



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

**Reduce Minimum Lot Size
Lot 3 DP 1052184 (116 Braford Drive, Bonville)**

**July 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 8 July 2021
Referred to DPIE s3.34(1) Version 1 – Pre-Exhibition	13 July 2021
Gateway Determination s3.34(2) Version 1 – Pre-Exhibition	23 July 2021
Amendments Required:	No
Public Exhibition – Schedule 1 Clause 4 Version 2 - 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 Local Environmental Plan 2013* (Coffs Harbour LEP 2013).

A planning proposal assists those who are responsible for deciding whether an LEP amendment should proceed and is required to be prepared by a relevant planning authority. Council, as a relevant planning authority, is responsible for ensuring that the information contained within a planning proposal is accurate and accords with the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's *A guide to preparing planning proposals* 2018 and *A guide to preparing local environmental plans* 2018.

What is the Intent of this Planning Proposal?

The intent of this Planning Proposal is to amend the Lot Size Map of Coffs Harbour Local Environmental Plan 2013 (being Lot Size Map Sheet LSZ_006) to change the Minimum Lot Size that applies to 116 Braford Drive, Bonville (the subject site) from 1 hectare to 6,000m². This will allow development application to be made for subdivision of the land into two lots.

Background

Proposal	Reduce Minimum Lot Size
Property Details	Lot 3 DP 1052184, 116 Braford Drive, Bonville
Current Land Use Zone(s)	R5 Large Lot Residential
Proponent	Keiley Hunter Town Planning
Landowner	S & H Hiller
Location	A location map is included below

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 effect of an amendment to Coffs Harbour LEP 2013 to reduce the minimum lot size affecting the land from 1 hectare to 6,000m². This will allow application to be made for subdivision of the land into two lots.

The Site

The land affected by this planning proposal is described as Lot 3 DP 1052184 and is located at 116 Braford Drive, Bonville, as shown in Figure 1. Bonville is a rural and large lot residential locality located approximately 12 km south-west of Coffs Harbour. The subject site slopes gently to the north-west and has an area of approximately 1.26 hectares. The subject site is surrounded by other large residential lots.



Figure 1 Locality map of Braford Drive showing subject site

The subject lot is within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013 as shown in Figure 2 below.

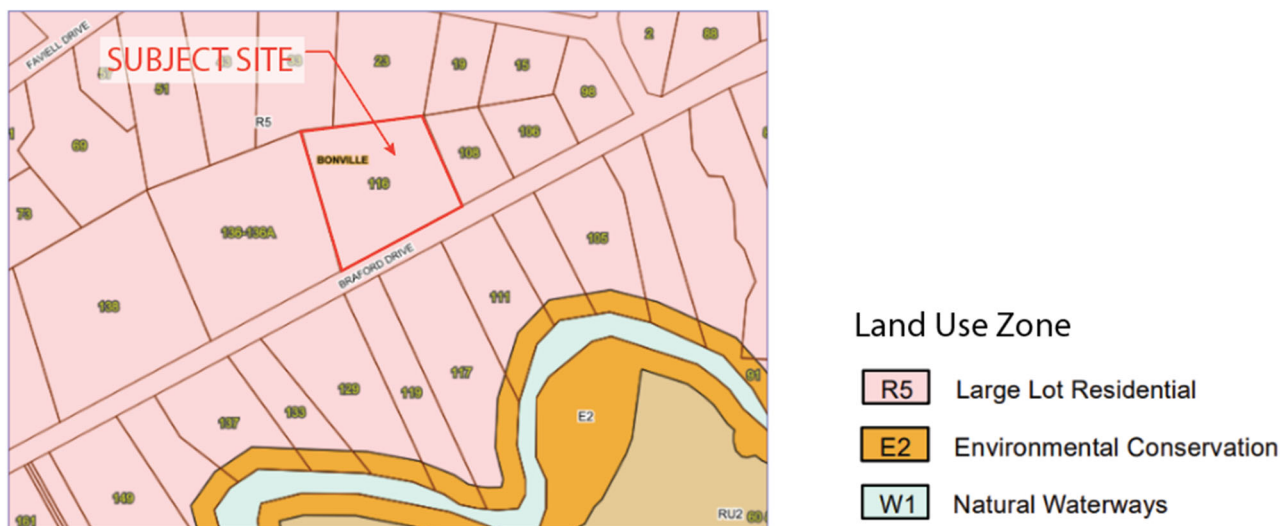


Figure 2 Current Land Use Zones – Coffs Harbour LEP 2013

The minimum lot size under Coffs Harbour LEP 2013 is 1 hectare as shown in Figure 3 below:

