



PLANNING PROPOSAL

CITY OF COFFS HARBOUR

Planning Proposal PP-2022-107 - Sugarmill Road, Sapphire Beach
Lot 12 DP 243972, 28 Sugarmill Road, Sapphire Beach
Lot 91 DP 786155, 35 Sugarmill Road, Sapphire Beach
Lot 17 DP 249273, 89 Sugarmill Road, Sapphire Beach

November 2024
VERSION 1 Pre-Exhibition

PLANNING PROPOSAL STATUS

Stage	Version / Date <i>(blank until achieved)</i>
Reported to Council – Initiate s3.33	Version 1 – Pre Exhibition <i>(November 2024)</i>
Referred to DPHI s3.34(1)	Version 1 – Pre Exhibition <i>(insert date on PP)</i>
Gateway Determination s3.34(2)	Version 1 – Pre Exhibition <i>(insert Date of Determination or N/A)</i>
Amendments Required:	<i>(insert Yes or No)</i>
Public Exhibition – Schedule 1 Clause 4 Version 1 - Exhibition	<i>(insert Exhibition Dates xx/xx/xx – xx/xx/xx)</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 local environmental plan (LEP) and sets out the justification for making that plan. Essentially, the preparation of a planning proposal is the first step in making an amendment to Coffs Harbour LEP 2013.

A planning proposal assists those who are responsible for deciding whether an LEP amendment should proceed and is required to be prepared by a relevant planning authority. Council, as a relevant planning authority, is responsible for ensuring that the information contained within a planning proposal is accurate and accords with the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Housing and Infrastructure's *Local Environmental Plan Making Guideline 2023*.

What is the Intent of this Planning Proposal?

The intent of Planning Proposal PP-2022-107 (the planning proposal) is to amend Coffs Harbour LEP 2013 to allow large lot residential development at 28, 35 and 89 Sugarmill Road, Sapphire Beach. The planning proposal seeks to:

- Rezone 28, 35 and 89 Sugarmill Road, Sapphire Beach from Zone RU2 Rural Landscape to part Zone R5 Large Lot Residential and part Zone C2 Environmental Conservation.
- Amend the relevant lot size map to reduce the minimum lot size of 28, 35 and 89 Sugarmill Road, Sapphire Beach from 40 hectares to 6000 m².
- Amend the Coffs Harbour Terrestrial Biodiversity Map over 28, 35 and 89 Sugarmill Road, Sapphire Beach to include the area proposed to be zoned C2 Environmental Conservation as terrestrial biodiversity on the map.
- Enable the development of the land for large lot residential purposes, having regard to the environmental attributes affecting the land.

Public Exhibition

This planning proposal will be placed on public exhibition in accordance with any Gateway Determination issued by NSW Department of Planning, Housing and Infrastructure. Copies of the planning proposal and supportive information can be viewed on the City of Coffs Harbour'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
City of Coffs Harbour
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: The City is committed to openness and transparency in its decision-making processes. The Government Information (Public Access) Act 2009 requires the City 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, the City 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 the City’s Customer Service Section or on the City’s website www.coffsharbour.nsw.gov.au/disclosurestatement.

BACKGROUND

Proposal	R5 Large Lot Residential / C2 Environmental Conservation Rezoning
Property Details	Lot 12 DP 243972, 28 Sugarmill Road, Sapphire Beach Lot 91 DP 786155, 35 Sugarmill Road, Sapphire Beach Lot 17 DP 249273, 89 Sugarmill Road, Sapphire Beach
Current Land Use Zone(s)	RU2 Rural Landscape
Proponent	Keiley Hunter
Landowner	K. Grimley (28 Sugarmill Road) I.S. & S.M. Martyn (35 Sugarmill Road) Oakhunt Pty Ltd (89 Sugarmill Road)
Location	A location map is included in Figure 1

This planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 and *Local Environmental Plan Making Guideline 2023* (NSW Department of Planning, Housing and Infrastructure).

