2006 Performance Criteria and Acceptable Solution for gas and electricity supplies, together with an assessment of the proposal's compliance.

Table 9

PBP-2006 Performance Criteria	PBP-2006 Acceptable Solution	Complies / Does Not Comply
Electricity Services [14] Location of electricity services limits the possibility of ignition of surrounding bushland or the fabric of buildings [15] Regular inspection of lines is undertaken to ensure they are not fouled by branches.	[14.1] Where practicable, electrical transmission lines are underground. [15.1] Where overhead electrical transmission lines are proposed: - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).	Able to comply
Gas services [16] Location of gas services will not lead to ignition of surrounding bushland or the fabric of buildings	[16.1] Reticulated or bottled gas is installed and maintained in accordance with AS1596 and the requirements of relevant authorities. Metal piping is to be used. [16.2] All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side of the installation. [16.3] If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2m away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal. [16.4] Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.	Able to comply Able to comply Able to comply Able to comply

In relation to the electricity supplies, the existing transmission lines are located overhead in all streets surrounding the site. Overhead transmission lines along the new road should be permitted as there is sufficient separation from the constraining bushfire hazard vegetation.

All of the other relevant *Acceptable Solutions* are able to be provided at construction stage for the future dwellings. Apart from the above matters, no other additional bushfire protection measures are considered necessary for this proposal.



3.5 Existing Dwelling

The existing dwelling on proposed lot 1 will be retained, and therefore assessed against the suite of bushfire protection measures listed in PBP-2006, namely APZs, construction standards, vehicular access, water supply and utility services, and landscaping.

3.5.1 Asset Protection Zones

The existing dwelling is surrounded by a well maintained APZ comprising lawns with few gardens. Generally the curtilage of the building comprises concrete paths or lawn. The dwelling is no closer than approximately 43m from any unmanaged riparian vegetation, coinciding with a BAL-12.5 construction zone (it is understood however that AS3959-2018 does not apply to the existing dwelling).



Figure 10: front yard



Figure 11: rear yard

The existing APZs are deemed acceptable for the risk present.

3.5.2 Construction Standard

The existing dwelling has been assessed against the provisions contained within the NSW Rural Fire Service document titled "Upgrading of Existing Buildings" (NSW RFS, 2014). The table below identifies each of the matters listed for assessment and a statement related to the measure.

Table 10

BUILDING ELEMENT	MINIMAL PROTECTION MEASURES	COMMENTS
GENERAL	Seal all gaps (>3mm) around the house (excluding subfloor) with: <ul style="list-style-type: none"> • appropriate joining strips; • flexible silicon based sealant; or • mesh with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium. 	Recommended. Dwelling is generally in good repair but some building cavities are exposed to ember attack.



WALLS	Install sarking with a flammability index of not more than 5 behind weatherboards or other external cladding when they are being replaced for maintenance or other reasons.	Recommended.
SUBFLOOR	Removal of combustible materials and keeping areas clear and accessible.	Suspended floor with relatively tight sub-floor space.
DOORS	Install weather strips, draught excluders or draught seals at the base of side-hung doors.	Recommended.
VENTS & WEEPHOLES	Seal vents and weepholes in external walls with mesh (with an aperture size of 2 mm) of corrosion resistant steel, bronze or aluminium.	Recommended.
ROOFS	Seal around roofing and roof penetrations with a non-combustible material. Install sarking with a flammability index of not more than 5 beneath existing roofing when it is being replaced for maintenance or other reasons. If installed, gutter and valley leaf guards shall be non-combustible.	Recommended. Recommended.
WINDOWS	Install mesh with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium to all external doors and openable windows	Recommended.

3.5.3 Vehicular Access

The existing dwelling is provided with direct access off Coramba Road onto a wide apron in front of the dwelling. Emergency vehicle access onto the proposed lot is not required.

