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S9.1 MINISTERIAL DIRECTIONS

SECTION 9.1 DIRECTION	CONSISTENCY OF THE PLANNING PROPOSAL
1. EMPLOYMENT AND RESOURCES	
Direction 1.1 Business and Industrial Zones	
<p><i>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).</i></p>	<p>NOT APPLICABLE</p> <p>This Planning Proposal does not apply to Business or Industrial zones.</p>
Direction 1.2 Rural Zones	
<p><i>The objective of this direction is to protect the agricultural production value of rural land. A draft LEP shall:</i></p> <ul style="list-style-type: none"> <i>a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i> <i>b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i> 	<p>NOT APPLICABLE</p> <p>This Planning Proposal does not affect either matter (a) or (b).</p>
Direction 1.3 Mining, Petroleum Production and Extractive Industries	
<p><i>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</i></p> <ul style="list-style-type: none"> <i>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</i> <i>(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.</i> 	<p>NOT APPLICABLE</p> <p>This Planning Proposal does not affect either matter (a) or (b).</p>
Direction 1.4 Oyster Aquaculture	
<p><i>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</i></p> <ul style="list-style-type: none"> <i>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or</i> 	<p>NOT APPLICABLE</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.

Direction 1.5 Rural Lands

This direction Applies when a relevant planning authority prepares a Planning Proposal that:

NOT APPLICABLE

- (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.

2. ENVIRONMENT AND HERITAGE

Direction 2.1 Environment Protection Zones

The direction requires that a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.

NOT APPLICABLE

A draft LEP that Applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

Direction 2.2 Coastal Management

NOT APPLICABLE

This direction 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 - and as identified by the State Environmental Planning Policy (Coastal Management) 2018.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of

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environmental heritage significance and indigenous heritage significance.

A Planning Proposal shall contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

European Heritage

The Planning Proposal does not impact any items currently listed in Schedule 5 Environmental Heritage of Coffs Harbour LEP 2013.

Aboriginal Cultural Heritage

The Planning Proposal does not contain any provisions for the conservation of matters listed at 4(a) to (c).

This inconsistency is considered to be of minor significance.

An Aboriginal Cultural Heritage Assessment (ACHA) was prepared by Everick Heritage (Appendix E).

The assessment concluded that future subdivision works within 148 and 189 Gaudrons Road are unlikely to impact on Aboriginal objects or will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation are not required for these two parcels of land.

However, it is determined that works at 9 Gaudrons Road (Property 1), particularly in relation to the ridge crest, have the potential to impact on Aboriginal objects. As such additional consultation and archaeological investigation are required.

Additional assessments will be required at DA stage for development at 9 Gaudrons Road.

Direction 2.4 Recreation Vehicle Areas

A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):

(4)

(a) where the land is within an environmental protection zone,

(b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:

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This Planning Proposal does not enable land to be developed for the purpose of a recreational vehicle area.

(i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and*

(ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.*

Direction 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

NOT APPLICABLE

Direction 2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction Applies to:

- (a) ...
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.*

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The subject land has a history of agricultural land use including banana cultivation.

Earth Water Consulting prepared an Environmental Site Assessment including soil testing for the subject land. They concluded that the land is suitable for residential development without further soil analysis.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction 3.1 Residential Zones

A Planning Proposal must include provisions that encourage the provision of housing that will:

- a) *broaden the choice of building types and locations available in the housing market, and*
- b) *make more efficient use of existing infrastructure and services, and*
- c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- d) *be of good design.*

A Planning Proposal must, in relation to land to which this direction applies:

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This Planning Proposal will facilitate the creation of up to 10 additional R5 Large Lot Residential lots. Future R5 Large Lot Residential lots will contribute to the supply of vacant rural residential land and increase lifestyle choices in the Coffs Harbour LGA.

The Planning Controls contained within Coffs Harbour DCP 2015 will apply to future development proposals to ensure that any subsequent housing development will be of good design.

- a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- b) *not contain provisions which will reduce the permissible residential density of land.*

Direction 3.2 Caravan Parks and Manufactured Home Estates

The objectives of this direction are:

- *to provide for a variety of housing types, and*
- *to provide opportunities for caravan parks and manufactured home estates.*

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Caravan Parks and Manufactured Home Estates are not permissible land uses within the R5 Large Lot Residential zone. This Planning Proposal does not seek to facilitate the permissibility of either land use on this land.