This planning proposal explains the intended effects of a proposed amendment to Coffs Harbour LEP 2013 to enable large lot residential development on three sites on Sugarmill Road, Sapphire Beach.

The Sites

This planning proposal applies to three sites as detailed in Table 1. The three sites have a combined area of 6.26 hectares (ha) and are shown in Figure 1.

The subject sites are located approximately 7 kilometres north of the Coffs Harbour Central Business District, located on the Mid-North Coast of New South Wales. The sites are located west of the Pacific Highway and are accessed via Sugarmill Road, Sapphire Beach. Each site is currently zoned RU2 Rural Landscape under LEP 2013.

A concept subdivision plan is shown in Appendix 4 and shows 2 lots proposed for each of the sites.

Lot/DP	Address	Land area (ha)	Land use
Lot 12 DP 243972	28 Sugarmill Road, Sapphire Beach	2.03 ha	Rural dwelling / lifestyle
Lot 91 DP 786155	35 Sugarmill Road, Sapphire Beach	2.37 ha	Rural dwelling / lifestyle
Lot 17 DP 249273	89 Sugarmill Road, Sapphire Beach	1.86 ha	Rural dwelling / lifestyle

Table 1: Subject sites

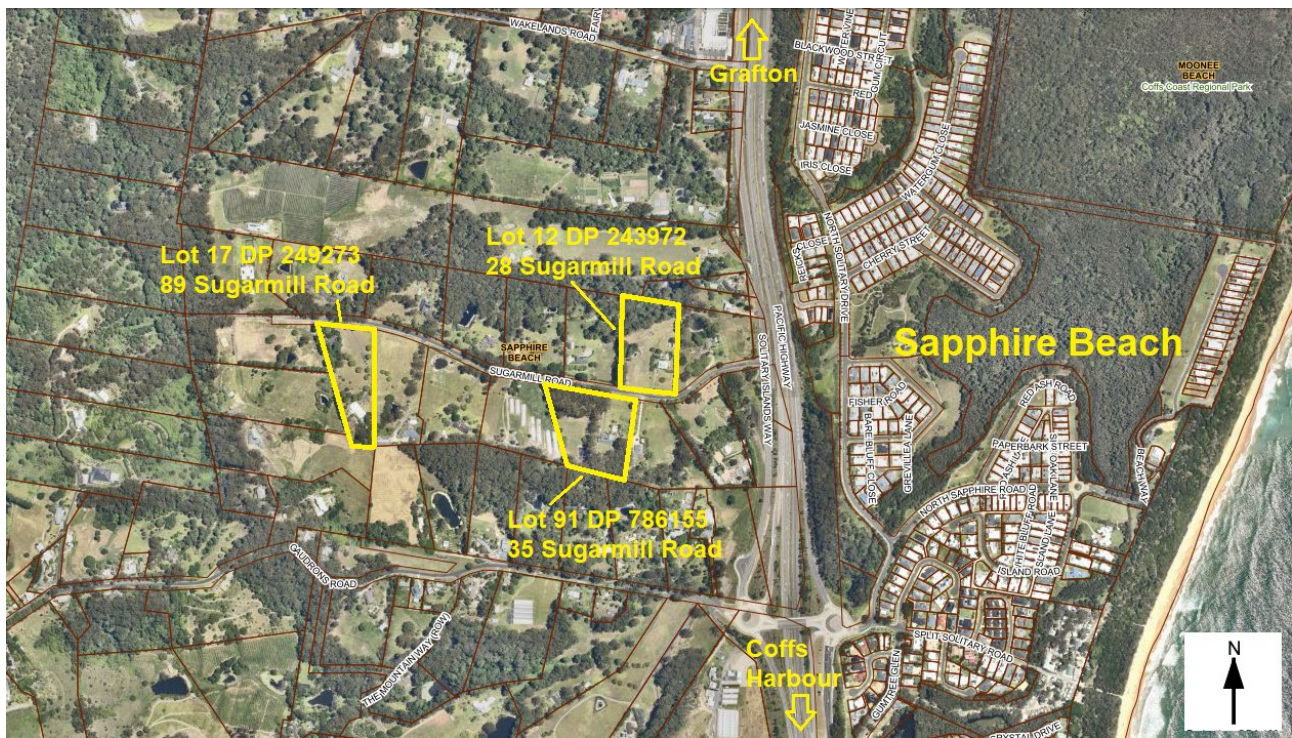


Figure 1: Location Map

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of this planning proposal are to amend Coffs Harbour LEP 2013 to:

- permit large lot residential development on the subject sites,
- ensure that the Sugarmill Road locality is developed based on sound planning and design principles, and
- ensure that the rezoning and reduction in minimum lot size is consistent with the broad strategic direction for the locality as described by North Coast Regional Plan 2041 and Chapter 6 (Large Lot Residential Lands) of the City's Local Growth Management Strategy (LGMS) 2020.

PART 2 – EXPLANATION OF PROVISIONS

The intended outcomes of the planning proposal will be achieved by making the following amendments to LEP 2013 maps:

- Amend the spatial Land Zoning Map to change land currently within Zone RU2 Rural Landscape to Zone R5 Large Lot Residential / Zone C2 Environmental Conservation on all three lots included within this planning proposal.
- Amend the Coffs Harbour Lot Size Map (Sheet LSZ_005C & Sheet LSZ_005D) to change land currently subject to a minimum lot size provision AB 40 ha to X2 6,000 m², corresponding with the proposed R5 Large Lot Residential zone on all three lots included within this planning proposal.
- Amend the Coffs Harbour Terrestrial Biodiversity Map (Sheet CL2_005C & Sheet CL2_005D) to include the area proposed to be zoned C2 Environmental Conservation as terrestrial biodiversity on the map. All three lots included within this planning proposal will be affected.

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

PART 3 – JUSTIFICATION & SITE-SPECIFIC MERIT

This part provides a response to the following matters in accordance with the *Local Environmental Plan Making Guideline 2023* (NSW Department of Planning, Housing and Infrastructure):

