



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

Coastal Vulnerability Area Coffs Harbour Local Government Area Coastline

**March 2022
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 9 September 2021
Referred to DPIE s3.34(1) Version 1 – Pre-Exhibition	Version 1 – Pre-Exhibition 13 September 2021
Gateway Determination s3.34(2) Version 1 – Pre-Exhibition	Version 1 – Pre-Exhibition 18 October 2021
Amendments Required:	Yes
Public Exhibition – Schedule 1 Clause 4 Version 2 - Exhibition	Version 2 - Exhibition <i>(Exhibition Dates - 07/03/22 – 04/04/22)</i>
Reported to Council – Initiate Revised PP s3.33 Version x – Re-Exhibition	<i>(insert date on revised PP)</i>
Revised PP Sent to the Minister - s3.35(1) Version x – Re-Exhibition	<i>(insert new date if the PP is amended after Council meeting or put N/A if no changes)</i>
Altered Gateway Determination s3.34(2) Version x – Re-Exhibition	<i>(insert Date of Altered Determination or N/A)</i>
Public Exhibition – Schedule 1 Clause 4 Version x – Re-Exhibition	<i>(insert Exhibition Dates xx/xx/xx – xx/xx/xx or N/A)</i>
Reported to Council – Endorsement (or Making of LEP if delegated) s3.36 Version x - Post Exhibition	<i>(insert date on PP)</i>
Endorsed by Council for Submission to Minister for Notification (or Making where not delegated) s3.36(2) Version x – Post Exhibition	<i>(insert date on PP)</i>

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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 amendment to a NSW environmental planning instrument, such as a State Environmental Planning Policy (SEPP), or a 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 either a SEPP or an LEP.

A planning proposal assists those who are responsible for deciding whether a SEPP / 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 two-fold:

1. The planning proposal seeks to amend *State Environmental Planning Policy (Coastal Management) 2018* (the Coastal Management SEPP) by introducing Coastal Vulnerability Area mapping to the Coastal Management SEPP as it applies to the Coffs Harbour Local Government Area; and
2. The planning proposal also seeks to remove Clause 7.7 *Limited Development on foreshore area* from Coffs Harbour LEP 2013, as the clause will be made redundant by the provisions of the Coastal Management SEPP and the Coastal Vulnerability Area mapping.

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:
Marten Bouma on 02 6648 4657
or email marten.bouma@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	Coastal Hazard Management
Property Details	Coffs Harbour Local Government Area Coastline
Current Land Use Zone(s)	Various
Proponent	Coffs Harbour City Council
Landowner	Various
Location	Coffs Harbour Local Government Area Coastline

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:

- An amendment to *State Environmental Planning Policy (Coastal Management) 2018* (the Coastal Management SEPP) that will introduce Coastal Vulnerability Area mapping to the Coastal Management SEPP as it applies to the Coffs Harbour Local Government Area (LGA); and
- An amendment to Coffs Harbour LEP 2013 that will remove Clause 7.7 *Limited Development on foreshore area* from LEP 2013 and an associated removal of the 'foreshore area' and 'foreshore building line' from LEP 2013 mapping.

The Site

The planning proposal affects a wide range of private and public property along the Coffs Harbour LGA coastline. Figure 1 shows the land to which the Coastal Vulnerability Area mapping applies. The individual map sheets included in Appendix 4 further identify the land to which the Coastal Vulnerability Area mapping applies. This includes the area of land that is located seaward of the 2100 unlikely coastal erosion hazard line and extends to the Mean High Water Springs (MHWS). The 2100 coastal erosion hazard line is identified in Coffs Harbour Coastal Processes and Hazards Definition Study (2011).

The applicable land to which the removal of the 'foreshore area' and 'foreshore building line' from Coffs Harbour LEP 2013 mapping relates to is shown in Figure 2.