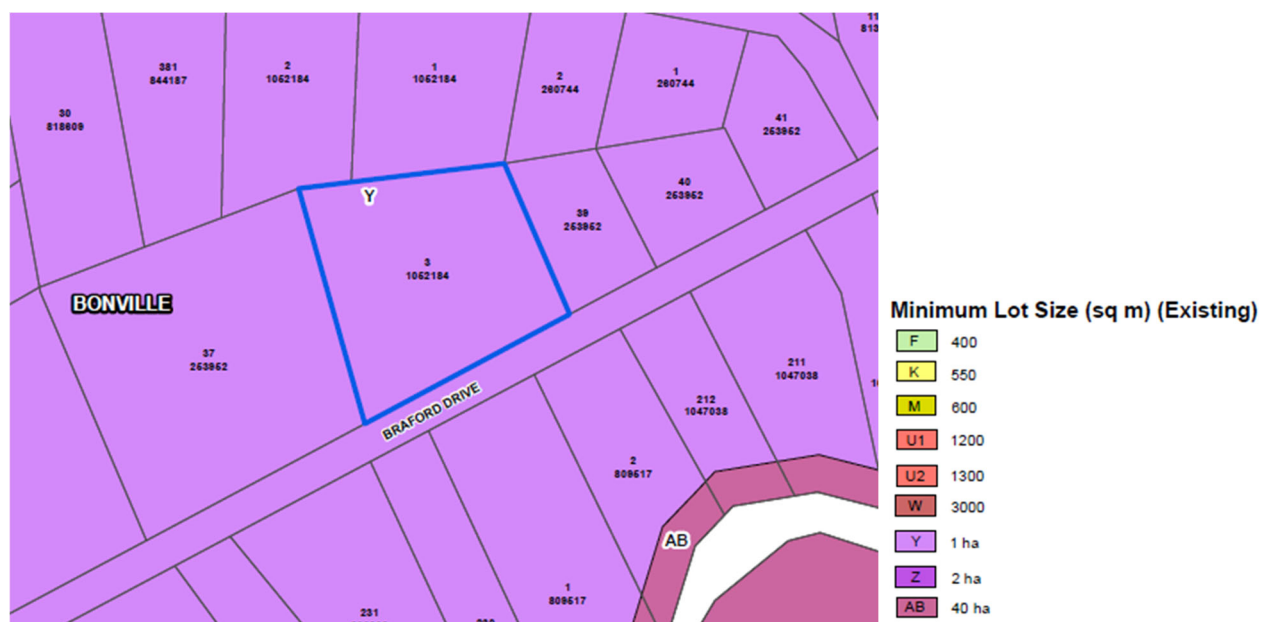


Figure 3 Current Lot Size – Coffs Harbour LEP 2013

Proposed subdivision

The amendment to the LEP is intended to facilitate the making of a development application for subdivision of the subject lot into two lots. A development application has been lodged concurrently with the application to amend the LEP and the proposed plan of subdivision is shown in Figure 4 below. The development application cannot be approved until the LEP is amended as proposed.