- 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. This planning proposal has been prepared in response to a Request to Amend Coffs Harbour Local Environmental Plan (LEP) 2013 lodged on behalf of the landowners. This planning proposal is accompanied by several detailed environmental studies which are included as appendices. The planning proposal has been prepared in line with the findings of the Coffs Harbour Local Growth Management Strategy (LGMS) 2020.

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

Yes. The planning proposal is considered the best means of achieving the objectives and intended outcomes to amend the zoning and minimum lot size of the subject sites.

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 significantly increased residential areas or densities, or significant increased employment areas or the like. This planning proposal will enable the sites to be subdivided and developed for large lot residential purposes under Coffs Harbour LEP 2013, and therefore the criteria in the Net Community Benefit test cannot be properly applied to this planning proposal.

Section B – Relationship to strategic planning framework

4. Will the planning proposal give effect to the objectives and actions contained within the North Coast Regional Plan 2041?

The proposed LEP amendment is consistent with the relevant goals, objectives, activities, and actions within the North Coast Regional Plan 2041 as follows:

GOAL 1 – LIVEABLE, SUSTAINABLE AND RESILIENT

Objective 1 – Provide well located homes to meet demand.

- Strategy 1.1 *A 10-year supply of zoned and developable residential land is to be provided and maintained in Local Council Plans endorsed by the Department of Planning, Housing and Infrastructure.*
- The proposed LEP amendment is not inconsistent with this action, given that it seeks to provide additional housing stock in the LGA.
- Strategy 1.2 *Local Council plans are to encourage and facilitate a range of housing options in well located areas.*
- The proposed LEP amendment is not inconsistent with this strategy given that it offers additional housing choice in a suitable location.
- Strategy 1.3 *Undertake infrastructure service planning to establish land can be feasibly serviced prior to rezoning.*
- The proposed LEP amendment is not inconsistent with this strategy as the site can be feasibly serviced to facilitate development.
- Strategy 1.4 *Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the region's overall 40% multi-dwelling / small lot housing target and are encouraged to work collaboratively at a subregional level to achieve the target.*
- The proposed LEP amendment is not inconsistent with this strategy given it offers additional housing choice in a suitable location, as demonstrated in this planning proposal.
- Strategy 1.5 *New rural residential housing is to be located on land which has been approved in a strategy endorsed by the Department of Planning, Housing and Infrastructure and is to be directed away from the coastal strip.*