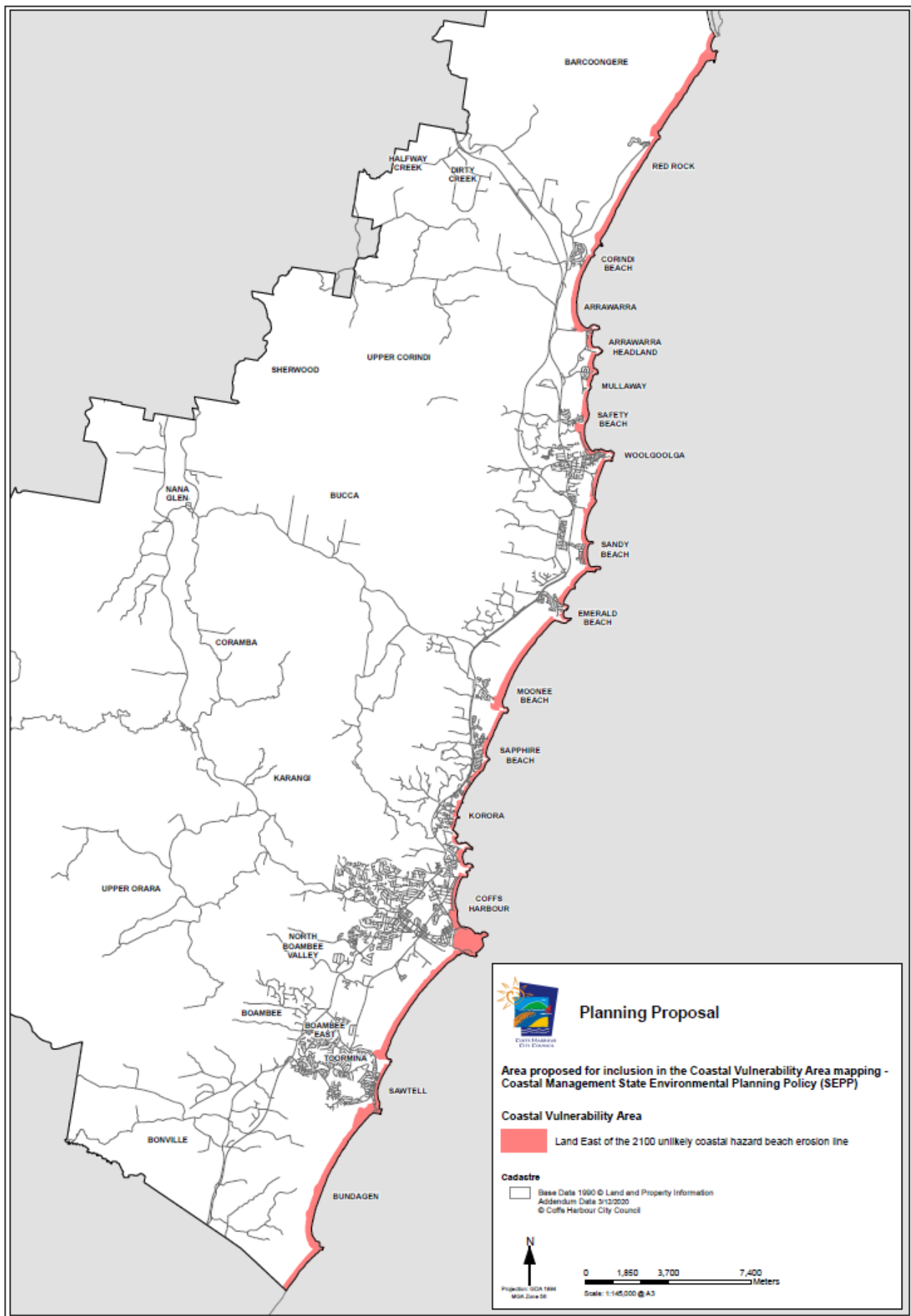


Figure 1: Land subject to the Coastal Vulnerability Area mapping

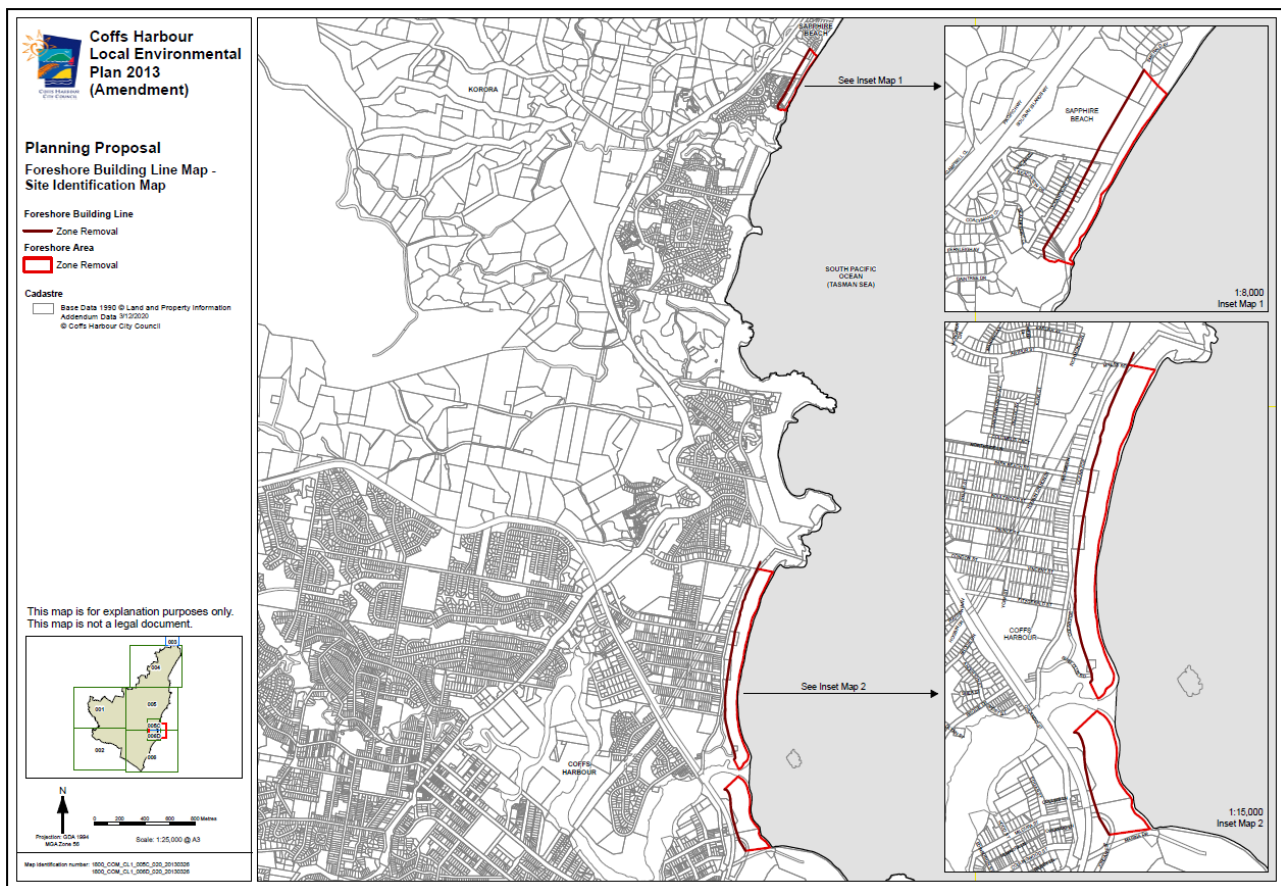


Figure 2: Land subject to removal of the ‘foreshore area’ and ‘foreshore building line’ from Coffs Harbour LEP 2013

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to insert Coastal Vulnerability Area mapping into the Coastal Management SEPP to apply to land that is affected by coastal hazards within the Coffs Harbour LGA. The provisions of Clause 12 of the Coastal Management SEPP in association with the coastal vulnerability area mapping and Development Control Plan provisions will ensure that Coffs Harbour City Council considers a range of coastal hazard issues when it is assessing new development.

The planning proposal will also remove a foreshore building line provision and associated map from Coffs Harbour LEP 2013 that will be rendered redundant by the provisions of the Coastal Management SEPP and the coastal vulnerability area mapping.

PART 2 – EXPLANATION OF PROVISIONS

The intended outcomes of the proposed amendments will be achieved by amending the Coastal Management SEPP and Coffs Harbour LEP 2013 as follows:

Coastal Management SEPP Amendments:

- Insert a new map described as the “Coastal Vulnerability Area Map” into the Coastal Management SEPP, that will identify land that is located to the seaward side of the 2100 unlikely coastal erosion hazard line. As identified by the adopted Coastal Processes and Hazards Definition Study (2011), this land is projected to be affected by coastal processes by the year 2100. The map spans a number of sheets and is included in Appendix 4.