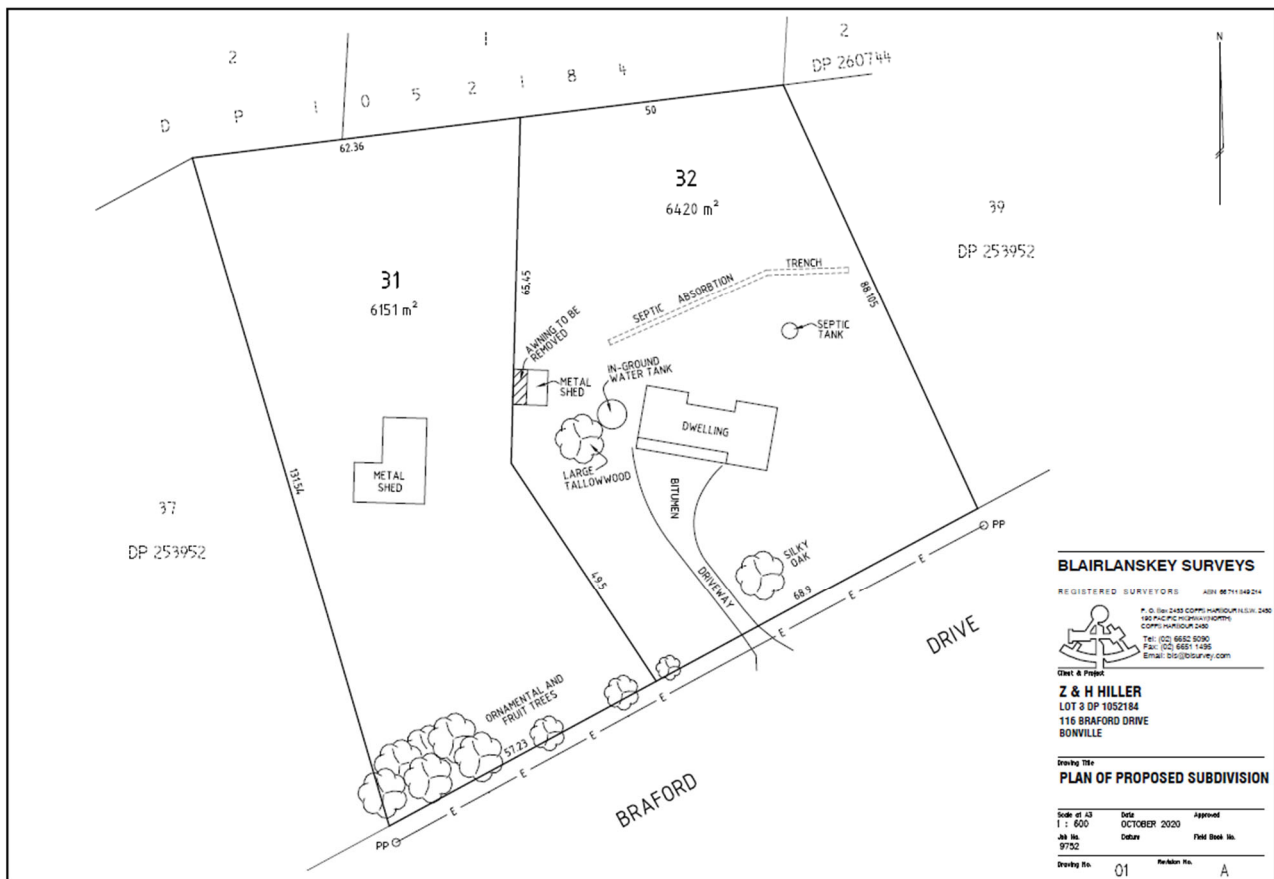


Figure 4 Proposed subdivision layout

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this planning proposal are to:

- Amend the Lot Size Map of Coffs Harbour Local Environmental Plan 2013 by reducing the minimum lot size (MLS) that applies to the site from 1 hectare to 6,000m²;
- Ensure that the proposed minimum lot size is consistent with the broad strategic direction for the locality as described by North Coast Regional Plan 2036 and Council's Local Strategic Planning Statement 2020 and Local Growth Management Strategy 2020.

PART 2 – EXPLANATION OF PROVISIONS

The intended outcomes of the proposed LEP amendment will be achieved by amending Coffs Harbour LEP 2013 Lot Size Map Sheet LSZ_006 to change the MLS applying to 116 Braford Drive, Bonville (the site) from 1 hectare to 6,000m².

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 Planning Proposal has been prepared in response to a landowner's request and relates to land that is included in an existing R5 Large Lot Residential zone. Council's Local Growth Management Strategy (LGMS) 2020, Chapter 5 – Large Lot Residential addresses the potential reduction of MLS in the R5 zone, where sufficiently justified. Section 6.7 within Chapter 5 of the LGMS states the following:

'It is also reasonable that if undeveloped land within zone R5 can justify a reduced lot size, then it should be considered through an applicant-initiated planning proposal. This would allow a merit case for a revised minimum lot size LEP amendment request to be submitted to Council, bearing in mind the underlying reasons for the standard in the first place and the objectives of zone R5.'

The Bonville rural residential area has a range of existing lot sizes that reflect past subdivision planning controls and practice. The size of lots surrounding the subject site range from approximately 4,000m² to just over 2ha. In order to inform future minimum lot sizes in the area Council in 2013 commissioned a study of land in the Bonville area to investigate its potential to accommodate on-site wastewater management, which is an inherent limitation on residential land that is not connected to a sewerage network. This study examined the site that is the subject of this planning proposal (along with a number of others) and determined that a 4,000m² MLS was generally appropriate for the Bonville rural residential area in regard to the capacity of the land to manage effluent generated by occupation of a single dwelling house on each site. Council adopted a conservative MLS of 1ha for LEP 2013 but the LGMS indicates that proposals to reduce the MLS will be considered, as noted above.