The proposed LEP amendment is consistent with this strategy given that the land has been identified in the Coffs Harbour Local Growth Management Strategy 2020.

Strategy 1.6 *Councils and LALCs can partner to identify areas which may be appropriate for culturally responsive housing on Country.*

The proposed LEP amendment is not inconsistent with this strategy given that it seeks to provide housing that could be used for this purpose.

Action 2 *Provide guidance to help councils plan for and manage accommodation options for seasonal and itinerant workers.*

The proposed LEP amendment is not inconsistent with this action.

Objective 2 – Provide for more affordable and low-cost housing.

Action 3 *Establish Housing Affordability Roundtables for the Mid North Coast and Northern Rivers subregions with councils, community housing providers, State agencies and the housing development industry to collaborate, build knowledge and identify measures to improve affordability and increase housing diversity.*

The proposed LEP amendment is not inconsistent with this action as it would increase the density and opportunity for additional housing.

Objective 3 – Protect regional biodiversity and areas of high environmental value.

Strategy 3.1 *Strategic planning and local plans must consider opportunities to protect biodiversity values by:*

- *focusing land-use intensification away from HEV assets and implementing the ‘avoid, minimise and offset’ hierarchy in strategic plans, LEPs and planning proposals;*
- *ensuring any impacts from proposed land use intensification on adjoining reserved lands or land that is subject to a conservation agreement are assessed and avoided;*
- *encouraging and facilitating biodiversity certification by Councils at the precinct scale for high growth areas and by individual land holders at the site scale, where appropriate;*
- *updating existing biodiversity mapping with new mapping in LEPs where appropriate;*
- *identifying HEV assets within the planning area at planning proposal stage through site investigations;*
- *applying appropriate mechanisms such as conservation zones and Biodiversity Stewardship Agreements to protect HEV land within a planning area and considering climate change risks to HEV assets;*
- *developing or updating koala habitat maps to strategically conserve koala habitat to help protect, maintain and enhance koala habitat; and*
- *considering marine environments, water catchment areas and groundwater sources to avoid potential development impacts.*

The proposed LEP amendment is not inconsistent with this strategy given that the planning proposal includes land to be included within Zone C2 Environmental Conservation which includes HEV assets.

Strategy 3.2 *In preparing local and strategic plans Councils should:*

- *embed climate change knowledge and adaptation actions; and*
- *consider the needs of climate refuge for threatened species and other key species.*

The proposed LEP amendment is not inconsistent with this strategy.

Collaboration Activity 1:

Work with and assist councils to:

- review biodiversity mapping and related local environmental plan and development control plan provisions;
- improve access to data to enable identification of protected areas including NPWS Estate, Crown Reserves and in-perpetuity private land conservation agreements to inform local planning;
- ensure koala habitat values are included in land-use planning decisions through regional plans, local strategic planning statements and local environmental plans.

Lead Agency: NSW Biodiversity and Conservation Division

The proposed LEP amendment is not inconsistent with this activity given that it seeks to rezone land to include Zone C2 Environmental Conservation where appropriate.

Objective 4 – Understand, celebrate, and integrate Aboriginal culture.

Strategy 4.1 Councils prepare cultural heritage mapping with an accompanying Aboriginal cultural management plan in collaboration with Aboriginal communities to protect culturally important sites.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 4.2 Prioritise applying dual names in local Aboriginal language to important places, features or infrastructure in collaboration with the local Aboriginal community.