Coffs Harbour LEP 2013 Amendments:

- Delete clause 7.7 “Limited development on foreshore area” from the Coffs Harbour LEP 2013 instrument (clause shown in Appendix 3);
- Delete map sheet CL1_005C; and
- Amend map sheet CL1_006D, by removing the ‘Foreshore Area’ and ‘Foreshore Building Line’ from the map.

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.

Coastal Vulnerability Area mapping

Coffs Harbour City Council has for a number of years been following the NSW Government's prescribed process for investigating and managing its coastline. Council has adopted the Coffs Harbour Coastal Processes and Hazards Definition Study (2011), Coffs Harbour Coastal Zone Management Study (2013), and Coffs Harbour Coastal Zone Management Plan (2019). Within these documents, coastal hazards have been defined by probabilities in the Immediate, 2050 and 2100 year planning periods, to enable Coffs Harbour City Council to manage coastal hazards within a risk based framework. The Coffs Harbour Coastal Zone Management Plan was adopted by Council in 2013 and certified/gazette by the NSW Government on 31 August 2018 in accordance with Section 55 of the *Coastal Protection Act 1979*. Under the savings provisions of the *inforce Coastal Management Act 2016*, the Coffs Harbour Coastal Zone Management Plan is taken to be a coastal management program (CMP) prepared and adopted under this Act.

The Coffs Harbour Coastal Zone Management Plan recognises that planning controls at all levels are an important tool in the long term management of a coastline affected by coastal hazards. The Coffs Harbour Coastal Zone Management Plan is included as Appendix 5 to this planning proposal.

The Coastal Processes and Hazards Definition Study assessed each of the Immediate, 2050 and 2100 year planning periods in terms of the likelihood of the Coffs Harbour coast being affected by coastal hazards. However, the Coastal Processes and Hazards Definition Study found that the historical beach response and other data was not comprehensive or detailed enough to be able to differentiate between all five likelihood categories (Almost Certain, Likely, Possible, Unlikely and Rare). Rationalisation of these categories was therefore required, with a focus given to 'Almost Certain', 'Unlikely' and 'Rare' likelihood probabilities for the Immediate, 2050 and 2100 planning horizons.

The Coastal Processes and Hazards Definition Study defines these terms as:

- **Almost Certain** - There is a high possibility the event will occur as there is a history of periodic occurrence
- **Unlikely** - There is a low possibility that the event will occur, however, there is a history of infrequent and isolated occurrence
- **Rare** - It is highly unlikely that the event will occur, except in extreme circumstances, which have not been recorded historically.

The 'Almost Certain' hazard likelihood probability line for the Immediate planning horizon accounts for the average beach erosion over the last 3 to 5 decades. At the 2050 and 2100 planning horizons, it accounts for future long term recession without sea level rise, that is, due to the harbour impact only, plus average beach erosion.

The 'Unlikely' hazard likelihood probability line for the Immediate planning horizon accounts for the maximum beach erosion over the last 3 to 5 decades. At the 2050 and 2100 planning horizons it is the addition of future long term recession due to predicted sea level rise of 0.4 m and 0.9 m by 2050 and 2100, the harbour impact over this timeframe, plus the maximum beach erosion hazard extent.

The 'Rare' hazard likelihood probability line for the Immediate planning horizon accounts for the extreme beach erosion over the last 3-to 5 decades. At the 2050 and 2100 planning horizons it is more complicated, being the maximum extent of recession due to either:

- Future long term recession due to a higher than predicted sea rise (including the harbour impact) plus the immediate maximum beach erosion extent; or
- Future long term recession due to projected sea rise (including the harbour impact) and a sustained easterly shift in average wave direction, plus the immediate maximum beach erosion extent; or
- Future long term recession due to projected sea rise (including the harbour impact) plus extreme beach erosion extent.

It also includes a 0.7 m rise in sea level by 2050 and a 1.4 m sea level rise by 2100.

The Coffs Harbour Coastal Zone Management Study notes that planning decisions about residential development have a time frame of up to 100 years and commercial and industrial development about 50 years, therefore it is important that planning controls look beyond the Immediate planning horizon and are based on a reasonable expectation that sea levels will rise over the long term. The option that looks to the long term and coincides with Council's climate change policy and the adoption of a predicted sea level rise of 0.9 m by 2100 in the Coastal Zone Management Plan, is the 'Unlikely' hazard lines for the 2100 planning period. Accordingly, the 'Unlikely' 2100 hazard line has been used to identify the coastal hazard planning area to inform the Coastal Vulnerability Area mapping that is included in this planning proposal.

Council has not included coastal inundation within the Coastal Vulnerability Area mapping as the majority of coastal inundation hazards that occur within the Coffs Harbour LGA are located in or near creek and river mouth entrances and estuaries. Any recent or new flood studies include tidal and coastal inundation in the derivation of the 1% Annual Exceedance Probability (AEP) flood modelling. The 1% AEP flood extent is the maximum extent of a combination of design flood events that include "dry weather" tide and storm surge events, and coincident flooding between catchment and ocean events for this return period. In all areas where coastal inundation is a hazard, the 1% AEP flood extent from coincident catchment and ocean flooding is greater than and encompasses all the coastal inundation hazard areas during "dry" weather tide or storm surge events. The flood mapping is underpinned by specific development controls that can address both catchment flooding and coastal inundation hazards (i.e. such as raised floor levels etc.). This was seen as a much more logical approach to include inundation into the flood models and mapping and for the Coastal Vulnerability Area to specifically focus on erosion and recession hazards.

With regard to coastal inundation as a result of berm overtopping, there are very minor and limited instances of this occurring within the Coffs Harbour LGA. All instances where inundation risk as a result of overtopping are already captured within the Coastal Erosion and Recession mapping layer and therefore is already included in the Coastal Vulnerability Area map.