3.5.4 Water, Electricity and LPG Supplies

The existing dwelling is provided with town water with a hydrant located along its north-western boundary as indicated in Figure 6.

The electricity supply to the dwelling is located overhead and is not located through areas of unmanaged vegetation in the vicinity of the proposed lot.

There is no fixed LPG cylinder located in the vicinity of the dwelling.



3.5.5 Landscaping

Refer to 3.5.1 (APZs) above.

4.0 SUMMARY / CONCLUSION / RECOMMENDATION

This Report is an assessment of a 7-lot urban subdivision. The parent lot is occupied by 2 detached dwellings: the existing dwelling on proposed lot 2 will be demolished as part of the proposal; the existing dwelling on proposed lot 1 has been assessed against the NSW Rural Fire Service document titled "Upgrading of existing buildings".

Proposed lots 3 - 7 are all elongated lots having widths of 24m, and areas ranging from 2293m² to 5000m². All of these new lots front either Bakers Close or William Sharp Drive.

All of the proposed new lots are able to accommodate DEs that achieve a bushfire attack level of BAL-29 or lower, as depicted in the plan provided as Figure 9 of this Report. No native vegetation needs to be removed to achieve this.

All of the relevant *Acceptable Solutions* have been, or are able to be, met. Therefore it is my recommendation that the proposal should be granted approval subject to the following specific recommendations:

- SR1** The development is to be carried out in accordance with the attached plan prepared by de Groot & Benson.
- SR2** The future dwellings are to comply with AS3959-2018 *Construction of buildings in bushfire-prone areas*. The specific BALs for each lot is to be based on Figure 9 of this Report.
- SR3** At the issue of subdivision certificate and in perpetuity, the landscaping within the vacant proposed lots shall be maintained as an asset protection zone (APZ) as outlined within Appendix A of this Report.
- SR4** Landscaping within occupied lots is to comply with the principles for inner protection areas (IPA) as outlined within Appendix A of this Report.

4.1 Limitation

- 4.1.1 This Report and the subsequent recommendations reflect the reasonable and practical efforts of the author. It is important to note that the author (and State and Local Government authorities) cannot guarantee that bushfire ignition and subsequent bushfire damage will not occur.
- 4.1.2 Current legislation is 'silent' in relation to the maintenance of bushfire protection measures for dwellings. Maintenance is a major factor in the effectiveness of any BPM provided/installed. The extent to which the BPMs are implemented and



maintained will affect the probability of achieving adequate bushfire safety margins.

- 4.1.3 Given the natural phenomenon of bushfires, and limitations in technology and research, a system to guarantee the survival of life and property cannot be made. This is reflected in the following statements of limitations:

The goal of 'absolute' or '100%' safety is not attainable and there will always be a finite risk of injury, death or property damage. (IFEG-2005)

No development in a bushfire prone area can be guaranteed to be entirely safe from bushfires. (PBP-2001)

Notwithstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small, always remains. (PBP-2001)

29/01/2020

Holiday Coast Bushfire Solutions
Grad. Dip. Design in Bushfire Prone Areas (UWS)



5.0 REFERENCES

NSW Government, *Environmental Planning and Assessment Act 1979* (as amended),

<http://www.legislation.nsw.gov.au>

NSW Government, *Rural Fires Act 1997*, <http://www.legislation.nsw.gov.au>

NSW Government, *Rural Fires Regulation 2013*, <http://www.legislation.nsw.gov.au>

NSW Government Geospatial Portal (2019), various images, <http://maps.six.nsw.gov.au/>

NSW Rural Fire Service (2006), *Planning for Bushfire Protection 2006*, Sydney.

NSW Rural Fire Service (2001), *Planning for Bushfire Protection 2001*, Sydney.

NSW Rural Fire Service (2005), *Standards for asset protection zones*, Sydney.

Standards Australia (2019), *Australian Standard 3959-2018 Construction of buildings in bushfire-prone areas*, Sydney.