As the wastewater study commissioned by Council specifically assessed the subject lot, this study is considered to provide a satisfactory assessment of the capability of the land to accommodate on-site wastewater management and in turn, to justify the reduced MLS for this site in terms of its capacity to accommodate management of wastewater on site. It is likely that a detailed on-site wastewater investigation will be required as part of the development application to subdivide the land.

Given there are already numerous lots in the vicinity of the subject site that are around 4,000m² in size, and given the 2013 on-site waste water study recommended a MLS of 4,000m² be adopted the area, the proposal for a MLS of 6,000m² to apply to the subject site is considered to be justified and acceptable. As noted in Chapter 6 of the LGMS, consideration should also be given to the Objectives of the Zone, and in this regard, the proposed 6,000m² MLS for the subject site is considered to be consistent with the Objectives of Zone R5.

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

Yes. Without amending the MLS applying to the site, subdivision is not possible. Therefore, a site-specific planning proposal to amend Coffs Harbour LEP 2013 is the only way of achieving the intended outcomes associated with the planning proposal.

3. Is there a net community benefit?

The proposal to reduce the MLS that applies to the subject site will facilitate the making of an application for subdivision of the land. Should development consent be granted for subdivision this will result in an additional vacant lot available for residential development in the Bonville area. Given the probable future subdivision of the land is unlikely to create any significant adverse impacts on the environment or the surroundings of the site, it is considered that the proposal to amend LEP 2013 will result in a net community benefit.

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 2 – A THRIVING, INTERCONNECTED ECONOMY

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

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

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

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

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

Comment - There is adequate separation from any nearby productive agricultural lands.

GOAL 3 – VIBRANT AND ENGAGED COMMUNITIES

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

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

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

Comment - The site is within an existing large lot residential area.

- **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 24 - Deliver well-planned rural residential housing areas**

Action 24.2 - Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy approved by the Department of Planning and Environment.

Comment - The site is located outside the coastal strip and is located within an existing large lot residential area.

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 consistent with the following relevant planning priorities and associated actions within the adopted LSPS:

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>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

Coffs Harbour Local Growth Management Strategy

The Planning Proposal is consistent with the Coffs Harbour Local Growth Management Strategy. The land is zoned R5 Large Lot Residential under Coffs Harbour LEP 2013 and the eventual addition of one additional R5 zoned lot on the site is considered to be a minor intensification of development on the site. The proposed amendment to the Minimum Lot Size Map is consistent with the intent of Coffs Harbour LGMS 2020 - Chapter 6 Large Lot Residential and is a viable addition to the Bonville Large Lot Residential land stock.

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 (s9.1 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?

No. This Planning Proposal will not alter any zones or development controls in a manner that would result in any adverse impacts on threatened species, populations, or ecological communities. The subject site is

predominantly cleared with very few native trees. The site does not contain land mapped as being of Biodiversity Value (as per the Office of Environment and Heritage (OEH) Biodiversity Values Map and Threshold Tool).

Given the relative paucity of native vegetation and the lack of high conservation value habitat for flora or fauna, biodiversity values of the site are very limited. The site is also located within an area that is predominantly developed for large lot residential purposes and consequently, it is not likely to function as a significant fauna corridor or extension to an area of significant habitat value. Therefore, it is considered that the proposed LEP Amendment and subsequent subdivision and development of the site will have negligible impacts on biodiversity.

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

The only other likely environmental effects are in relation to on-site effluent management. Subdivision of the land and subsequent construction of an additional dwelling will generate additional effluent that will need to be managed on site. A study commissioned by Coffs Harbour City Council found that the capacity of land in the Bonville large lot residential area to accommodate additional on-site effluent management was such that lots as small as 4,000m² were possible without creating issues. This study has demonstrated that the eventual development of an additional dwelling on the land will not generate any adverse environmental impacts as a result of effluent management. It is likely that a site-specific study to demonstrate that the land can accommodate additional effluent generated by an additional dwelling without having environmental impacts will likely be required as part of an application to subdivide the land.

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

It is unlikely that the planning proposal would result in any adverse social or economic effects. Social benefits include a minor increase in housing stock in Bonville which may have flow on benefits to the public school and local community activities. Economic benefits include the establishment and construction of the subdivision and associated dwelling, and minor flow on benefits to local businesses including businesses in Bonville.

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 proposed amendment to LEP 2013 will enable the creation of one additional lot which can be adequately accessed by existing roads. There is no other public infrastructure servicing this area.

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

A Gateway determination has been issued by NSW Planning, Industry and Environment. The Gateway Determination requires consultation with the NSW Rural Fire Service. There do not appear to be any matters of interest to Commonwealth authorities in relation to the planning proposal.