In 2018, a specialised consultant was engaged to undertake a geotechnical assessment of four high coastal erosion hazard areas within the Coffs Harbour LGA (Arrawarra, Woolgoolga, Sandy Beach and Emerald Beach). This project was an action from the adopted and certified Coffs Harbour Coastal Zone Management Plan and was jointly funded by Council and the former NSW Office of Environment and Heritage through the Coast and Estuary Grants Program. The assessment was intended to refine the accuracy of Council's coastal hazard mapping in these locations. The findings of the assessment and report indicated that the initial projected coastal hazard lines were overestimated in all four of the locations due to underlying geotechnical conditions (i.e. bedrock). A key recommendation of the resulting report was for Council to amend its coastal erosion hazard mapping in those areas to reflect the updated geotechnical information, meaning that less properties were affected. The mapping (which was originally adopted by Council in 2013) has since been updated and included within the Coastal Zone Management Plan – included as Appendix 5 to this planning proposal.

Previous Planning Proposal PP_2014_Coffs_03_00

Coffs Harbour City Council at its Ordinary Meeting of 27 November 2014 resolved to initiate a planning proposal to introduce a coastal hazard clause and associated mapping into Coffs Harbour LEP 2013, with the aim of addressing coastal hazards in the Coffs Harbour LGA. Following public exhibition of the planning proposal and related amendments to Coffs Harbour Development Control Plan (DCP) 2015, Council resolved not to advance the progression of the planning proposal until such time as the NSW Government's Coastal Management Reforms were further advanced. At the time, certification of the Coffs Harbour Coastal Zone Management Plan was also seen as a key aspect to solidifying the proposed

planning controls. Planning Proposal PP_2014_Coffs_03_00 has formally been withdrawn under S3.35(4) of The Act.

Given that the NSW Government's reforms have now been finalised and the policy framework is now in place (i.e. the Coastal Management Act 2016 and Coastal Management SEPP), this planning proposal has been developed to address coastal hazard risks within the Coffs Harbour LGA by inserting Coastal Vulnerability Area mapping for the Coffs Harbour LGA into the Coastal Management SEPP.

Removal of clause 7.7 "Limited development on foreshore area"

The removal of clause 7.7 "Limited development on foreshore area" from the Coffs Harbour LEP 2013 is considered to be appropriate in this instance. Council has also progressed an amended Coastal Hazards Development Control Plan (DCP) chapter to accompany the planning proposal which will provide additional context and guidance to development within the Coastal Vulnerability Area. The proposed DCP chapter will ensure that each development is assessed on its merits if it is within the mapped Coastal Vulnerability Area. Hence, if previously "constrained developments" that were restricted by clause 7.7 were proposed without the clause (7.7), adequate controls are contained in the proposed DCP chapter to address any concerns. This includes the requirement for a Coastal Risk Management Report (to be prepared by qualified coastal or structural engineer) that would ensure that any unsuitable development is appropriately restricted or refused.

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

Yes. The Coastal Vulnerability Area in the Coastal Management SEPP is currently unmapped and the NSW Department of Planning, Industry and Environment have indicated that Councils are best placed to incorporate localised mapping within the SEPP through a planning proposal process. The coastal vulnerability mapping also underpins additional provisions within Coffs Harbour DCP 2015, which are being incorporated in conjunction with the LEP amendment process. In combination with the imposition of conditions of development consent, the Coastal Vulnerability clause within the Coastal Management SEPP will ensure that future development applications are accompanied by sufficient information and are assessed against relevant planning criteria to reduce coastal hazard risk. This will provide better planning and development outcomes for both applicants and Council.

The planning proposal is also the most appropriate way to remove the foreshore building line provision and associated map from Coffs Harbour LEP 2013 that will be rendered redundant by the provisions of the Coastal Management SEPP and the coastal vulnerability area mapping.

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 not change the existing land use zones in Coffs Harbour LEP 2013 or affect the range of land uses permitted under LEP 2013. The criteria in the Net Community Benefit test can't 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 - None of the identified urban growth areas in the Coffs Harbour LGA are affected by this planning proposal.

- **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 seeks to manage marine environments to avoid potential development impacts.

- **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 seeks to manage and reduce the risk from potential development in urban areas that are subject to coastal erosion hazards.

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 - As coastal areas are very significant to Aboriginal people, it is recognised that local Aboriginal communities will need to be engaged through the planning proposal process.

- **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 - Aboriginal cultural values are often associated with headlands, estuary foreshores and sand dunes. Further information regarding the cultural significance of the Coffs Harbour coastal area can be found in Section 3.2.4 of the Coffs Harbour Coastal Zone Management Study (2013). For the purposes of the study, Aboriginal cultural values for these areas were identified through discussions with the Coffs Harbour and District Local Aboriginal Land Council, (the former) NSW OEH and other identified representatives of the Aboriginal Community and a review of available published information. Such values were incorporated into the Study's risk assessment wherever possible, and as required in addition to the ecological and other community values associated with the sites. Furthermore, the management approach within the Study focused upon the response for Aboriginal cultural heritage items or places should they be found or uncovered by coastal hazards, with remaining sites to be managed as they are at present.

- **Direction 19 - Protect historic heritage**

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

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

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

Comment - Nothing in this planning proposal will stop or inhibit the conservation of heritage items, places or relics. As the realisation of coastal hazard risk becomes clearer, decisions will need to be made on how best to preserve or protect any historic heritage items located within these areas.

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
8. Prepare and implement Coastal Management Programs for the Coffs Harbour LGA.	A8.1 - Prepare a Planning Proposal and DCP amendment to amend relevant planning controls to address coastal hazards
15. Work with relevant NSW agencies, organisations and the community to reduce the risk and impact of natural disasters and climate change.	A15.4 - Continue to implement the Coffs Harbour City Council Climate Change Policy

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>	C1.2 We undertake development that is environmentally, socially and economically responsible
<i>A Natural Environment Sustained for the future</i>	C2.2 We use resources responsibly to support a safe and stable climate

Coffs Harbour Local Growth Management Strategy 2020

The Planning Proposal is consistent with the Coffs Harbour Local Growth Management Strategy (LGMS) 2020. During the preparation of the LGMS, feedback from community consultation indicated a preference for a Compact City approach to guide future development in the Coffs Harbour LGA. This feedback overwhelmingly confirmed the community's desire for Council to:

- focus new development in existing urban areas;
- support a range of housing types to cater for the population as it changes and grows;
- limit urban development on high conservation value land;
- limit urban development on land impacted by natural hazards (i.e. flood, bushfire and coastal processes); and
- identify the distinctive features of the natural landscape in each locality.