6.0 APPENDICES

APPENDIX A - "Standards for Asset Protection Zones" and "Appendix 5 - Bush Fire Provisions - Landscaping and Property Maintenance" of **PBP-2006**.

Coffs Harbour City Council - cnr Coff and Castle Streets

Date: 07 January 2021

Locked Bag 155 cnr Coff and Castle Streets

Coffs Harbour New South Wales 2450

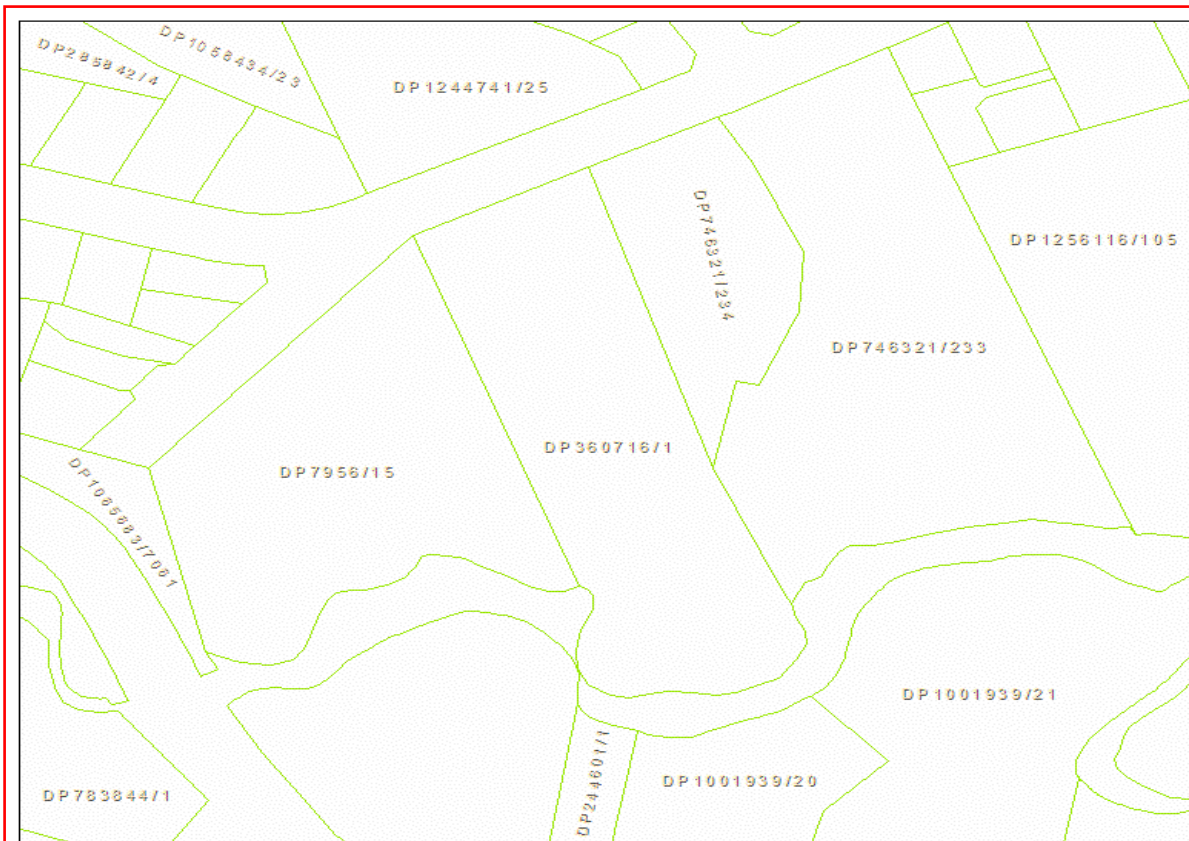
Attention: Marcy Mills

Email: marcelle.mills@chcc.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP360716 with a Buffer of 50 meters, conducted by Marcy Mills on 07 January 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Coffs Harbour City Council - cnr Coff and Castle Streets