PART 4 – MAPPING

The existing LEP 2013 Lot Size map is shown in Figure 5 below:

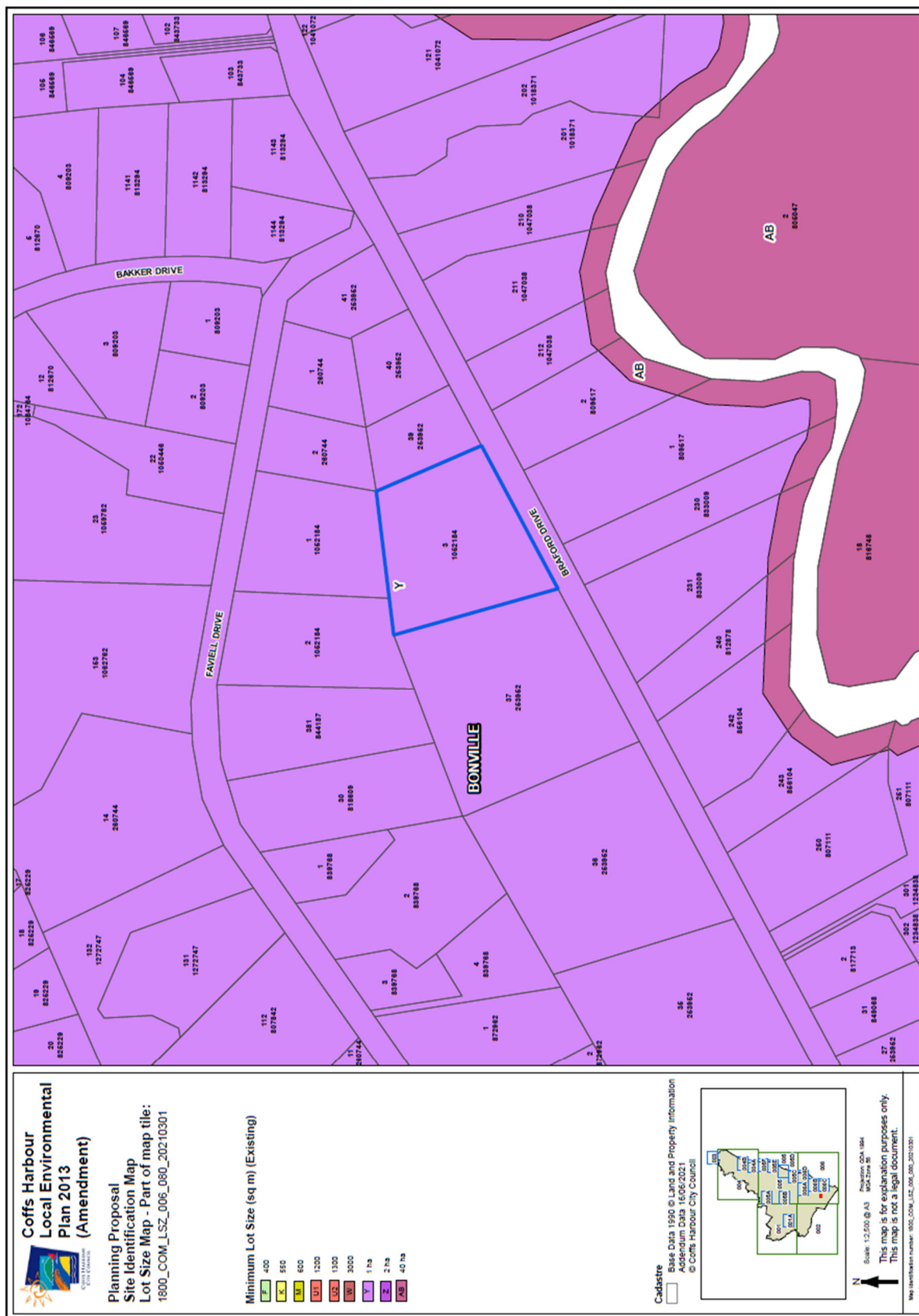


Figure 5: Existing LEP 2013 Minimum Lot Size

The proposed LEP 2013 Lot Size map is shown in Figure 6 below:

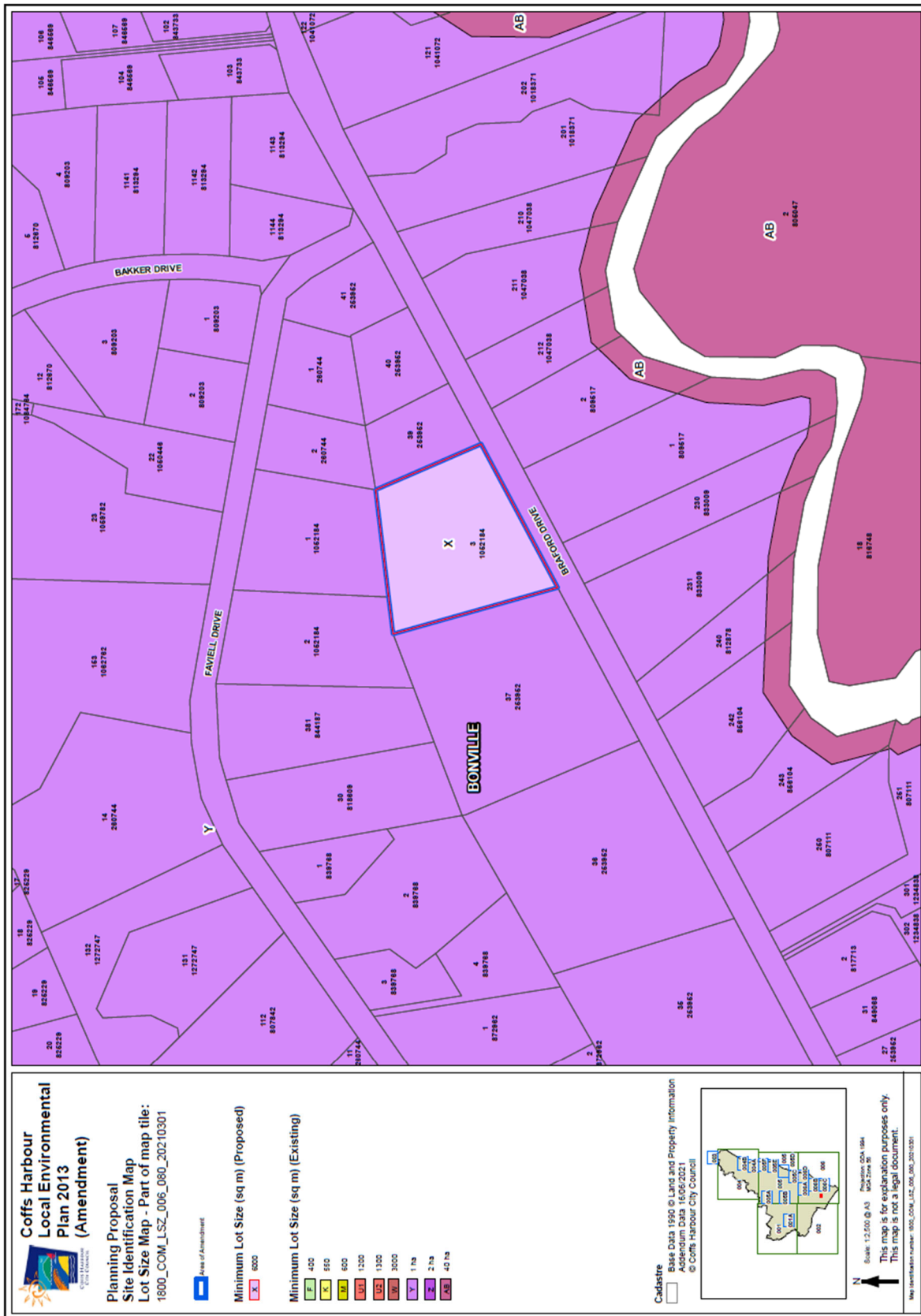


Figure 6: Proposed LEP 2013 Minimum Lot Size

PART 5 – COMMUNITY CONSULTATION

The Gateway Determination issued by the Department of Planning, Industry and Environment specified that public exhibition of the planning proposal should be undertaken for a period of at least 14 days. Public Exhibition of the planning proposal will include the following:

- **Advertisement-** Placement of a public notice on Council's website.
- **Consultation with adjoining landowners-** Written notification of the public exhibition to adjoining 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	July 2021
Commencement (date of Gateway determination)	July 2021
Peer review & provision of additional information (if required)	-
Public exhibition & agency consultation	August 2021
Consideration of submissions	September 2021
Reporting to Council for consideration	October 2021
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	November 2021