Short term actions contained within Chapter 3 Strategic Approach of the LGMS demonstrate a commitment to support and implement the community's desires. Short term actions directly relevant to this planning proposal include: *"Review and amend Council's planning controls to ensure that risks associated with natural hazards, including the projected effects of climate change are adequately avoided and managed. / Incorporate new knowledge on regional climate projections and related impacts as part of this review"*

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. The planning proposal will not alter any land use zones or development controls in a manner such that there could be adverse impacts on threatened species, populations, or ecological communities. This planning proposal will introduce Coastal Vulnerability Area mapping to the Coastal Management SEPP that will require assessment of coastal hazards and coastal processes in relation to development that is currently already permitted under Coffs Harbour LEP 2013. It will not create additional development opportunities or prohibit development.

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

No. The introduction of Coastal Vulnerability Area mapping to the Coastal Management SEPP and the removal of clause 7.7 (Limited development on foreshore area) from Coffs Harbour LEP 2013 will not create opportunities for development that is not already permitted under Coffs Harbour LEP 2013. It cannot therefore be considered to have any other likely environmental effects.

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

The planning proposal is a recommendation of the adopted and endorsed Coffs Harbour Coastal Zone Management Plan (2019). The Coffs Harbour Coastal Zone Management Plan was publicly exhibited and a series of community consultation events were held to inform the community of the work that had been undertaken to inform the Plan. Throughout the life of the project, Council has made this information available on its website and in public exhibition locations.

Council has prepared draft controls for Coffs Harbour Development Control Plan to align with the coastal vulnerability area provisions within the Coastal Management SEPP and advise landowners, future applicants and the wider community how different development proposals will be assessed depending on proximity to the coastal hazard.

It is widely recognised that there will be socio-economic effects as a result of this planning proposal. Where a development is proposed within the coastal vulnerability area, Council will require information about the potential for the proposed development to:

- cause detrimental increases in coastal risks to other development or properties;
- alter coastal processes and impact coastal hazards to the detriment of the environment; and
- be affected by sea level rise.

Council will require any development within the coastal vulnerability area to acknowledge the hazard and incorporate a level of resilience in its design, layout and function, such that it will avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards. Council will assess development in proportion to its level of coastal hazard, the likely life of the development and its use. Some of these factors can increase the cost of development by increasing the information the applicant needs to compile and by impacting on the location, design and construction of the development. These costs reflect the nature of the hazard and are reasonable to enable Council to consider development applications in a responsible and sustainable manner.

In ensuring that new development is more resilient to coastal processes, Council is reducing the burden to future generations of inappropriate development that will generate the pressure for major public expenditure, if it is affected by coastal hazards at a future date. Resilient development that is responsive

to known and predicted risk will also provide a better outcome for landowners in terms of risk to life and property.

Prior to the commencement of the Coastal Management Act and the accompanying Coastal Management State Environmental Planning Policy in April 2016, Coffs Harbour City Council initiated a planning proposal process to introduce a coastal hazard clause and associated mapping into Coffs Harbour LEP 2013 to address coastal hazards in the Coffs Harbour LGA. The public exhibition of the planning proposal (PP_2014_Coffs_03_00) and related amendments to Council's Development Control Plan received a mixed response at the time from the local community. Economic imposts on affected landowners was a consistently raised issue, as was the accuracy of the coastal hazard lines in some densely populated coastal areas within the LGA. In early 2016, Council resolved not to advance the progression of the planning proposal until the NSW Government's coastal management reforms were further advanced. At the time, certification of the Coffs Harbour Coastal Zone Management Plan was also seen as a key aspect to solidifying the proposed planning controls.

The Coffs Harbour Coastal Zone Management Plan was adopted by Council in 2013 and certified/gazetted by the NSW Government on 31 August 2018 in accordance with Section 55 of the *Coastal Protection Act 1979*. In 2018, a specialised consultant was engaged to undertake a geotechnical assessment of four high coastal erosion hazard areas within the LGA (Arrawarra, Woolgoolga, Sandy Beach and Emerald Beach). This project was an action from the adopted and certified Coffs Harbour Coastal Zone Management Plan and was jointly funded by Council and the former NSW Office of Environment and Heritage through the Coast and Estuary Grants Program. The findings of the assessment and report indicated that coastal hazard lines were overestimated in all four of the locations due to underlying geotechnical conditions (i.e. bedrock). A key recommendation of the resulting report was for Council to amend its coastal erosion hazard mapping in those areas to reflect the updated geotechnical information, meaning that less properties were affected. The mapping (which was originally adopted by Council in 2013) has since been updated and included within the Coffs Harbour Coastal Zone Management Plan.

Section D – State and Commonwealth interests

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

This planning proposal will not in itself generate the need for public infrastructure as it does not alter the underlying land use zones or the permitted land uses. In the long term, the planning proposal may influence decision making on some public infrastructure that will save public money and increase the life span and usefulness of that infrastructure.

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 NSW 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. In this regard, it is proposed that the authorities listed below be consulted with in relation to the planning proposal, and that this consultation be undertaken concurrent with public exhibition of the planning proposal:

- NSW Department of Planning, Industry and Environment (Biodiversity and Conservation Division);
- NSW Rural Fire Service; and
- NSW State Emergency Service

PART 4 – MAPPING

Proposed mapping amendments, as described in Part 2 of this planning proposal, will be achieved by amending the Coastal Management SEPP and Coffs Harbour LEP 2013 mapping as follows:

Coastal Management SEPP Map:

- Insert a new map described as the “Coastal Vulnerability Area Map” into the Coastal Management SEPP. The map spans a number of sheets and is included in Appendix 4.

Coffs Harbour LEP 2013 Amendments:

- Delete map sheet CL1_005C – see Figure 3; and
- Amend map sheet CL1_006D, by removing the ‘Foreshore Area’ and ‘Foreshore Building Line’ from the map – see Figures 4 and 5.