Direction 3.3 Home Occupations

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

- *Planning Proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.*

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Home occupations are permitted without consent in the R5 zone. This Planning Proposal does not seek to alter that provision.

Direction 3.4 Integrating Land Use and Transport

NOT APPLICABLE

Direction 3.5 Development Near Regulated Airports and Defence Airfields

NOT APPLICABLE

Direction 3.6 Shooting Ranges

NOT APPLICABLE

Direction 3.7 Reduction in non-hosted short term rental accommodation period

NOT APPLICABLE

4. HAZARD AND RISK

Direction 4.1 Acid Sulfate Soils

This direction 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.

A relevant planning authority must not prepare a planning proposal that proposes

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The proposed amendment to the Minimum Lot Size will enable the intensification of land uses within the site.

9 -9A Gaudrons Road is mapped as Class 5 Acid Sulfate soils. Class 5 is a 500m wide buffer zone created around mapped ASS risk soils. A Preliminary Acid Sulfate Soil Assessment was

an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

prepared by Earth Water Consulting (**Appendix J**) and is summarised as follows:

- ASS risk mapping shows no ASS risk in residual clay subsoils, and LEP mapping includes the south eastern corner of the Site only within the buffer (Class 5) around mapped ASS risk soils that are located further east of the Pacific Highway. Biophysical indicators and soil profiles suggest that the Site is not underlain by ASS. Groundwater was not encountered to 1.2m depth.
- Field screening indicated no potential or actual ASS in effervescence and pH change.
- As such ASS are not present at the Site that would be impacted by the proposed rural-residential development, and no further investigations or plans of management are required.
- Earthworks for future dwellings and ancillary works are highly unlikely to encounter or impact acid sulfate soils.

The inconsistency is considered to be of minor significance as the Coffs Harbour LEP 2013 contains suitable provisions to ensure that this matter can be appropriately considered and addressed at development application stage.

Direction 4.2 Mine Subsidence and Unstable Land

NOT APPLICABLE

Direction 4.3 Flood Prone Land

NOT APPLICABLE

Direction 4.4 Planning for Bushfire Protection

This direction Applies when a council prepares a draft LEP that affects, or is in proximity to land mapped as bushfire prone land.

A draft LEP shall:

- a) *have regard to Planning for Bushfire Protection 2019,*
- b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the APZ.*

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Bushfire Assessments have been prepared that have regard to *Planning for Bushfire Protection 2019* and provides recommendations for development within the land. The PP and subdivision will meet the requirement of *Planning for Bushfire Protection 2019*.

The PP is potentially inconsistent with this Direction until Council consults with the Commissioner of the NSW Rural Fire Service (RFS) following the issue of a Gateway determination. consultation. Until this consultation has occurred the inconsistency with the Direction is unresolved.

5. REGIONAL PLANNING	
Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NOT APPLICABLE
Direction 5.10 Implementation of Regional Plans	
<p><i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p><i>Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</i></p>	<p>CONSISTENT</p> <p>Consistency with the <i>North Coast Regional Plan 2036</i> has been addressed in Section 3.2 of this Planning Proposal. The land is within the urban growth area boundary.</p>
Direction 5.11 Development of Aboriginal Land Council Land	NOT APPLICABLE
6. LOCAL PLAN MAKING	
Direction 6.1 Approval and Referral Requirements	
<p><i>This direction aims to minimise concurrence and referral application to Ministers and public authorities and not classify designated development unless significant impact is likely.</i></p>	<p>CONSISTENT</p> <p>The Planning Proposal does not include any additional referral requirements.</p>
Direction 6.2 Reserving Land for Public Purposes	
<p><i>This direction requires land to be reserved for public purposes in accordance with the latest directions of the relevant authority.</i></p>	<p>CONSISTENT</p> <p>The Planning Proposal does not create or reduce existing zonings or reservations of land for public purposes.</p>
Direction 6.3 Site Specific Provisions	
<p><i>This direction discourages unnecessarily restrictive site controls.</i></p>	<p>CONSISTENT</p> <p>The Planning Proposal does not recommend any changes to existing provisions of the LEP, that would lead to restrictive site controls outside of current LEP/DCP provisions.</p>