The proposed LEP amendment is not inconsistent with this strategy.

Objective 5 – Manage and improve resilience to shocks and stresses, natural hazards and climate change.

Strategy 5.1 When preparing local strategic plans, councils should be consistent with and adopt the principles outlined in the Strategic Guide to Planning for Natural Hazards.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 5.2 Where significant risk from natural hazard is known or presumed, updated hazard strategies are to inform new land use strategies and be prepared in consultation with emergency service providers and Local Emergency Management Committees (LEMCs). Hazard strategies should investigate options to minimise risk such as voluntary housing buy back schemes.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 5.3 Use local strategic planning and local plans to adapt to climate change and reduce exposure to natural hazards by:

- identifying and assessing the impacts of place-based shocks and stresses;
- taking a risk-based-approach that uses the best available science in consultation with the NSW Government, emergency service providers, local emergency management committees and bush fire risk management committees;
- locating development (including urban release areas and critical infrastructure) away from areas of known high bushfire risk, flood and coastal hazard areas to reduce the community's exposure to natural hazards;
- identifying vulnerable infrastructure assets and considering how they can be protected or adapted;
- building resilience of transport networks in regard to evacuation routes, access for emergencies and, maintaining freight connections;
- identifying industries and locations that would be negatively impacted by climate change and natural hazards and preparing strategies to mitigate negative impacts and identify new paths for growth;

- preparing, reviewing and implementing updated natural hazard management plans and Coastal Management Programs to improve community and environmental resilience which can be incorporated into planning processes early for future development;
- identifying any coastal vulnerability areas;
- updating flood studies and flood risk management plans after a major flood event incorporating new data and lessons learnt; and
- communicating natural hazard risk through updated flood studies and strategic plans.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 5.4 *Resilience and adaptation plans should consider opportunities to:*

- encourage sustainable and resilient building design and materials (such as forest products) including the use of renewable energy to displace carbon intensive or fossil fuel intensive options
- promote sustainable land management including Ecologically Sustainable Forest Management (ESFM)
- address urban heat through building and street design at precinct scale that considers climate change and future climatic conditions to ensure that buildings and public spaces are designed to protect occupants in the event of heatwaves and extreme heat events
- integrate emergency management and recovery needs into new and existing urban areas including evacuation planning, safe access and egress for emergency services personnel, buffer areas, building back better, whole-of-life cycle maintenance and operation costs for critical infrastructure for emergency management
- adopt coastal vulnerability area mapping for areas subject to coastal hazards to inform the community of current and emerging risks
- promote economic diversity, improved environmental, health and well-being outcomes and opportunities for cultural and social connections to build more resilient places and communities.

The proposed LEP amendment is not inconsistent with this strategy, and it will facilitate resilient and adaptive building and land management.

Strategy 5.5 *Partner with local Aboriginal communities to develop land management agreements and policies to support cultural management practices.*

The proposed LEP amendment is not inconsistent with this strategy.

Collaboration Activity 2:

Work with councils and agencies and the Transition North Coast Working Group to deliver the North Coast Enabling Regional Adaptation report to provide opportunities for climate change adaptation pathways with the aim of transitioning key regional systems to a more resilient future.

Lead Agency: NSW Office of Energy and Climate Change

The proposed LEP amendment is not inconsistent with this activity.

Objective 6 – Create a circular economy.

Strategy 6.1 *Support the development of circular economy, hubs, infrastructure and activities and consider employment opportunities that may arise from circular economies and industries that harness or develop renewable energy technologies and will aspire towards an employment profile that displays a level of economic self-reliance, and resilience to external forces.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 6.2 *Use strategic planning and waste management strategies to support a circular economy,*

including dealing with waste from natural disasters and opportunities for new industry specialisations.

The proposed LEP amendment is not inconsistent with this strategy.

Objective 7 – Promote renewable energy opportunities.