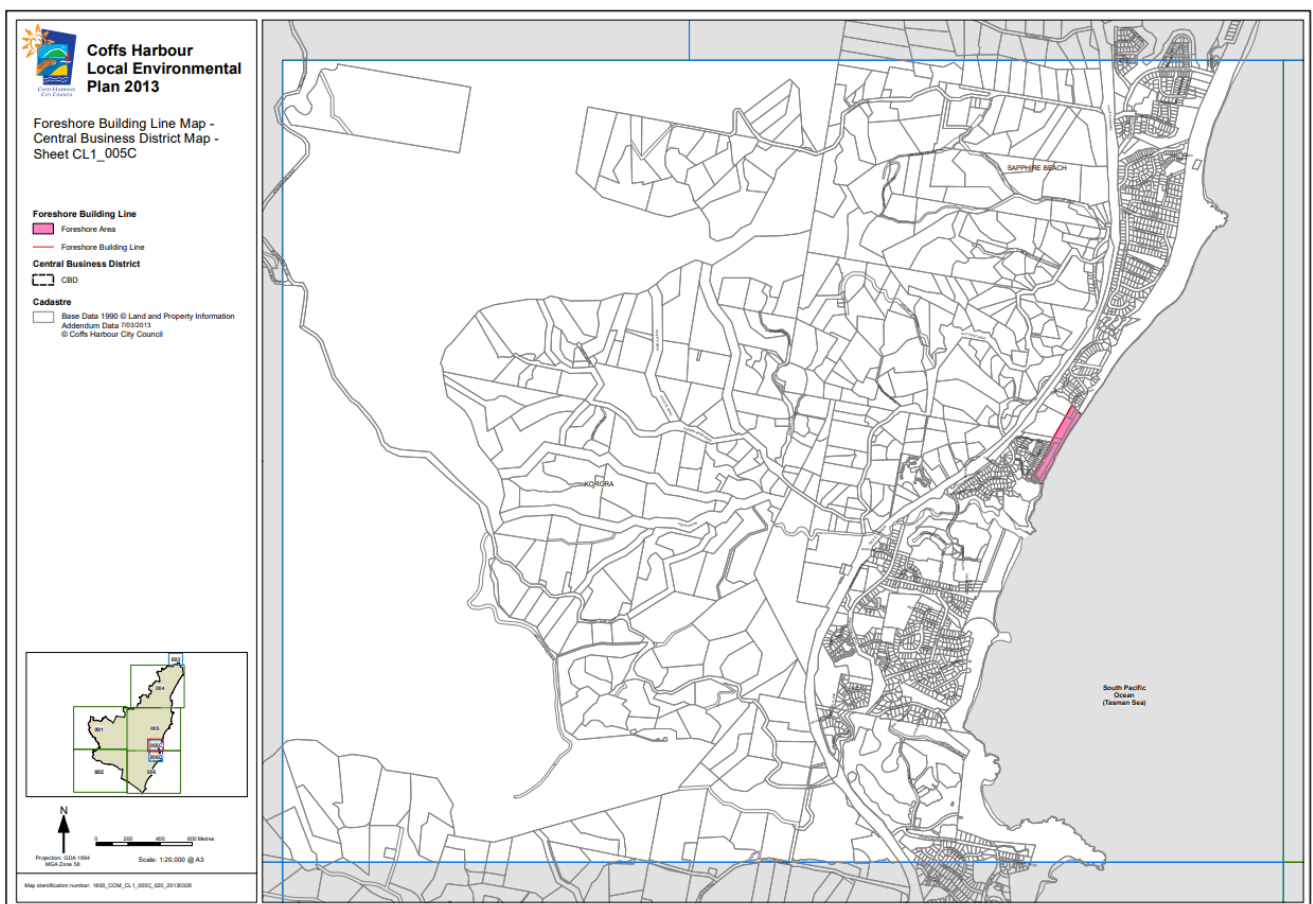


Figure 3: Sheet CL1_005C – map to be deleted

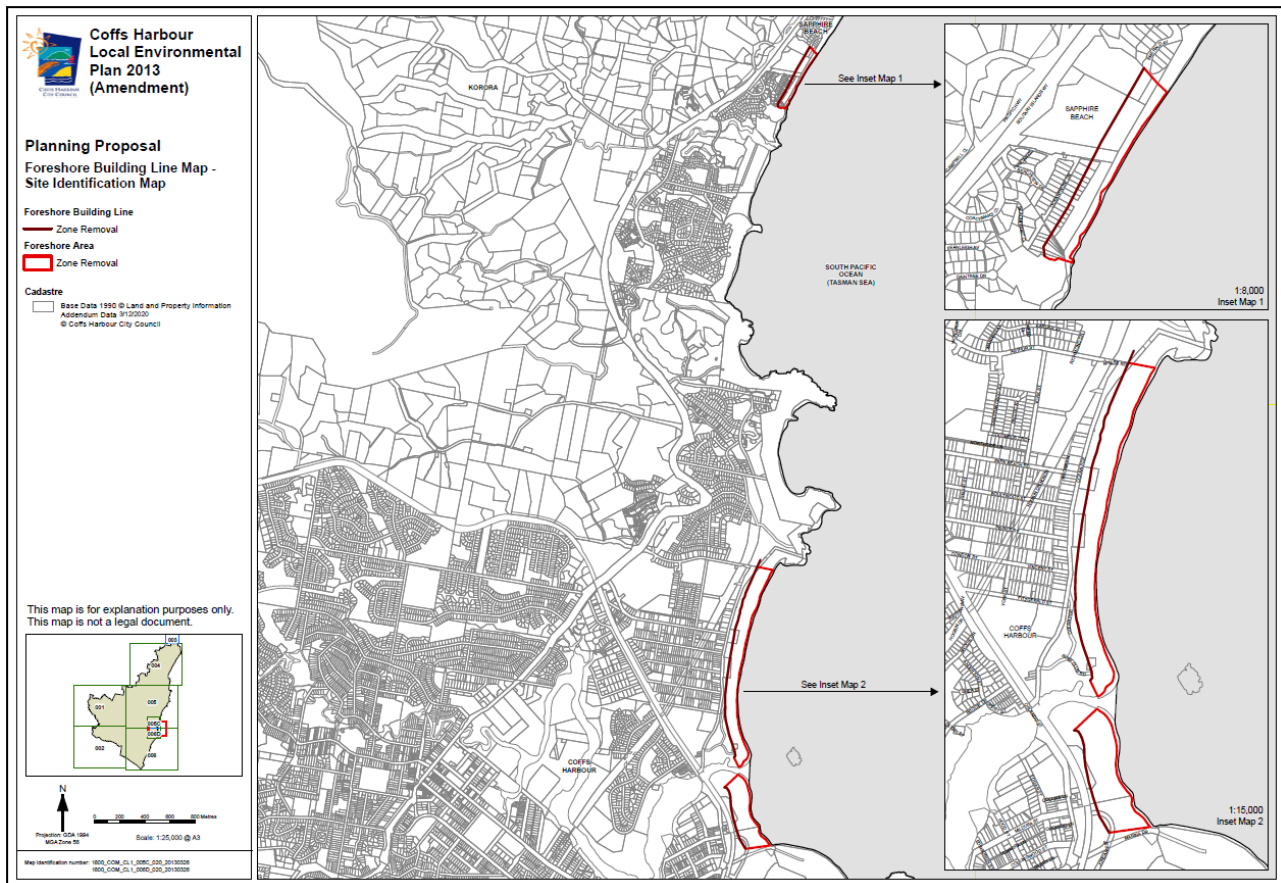


Figure 4: Areas of 'Foreshore Area' and 'Foreshore Building Line' to be removed from map