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP No 19 – Bushland in Urban Areas	No	N/A	Coffs Harbour City Council is not listed in Schedule 1 of this policy and thus the policy does not apply to this planning proposal.
SEPP No 21 – Caravan Parks	Yes	Yes	This SEPP is not directly relevant to this planning proposal and nothing in this planning proposal will compromise the efficient application of this SEPP to any future development.
SEPP No 33 – Hazardous and Offensive Development	No	N/A	This policy does not apply. This planning proposal does not contain specific provisions that reference hazardous and offensive development.
SEPP No 36 – Manufactured Home Estates	Yes	Yes	This SEPP is not directly relevant to this planning proposal and nothing in this planning proposal will compromise the efficient application of this SEPP to any future development.
SEPP No 50 – Canal Estate Development	No	N/A	This policy does not apply. This planning proposal does not contain specific provisions that reference or propose canal estate development.
SEPP No 55 – Remediation of Land	Yes	Yes	A review of Council records does not identify any past activities at the site that would suggest potential land contamination is a relevant consideration.
SEPP No 64 – Advertising and Signage	Yes	Yes	This SEPP is not directly relevant to this planning proposal and nothing in this planning proposal will compromise the efficient application of this SEPP to any future development.
SEPP No 65 – Design Quality of Residential Apartment Development	No	N/A	This SEPP does not apply to this planning proposal as it will not allow development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component.
SEPP No 70 – Affordable Housing (Revised Schemes)	Yes	Yes	This may become relevant for future development applications but is not a consideration at this stage.
SEPP (Aboriginal Land) 2019	N/A	N/A	This policy does not apply. This policy presently only applies to the Central Coast Local Government Area.
SEPP (Affordable Rental Housing) 2009	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. Future development may incorporate housing delivered under this SEPP and relevant provisions will be given detailed consideration during the assessment of a development application.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. Future development incorporating BASIX affected buildings will be subject to the provisions of this SEPP.
SEPP (Coastal Management) 2018	No	N/A	The land is outside of the coastal area and not affected by this SEPP.

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP (Concurrences and Consents) 2018	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. Future development requiring concurrence will be subject to the provisions of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. Any future development incorporating a child care centre or the like would be subject to the provisions of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. This SEPP is not specifically relevant in the context of the planning proposal and this planning proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A	Seniors housing is prohibited in the R5 Large Lot Residential Zone under Coffs Harbour Local Environmental Plan 2013. The land is also not considered by the SEPP to be zoned for 'urban purposes'.
SEPP (Infrastructure) 2007	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. This planning proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Koala Habitat Protection) 2019	No	N/A	The site does not contain any mapped koala habitat.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	The planning proposal is consistent with the aims or provisions of this SEPP. This planning proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Primary Production and Rural Development) 2019	No	N/A	The site is zoned R5 Large Lot Residential and is not used for primary production purposes.
SEPP (State and Regional Development) 2019	Yes	Yes	This Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (State Significant Precincts) 2005	No	N/A	This planning proposal does not relate to a state significant precinct.
SEPP (Urban Renewal) 2010	No	N/A	This planning proposal does not relate to an urban renewal precinct.
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Yes	This Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.

APPENDIX 2 – ASSESSMENT AGAINST S9.1 MINISTERIAL DIRECTIONS

S9.1 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	This 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	This 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 incompatible with such development.	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.
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture	N/A	This planning proposal does not affect land within an existing or proposed oyster aquaculture area.

APPENDIX 2 – ASSESSMENT AGAINST S9.1 MINISTERIAL DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	lease in the national parks estate”; or (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.		
1.5 Rural Lands	Applies when a relevant planning authority prepares a planning proposal that: (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 (b) changes the existing minimum lot size on land within a rural or environment protection zone.	N/A	This planning proposal does not affect land within an existing or proposed rural zone, or environmental protection zone.
2 Environment and Heritage			
2.1 Environment Protection Zones	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (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 “Rural Lands”.	Yes	This Planning Proposal will not alter any zones or development controls in a manner that would result in any adverse impacts on the protection and conservation of environmentally sensitive areas. The site does not contain any mapped significant vegetation, habitat or ecological communities. The planning proposal does not apply to land within an environment protection zone or land otherwise identified for environment protection purposes.

APPENDIX 2 – ASSESSMENT AGAINST S9.1 MINISTERIAL DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
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> <ul style="list-style-type: none"> (a) the objects of the <i>Coastal Management Act 2016</i> and objectives of the relevant coastal management areas, (b) the NSW Coastal Management Manual and associated Toolkit; and (c) the NSW Coastal Design Guidelines 2003, and (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>. 	N/A	The land is outside of the coastal zone.
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (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, 	Yes	<p>European Heritage</p> <p>The subject site does not contain any items listed as Heritage Items in Schedule 5 of Coffs Harbour Local Environmental Plan 2013 or the State Heritage Register. There are no European Heritage issues that would prevent the rezoning of this site.</p> <p>Aboriginal Cultural Heritage</p> <p>The site does not contain any mapped known or predictive Aboriginal Cultural Heritage (ACH) and an AHIMS search has</p>

APPENDIX 2 – ASSESSMENT AGAINST S9.1 MINISTERIAL DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>		not revealed any ACH sites on or near the site.
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environment protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation</i></p>	Yes	This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.