Strategy 7.1 *When reviewing LEPs and local strategic planning statements:*

- *ensure current land use zones encourage and promote new renewable energy infrastructure;*
- *identify and mitigate impacts on views, local character and heritage where appropriate; and*
- *undertake detailed hazard studies.*

The proposed LEP amendment is not inconsistent with this strategy.

Objective 8 – Support the productivity of agricultural land.

Strategy 8.1 *Local planning should protect and maintain agricultural productive capacity in the region by directing urban, rural residential and other incompatible development away from important farmland.*

The proposed LEP amendment is not inconsistent with this strategy as the sites are currently used for lifestyle residential purposes and are surrounded by similarly used properties of many sizes. While agriculture occurs widely in this area, the area is not identified as important farmland under the Plan.

Objective 9 – Sustainably manage and conserve water resources.

Strategy 9.1 *Strategic planning and local plans should consider:*

- *opportunities to encourage riparian and coastal floodplain restoration works;*
- *impacts to water quality, freshwater flows and ecological function from land use change;*
- *water supply availability and issues, constraints and opportunities early in the planning process;*
- *partnering with local Aboriginal communities to care for Country and waterways;*
- *locating, designing, constructing and managing new developments to minimise impacts on water catchments, including downstream waterways and groundwater resources;*
- *possible future diversification of town water sources, including groundwater, stormwater harvesting and recycling;*
- *promoting an integrated water cycle management approach to development;*
- *encouraging the reuse of water in new developments for urban greening and for irrigation purposes;*
- *improving stormwater management and water sensitive urban design;*
- *ensuring sustainable development of higherwater use industries by considering water availability and constraints, supporting more efficient water use and reuse, and locating development where water can be accessed without significantly impacting on other water users or the environment;*
- *identifying and protecting drinking water catchments and storages in strategic planning and local plans; and*
- *opportunities to align local plans with any certified Coastal Management Programs.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 9.2 *Protect marine parks, coastal lakes and estuaries by implementing the NSW*

Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, with sensitive marine parks, coastal lakes and estuaries prioritised.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 9.3 *Encourage a whole of catchment approach to land use and water management across the region that considers climate change, water security, sustainable demand and growth, the natural environment and investigate options for water management through innovation.*

The proposed LEP amendment is not inconsistent with this strategy.

Objective 10 – Sustainably manage the productivity of our natural resources.

Strategy 10.1 *Enable the development of the region's natural, mineral and forestry resources by avoiding interfaces with land uses that are sensitive to impacts from noise, dust and light interference.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 10.2 *Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.*

The proposed LEP amendment is not inconsistent with this strategy.

GOAL 2 – PRODUCTIVE AND CONNECTED

Objective 11 – Support cities and centres and coordinate the supply of well-located employment land.

Strategy 11.1 *Local council plans will support and reinforce cities and centres as a focal point for economic growth and activity.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 11.2 *Utilise strategic planning and land use plans to maintain and enhance the function of established commercial centres by:*

- *simplifying planning controls;*
- *developing active city streets that retain local character;*
- *facilitating a broad range of uses within centres in response to the changing retail environment; and*
- *maximising the transport and community facilities commensurate with the scale of development proposals.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 11.3 *Support existing and new economic activities by ensuring council strategic planning and local plans:*

- *retain, manage and safeguard significant employment lands;*
- *respond to characteristics of the resident workforce and those working in the LGA and neighbouring LGAs;*
- *identify local and subregional specialisations;*
- *address freight, service and delivery considerations;*
- *identify future employment lands and align infrastructure to support these lands;*
- *provide flexibility in local planning controls;*
- *are responsive to future changes in industry to allow a transition to new opportunities;*
- *provide flexibility and facilitate a broad range of commercial, business and retail uses within centres;*

- focus future commercial and retail activity in existing commercial centres, unless there is no other suitable site within existing centres, there is a demonstrated need, or there is positive social and economic benefit to locate activity elsewhere; and
- are supported by infrastructure servicing plans for new employment lands to demonstrate feasibility prior to rezoning.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 11.4 New employment areas are in accordance with an employment land strategy endorsed by the Department of Planning, Housing and Infrastructure.