Figure 5: Amended sheet CL1_006D – Showing 'Foreshore Area' and 'Foreshore Building Line' removed from map

PART 5 – COMMUNITY CONSULTATION

The Gateway determination issued by the Department of Planning, Industry and Environment on 18 October 2021 has specified the community consultation requirements that must be undertaken for the planning proposal. In accordance with the Gateway determination, the planning proposal will be exhibited for 28 days.

Public Exhibition of the planning proposal includes the following:

Advertisement

Placement of an advertisement on Coffs Harbour City Council's online media platforms (i.e. Coffs Newsroom; Public Notices Page and Have Your Say Page).

Placement of an advertisement in local newspapers (if available at the time of public exhibition).

The wider community will also be informed of the events through Council notices and media.

Website

The planning proposal is also 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.

Social Media

Notification of the public exhibition on Council's corporate social media platforms (i.e. Facebook, Instagram and Twitter).

PART 6 – PROJECT TIMELINE

A project timeline is yet to be determined however the anticipated timeframes are provided in the table below, 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.

Milestone	Anticipated Timeframe
Decision by Council to initiate the planning proposal	September 2021
Commencement (date of Gateway determination)	October 2021
Public exhibition & agency consultation	March – April 2022
Consideration of submissions	April – May 2022
Reporting to Council for consideration	July 2022
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	August 2022

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable	Consistent	Comment
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 this planning proposal.
SEPP No 21 – Caravan Parks	N/A	N/A	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	N/A	N/A	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 36 – Manufactured Home Estates	N/A	N/A	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	N/A	N/A	This planning proposal does not propose any canal estate development.
SEPP No 55 – Remediation of Land	N/A	N/A	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 64 – Advertising and Signage	N/A	N/A	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	N/A	N/A	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 70 – Affordable Housing (Revised Schemes)	N/A	N/A	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 (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	N/A	N/A	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 (Building Sustainability Index: BASIX) 2004	N/A	N/A	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.

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP (Coastal Management) 2018	Yes	Yes	<p>The land affected by this planning proposal that is to be identified within Coastal Vulnerability Area mapping is entirely within the coastal zone, as identified in the Coastal Management SEPP. The aim of the Coastal Management SEPP is to <i>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—</i></p> <ul style="list-style-type: none"> (a) <i>managing development in the coastal zone and protecting the environmental assets of the coast, and</i> (b) <i>establishing a framework for land use planning to guide decision-making in the coastal zone, and</i> (c) <i>mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</i> <p>The planning proposal is consistent with the aim of the Coastal Management SEPP.</p>
SEPP (Concurrences and Consents) 2018	N/A	N/A	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 (Educational Establishments and Child Care Facilities) 2017	N/A	N/A	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 (Exempt and Complying Development Codes) 2008	N/A	N/A	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 (Housing for Seniors or People with a Disability) 2004	N/A	N/A	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 (Infrastructure) 2007	Yes	Yes	The planning proposal is consistent with the relevant parts of the SEPP and nothing in this planning proposal will compromise the efficient application of this SEPP to any future development.
SEPP (Koala Habitat Protection) 2019	N/A	N/A	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 (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A	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.

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable	Consistent	Comment
SEPP (Primary Production and Rural Development) 2019	N/A	N/A	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 (State and Regional Development) 2019	N/A	N/A	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 (State Significant Precincts) 2005	N/A	N/A	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 (Urban Renewal) 2010	N/A	N/A	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 (Vegetation in Non-Rural Areas) 2017	N/A	N/A	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.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING 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).	Yes	<p>Some small areas of land within Zone B4 Mixed Use and Zone IN4 Working Waterfront under LEP 2013 are located within the proposed Coastal Vulnerability Area.</p> <p>The planning proposal will not alter the land use zone boundaries or the permissibility of any land uses. It will not alter the floor space ratio controls and/or height of building controls.</p> <p>The LEP amendment will require Council to consider coastal hazard issues in the assessment of development applications on land within the Coastal Vulnerability Area.</p>
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p>	Yes	<p>The planning proposal does not seek to rezone any land from rural to another zone under Coffs Harbour LEP 2013. It does not seek to increase the permissible density of development within a rural land use zone.</p> <p>The planning proposal predominantly affects land within Zone W2 Recreational Waterways, E1 National Parks and Nature Reserves, E2 Environmental Conservation, RE1 Public Recreation and RE2 Private Recreation. It also affects a small area of land within Zone R1 General Residential, R2 Low Density Residential, B4 Mixed Use and IN4 Working Waterfront.</p>
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p>	Yes	Nothing in this planning proposal will prohibit or restrict exploration or mining.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	(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.		
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 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.	N/A	The planning proposal does not impact on a Priority Oyster Aquaculture Area.
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.	Yes	The planning proposal applies to land within Zone RU2 Rural Landscape and E2 Environmental Conservation. The planning proposal is however, consistent with the planning principles in SEPP (Primary Production and Rural Development) 2019 and does not seek to change any subdivision or lot size controls under Coffs Harbour LEP 2013. The planning proposal will not alter any dwelling permissibility's.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
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 planning proposal does not seek to alter or remove any environment protection zones. Environment protection issues relevant to the coastal vulnerability area are adequately addressed within the provisions of the Coastal Management SEPP.</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>	Yes	<p>The planning proposal is entirely located within the coastal zone. The planning proposal will give effect to the the objects of the <i>Coastal Management Act 2016</i> and objectives of the relevant coastal management areas. It will not affect public access to the coastal foreshore or generate the need to provide new access.</p> <p>The planning proposal will not result in impacts upon the scenic qualities of the coast or any animals or fish that occur along the coast.</p> <p>The planning proposal is based on the predicted effects of coastal processes and coastal hazards on the Coffs Harbour coastline.</p>