APPENDIX 2 – ASSESSMENT AGAINST S9.1 MINISTERIAL DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<i>Vehicle Areas, State Pollution 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 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</p>	Yes	A review of Council records does not identify any past activities at the site that would suggest potential land contamination is a relevant consideration.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>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 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</p>	Yes	<p>The planning proposal seeks to reduce the minimum lot size to enable subdivision of the subject lot into two lots. This will provide a small increase in the choice of building types and locations.</p> <p>As the site is within an existing large lot residential area, subdivision will make more efficient use of existing infrastructure, and will reduce development pressure of land on the urban fringe.</p> <p>The proposal will increase the supply of residential land adjoining other residential land that is close to local community facilities. Appropriate planning controls are also contained within <i>Coffs Harbour DCP 2015</i> to ensure that eventual development is of good design.</p> <p>The planning proposal does not reduce the permissible residential density of the land.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>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 residential density of land.</p>		
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> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p>	N/A	Caravan parks are prohibited in the R5 Large Lot Residential zone under <i>Coffs Harbour LEP 2013</i> . There are no existing caravan parks located on the subject lands.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	Yes	This proposal does not affect home occupation provisions under LEP 2013.
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	Yes	The planning proposal does not alter any land use zones in LEP 2013. It will not affect transport infrastructure.
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.	Yes	This proposal does not affect land in proximity to any regulated airports or defence airfields

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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.	Yes	This planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	No. Inconsistent but of minor significance.	<p>The site is mapped as being within an area of Class 5 acid sulfate soils (ASS). ASS are not generally found in Class 5 ASS areas but these areas are within a 500 metres of Class 1, 2, 3 or 4 ASS. This means that the likelihood of ASS occurring on the site is low, and given the nature of the proposed LEP amendment (and potential future development to be facilitated), Council has elected not to require an investigation of ASS on the site.</p> <p>Although the planning proposal is inconsistent with this Direction, it is considered the inconsistency is of minor significance and it is requested that the Director-General confirm this.</p>
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that: <ul style="list-style-type: none"> (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> (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	<p>This planning proposal does not apply to land that:</p> <ul style="list-style-type: none"> (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> (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	N/A	The subject site is not identified as being flood prone.

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

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S9.1 Direction	Applicable	Consistent	Comment
	<p>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> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and 	To be confirmed	<p>The land is mapped as bushfire prone. As such, future development applications for all development involving bush fire prone lands will be required to comply with either s4.14 of the EP&A Act 1979 or s100B of the <i>Rural Fires Act 1997</i>, depending on the nature of the proposed development and the relevant provisions of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>Should Council receive a Gateway Determination from NSW Planning Industry and Environment, the terms of the Gateway Determination will likely require Council to consult with the NSW Rural Fire Service.</p> <p>In which case, the NSW RFS will need to supply comments relevant to S9.1 Direction 4.4 Planning for Bushfire Protection, in order to demonstrate compliance with the requirements of that direction.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<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> <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the</p>		

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S9.1 Direction	Applicable	Consistent	Comment
	<p>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 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</p>	N/A	This proposal will not affect commercial and retail land along the Pacific Highway, North Coast.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>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”, “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 North Coast Regional Plan 2036 (NCRP) applies to the Coffs Harbour LGA. The NCRP 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 NCRP are provided in Part 3, Section A (3) and Section B (4) above.</p> <p>It is considered that this planning proposal is consistent with the NCRP.</p>

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S9.1 Direction	Applicable	Consistent	Comment
5.11 Development of Aboriginal Land Council Land	This direction applies when a planning authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019; or an interim development delivery plan published on the Department's website on the making of this direction.	N/A	This direction is not applicable to the Coffs Harbour Local Government Area.
6. Local Plan Making			

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S9.1 Direction	Applicable	Consistent	Comment
6.1 Approval of Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (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>The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>It does not identify development as designated development.</p>

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S9.1 Direction	Applicable	Consistent	Comment
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 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> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (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 (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>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	Yes	The planning proposal does not allow a particular development or contain drawings that show details of a particular development.

APPENDIX 3- WASTEWATER CAPABILITY ASSESSMENT

APPENDIX 5- AHIMS SEARCH RESULTS