The proposed LEP amendment is not inconsistent with this strategy.

Objective 12 – Create a diverse visitor economy.

Strategy 12.1 Council strategic planning and local plans should consider opportunities to:

- enhance the amenity, vibrancy and safety of centres and township precincts;
- create green and open spaces that are accessible and well connected and enhance existing green infrastructure in tourist and recreation facilities;
- support the development of places for artistic and cultural activities;
- identify appropriate areas for tourist accommodation and tourism development;
- protect heritage, biodiversity and agriculture to enhance cultural tourism, agri-tourism and eco-tourism;
- partner with local Aboriginal communities to support cultural tourism and connect ventures across the region;
- support appropriate growth of the nighttime economy;
- provide flexibility in planning controls to allow sustainable agritourism and ecotourism;
- improve public access and connection to heritage through innovative interpretation; and
- incorporate transport planning with a focus on active transport modes to connect visitors to key destinations.

The proposed LEP amendment is not inconsistent with this strategy.

Objective 13 – Champion Aboriginal self-determination.

Strategy 13.1 Provide opportunities for the region's LALCs, Native Title holders and community recognised Aboriginal organisations to utilise the NSW planning system to achieve development aspirations, maximising the flow of benefits generated by land rights to Aboriginal communities through strategic led planning.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 13.2 Prioritise the resolution of unresolved Aboriginal land claims on Crown land.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 13.3 Partner with community recognised Aboriginal organisations to align strategic planning and community aspirations including enhanced Aboriginal economic participation, enterprise and land, sea and water management.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 13.4 Councils consider engaging Aboriginal identified staff within their planning teams to facilitate strong relationship building between councils, Aboriginal communities, and key stakeholders such as Local Aboriginal Land Councils and local Native Title holders.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 13.5 Councils should establish a formal and transparent relationship with local recognised

Aboriginal organisations and community, such as an advisory committee.

The proposed LEP amendment is not inconsistent with this strategy.

Action 5

The Department of Planning, Housing and Infrastructure will work with LALCs, Native Title holders and councils by:

- meaningfully engaging with LALCs and Native Title holders in the development and review of strategic plans to ensure aspirations are reflected in plans;*
- building capacity for Aboriginal communities, LALCs and Native Title holders to utilise the planning system; and*
- incorporating Aboriginal knowledge of the region into plan.*

The proposed LEP amendment is not inconsistent with this action.

Objective 14 – Deliver new industries of the future.

Strategy 14.1 *Facilitate agribusiness employment and income-generating opportunities through the regular review of council planning and development controls, including suitable locations for intensive agriculture and agribusiness.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 14.2 *Protect established agriculture clusters and identify expansion opportunities in local plans that avoid land use conflicts, particularly with residential and rural residential land uses.*

The proposed LEP amendment is not inconsistent with this strategy given that it seeks to allow for large lot residential development in a location that has been identified in a Department endorsed growth strategy.

Objective 15 – Improve state and regional connectivity.

Strategy 15.1 *Protect proposed and existing transport infrastructure and corridors to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.*

The proposed LEP amendment is not inconsistent with this strategy.

Collaboration Activity 4:

To ensure that centres experiencing high growth have well planned and sustainable transport options, placed-based Transport Plans will be developed for key cities and centres across the North Coast region.

Lead Agency: Transport for NSW

The proposed LEP amendment is not inconsistent with this activity.

Objective 16 – Increase active and public transport usage.