Date: 07 January 2021

Locked Bag 155 cnr Coff and Castle Streets

Coffs Harbour New South Wales 2450

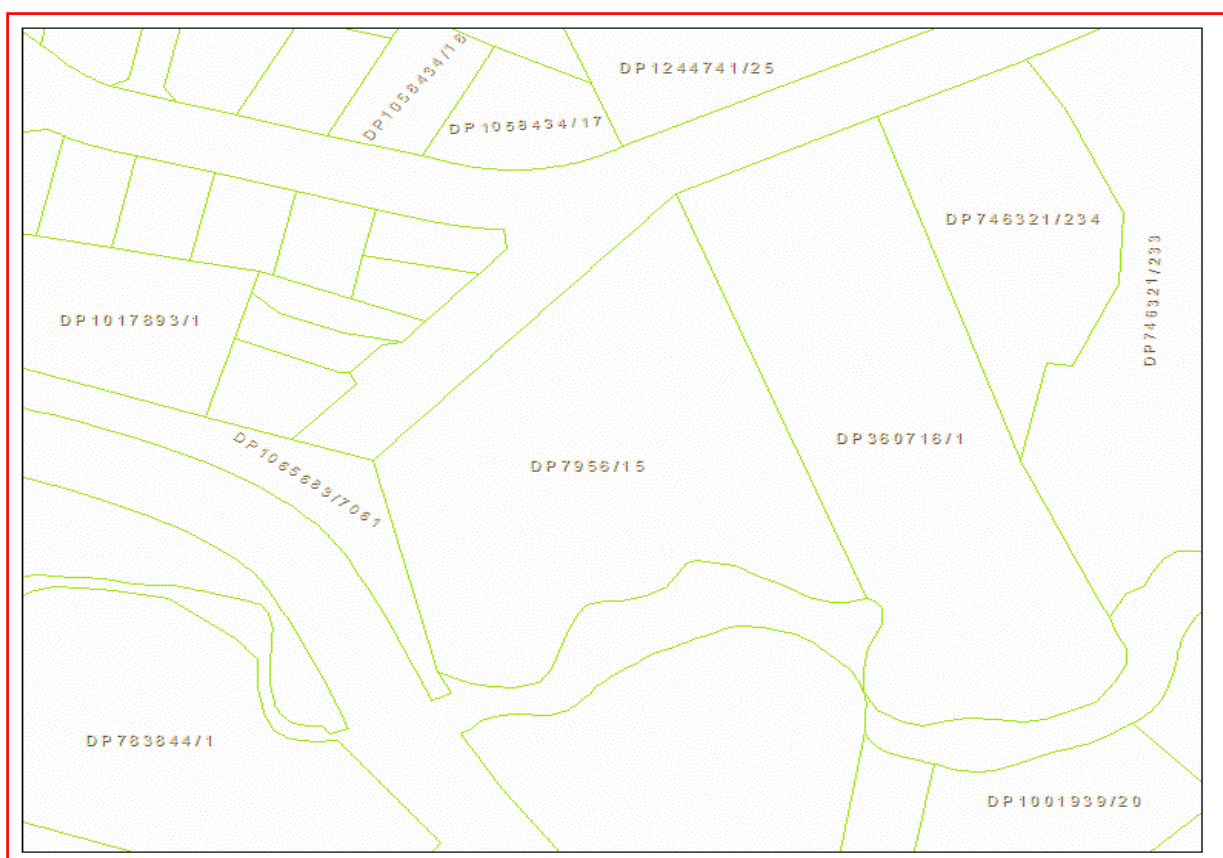
Attention: Marcy Mills

Email: marcelle.mills@chcc.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 15, DP:DP7956 with a Buffer of 50 meters, conducted by Marcy Mills on 07 January 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

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- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.