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>(a) the objects of the <i>Coastal Management Act 2016</i> and objectives of the relevant coastal management areas,</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit; and</p> <p>(c) the NSW Coastal Design Guidelines 2003, and</p> <p>(c) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under the <i>Coastal Management Act 2016</i>.</p>		<p>The information on which the coastal vulnerability area mapping is based has been produced in accordance with the NSW Coastal Management Manual and is consistent with NSW Government policy.</p> <p>The planning proposal will not alter the relevance or effect of the Coastal Design Guidelines.</p> <p>Coffs Harbour City Council adopted a 0.91 metre sea level rise (based on 1990 levels) as part of its Climate Change Policy on 26/9/2013. Council has also adopted the Coffs Harbour Coastal Zone Management Plan (gazetted by the NSW State Government in 2018) which utilises a predicted sea level rise of 0.4 m and 0.9 m by 2050 and 2100 respectively. The planning proposal is consistent with that adopted sea level rise.</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</p>	Yes	<p>Nothing in the planning proposal will stop or inhibit the conservation of heritage items, places or relics or Aboriginal objects or places.</p>

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p><i>National Parks and Wildlife Act 1974, and</i></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>		
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</i></p>	Yes	The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p><i>Conservation Service of New South Wales, September, 1985, and</i></p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i></p>		
2.6 Remediation of Contaminated Land	<p>This direction applies when a relevant planning authority prepares a planning proposal for land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997; or on land which development for the purposes referred to in the contaminated land planning guidelines is being carried out, or where development for the purposes of residential, educational, recreational or childcare purposes; or a hospital is proposed.</p> <p>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any 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>	Yes	The planning proposal does not propose any land use zoning changes for land that may be contaminated.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

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

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential 	Yes	<p>The planning proposal affects a small area of residential zoned land.</p> <p>Despite this, the planning proposal will not facilitate new residential development or directly affect any existing zone boundaries, permitted uses or density controls.</p> <p>Council will be required to consider coastal hazards when assessing residential development within the coastal vulnerability area, but this is not inconsistent with the Direction.</p>

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>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</p>	Yes	The proposal does not seek to permit or prohibit development for the purposes of a caravan park or manufactured homes estate.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	Yes	The planning proposal does not affect home occupation provisions under Coffs Harbour 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>	Yes	The planning proposal does not alter any land use zones in Coffs Harbour LEP 2013. It will not affect transport infrastructure.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<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>		
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	The planning proposal affects land in proximity to Coffs Harbour airport (which is located adjacent to the coastline between Coffs Harbour and Sawtell). Despite this, the proposed coastal vulnerability area will not directly impact on airport land and will not facilitate inappropriate development in proximity to the airport.
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	The planning proposal does not seek to alter any land use zones in Coffs Harbour LEP 2013. It will not affect any shooting ranges in Coffs Harbour LGA.
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	<p>Land subject to this planning proposal is identified on the Coffs Harbour LEP 2013 Acid Sulfate Soils map as containing acid sulfate soils. There is also a suite of standard provisions that apply to this land.</p> <p>The planning proposal does not seek to alter any land use zones in Coffs Harbour LEP 2013. The acid sulfate soil provisions of the LEP will apply unchanged.</p>
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that	N/A	The planning proposal does not impact on any mine subsidence area.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>permits development on land that:</p> <p>(a) is within a mine subsidence district, or</p> <p>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</p>		
4.3 Flood Prone Land	<p>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.</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> <p>(a) permit development in floodway areas,</p>	Yes	<p>Some of the land affected by this planning proposal is flood affected. However, the planning proposal:</p> <ul style="list-style-type: none"> • will not permit development on flood prone land; • will not change the zone of any land; • will not generate additional spending on flood mitigation measures, infrastructure or services; and • no additional development is proposed without consent.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(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> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk</i></p>		

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	Areas) 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).		
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 (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p>	Yes	<p>The planning proposal will affect land identified as being bushfire prone. Despite this, the planning proposal does not seek to amend any existing planning controls that relate to bushfire hazard.</p> <p>Any Gateway Determination issued by NSW Planning Industry and Environment will specify if consultation with the NSW Rural Fire Service is required.</p>

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<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 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>		

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	(d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.		
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> <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within district centres rather than spread along the Highway; (b) development with frontage to the Pacific Highway must consider impacts that the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “within town” means areas which prior to the draft LEP have an urban zone (e.g. Village, residential, 	Yes	The proposal will not affect commercial or retail land along the Pacific Highway North Coast.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>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”, “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</p>		

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S9.1 Direction	Applicable	Consistent	Comment
	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.		
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. These responses demonstrate consistency with the <i>North Coast Regional Plan 2036</i> and consistency with this particular S9.1 Direction.</p>
5.11 Development of Aboriginal Land Council Land	This direction applies when a planning authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019; or an interim development delivery plan published on the Department's website on the making of this direction.	Yes	This direction is not applicable to the Coffs Harbour Local Government Area.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
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), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p>	Yes	<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
	<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 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 create, alter or reduce land reserved for a public purpose.
6.3 Site Specific Provisions	Applies when a relevant planning authority prepares a planning proposal that will	Yes	The planning proposal does not seek to allow a particular development or

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S9.1 Direction	Applicable	Consistent	Comment
	<p>allow a particular development to be carried out.</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already 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>		<p>contain drawings that show details of a particular development.</p>

APPENDIX 3 - CLAUSE 7.7 “LIMITED DEVELOPMENT ON FORESHORE AREA” TO BE DELETED

7.7 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted to development on land in the foreshore area except for the following purposes:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development is not likely to cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway is not likely to be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding is not likely to have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change has been considered.
- (4) In this clause:

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.

foreshore building line means:

- (a) the line that is landward of, and at the distance specified on the Foreshore Building Line Map from, the mean high water mark of the nearest natural waterbody shown on that map, or
- (b) if no distance is specified—the line shown as the foreshore building line on that map.