Strategy 16.1 *Encourage active and public transport use by prioritising pedestrian amenity within centres for short everyday trips.*

- providing a legible, connected and accessible network of pedestrian and cycling facilities;*
- delivering accessible transit stops and increasing convenience at interchanges to serve an ageing customer;*
- incorporating emerging anchors and commuting catchments in bus contract renewals;*
- ensuring new buildings and development include end of trip facilities;*
- integrating the active transport network with public transport facilities; and*
- prioritising increased infill housing in appropriate locations to support local walkability and the feasibility of public transport stops.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 16.2 *Local plans should encourage the integration of land use and transport and provide for environments that are highly accessible and conducive to walking, cycling and the use of public transport and encourage active travel infrastructure around key trip generators.*

The proposed LEP amendment is not inconsistent with this strategy.

Objective 17 – Utilise new transport technology.

Strategy 17.1 *Councils should consider how new transport technology can be supported in local strategic plans, where appropriate.*

The proposed LEP amendment is not inconsistent with this strategy.

Collaboration Activity 6:

Investigate public transport improvements including on-demand services.

Lead Agency: Transport for NSW

The proposed LEP amendment is not inconsistent with this activity.

GOAL 3 – GROWTH CHANGE AND OPPORTUNITY

Objective 18 – Plan for sustainable communities.

Action 6 *Undertake housing and employment land reviews for the Northern Rivers and Mid North Coast subregions to assess future supply needs and locations.*

The proposed LEP amendment is not inconsistent with this action.

Objective 19 – Public spaces and green infrastructure support connected and healthy communities.

Strategy 19.1 *Councils should aim to undertake public space needs analysis and develop public space infrastructure strategies for improving access and quality of all public space to meet community need for public spaces. This could include:*

- *drawing on community feedback to identify the quantity, quality and the type of public space required;*
- *prioritising the delivery of new and improved quality public space to areas of most need;*
- *considering the needs of future and changing populations;*
- *identifying walkable and cycleable connectivity improvements and quality and access requirements that would improve use and enjoyment of existing infrastructure;*
- *consolidating, linking and enhancing high quality open spaces and recreational areas; and*
- *working in partnership with local Aboriginal communities to develop bespoke cultural infrastructure which responds to the needs of Aboriginal communities.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 19.2 *Public space improvements and new development should consider the local conditions, including embracing opportunities for greening and applying water sensitive urban design principles.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 19.3 *Encourage the use of council owned land for temporary community events and creative practices where appropriate by reviewing development controls.*

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 19.4 *Local environmental plan amendments that propose to reclassify public open space must consider the following:*

- *the role or potential role of the land within the open space network;*
- *how the reclassification is strategically supported by local strategies such as open space or asset rationalisation strategies;*

- where land sales are proposed, details of how sale of land proceeds will be managed; and
- the net benefit or net gain to open space.

The proposed LEP amendment is not inconsistent with this strategy.

Objective 20 – Celebrate local character.

Strategy 20.1 Ensure strategic planning and local plans recognise and enhance local character through use of local character statements in local plans and in accordance with the NSW Government’s Local Character and Place Guideline.

The proposed LEP amendment is not inconsistent with this strategy.

Strategy 20.2 Celebrate buildings of local heritage significance by:

- retaining the existing use where possible
- establishing a common understanding of appropriate reuses
- exploring history and significance
- considering temporary uses
- designing for future change of use options.

The proposed LEP amendment is not inconsistent with this strategy.

Coffs Harbour Narrative

Regional Priorities

- Manage and support growth in Coffs Harbour, anchored by the expanding health, education and creative industries sectors, and Coffs Harbour Airport Enterprise Park.
- Deliver suitable housing and job opportunities across the LGA including in Coffs Harbour, Woolgoolga, Moonee Beach, Toormina and Sapphire Beach.
- Protect environmental assets that sustain the agricultural and tourism industries.

Livable and Resilient

- Provide mitigation measures in response to climate change.
- Support environmentally sustainable development that is responsive to natural hazards.
- Retain and protect local biodiversity through effective management of environmental assets and ecological communities.

Productive and Connected

- Develop health, education and aviation precincts at the South Coffs Harbour Enterprise Area and Coffs Harbour Airport Enterprise Park, and new employment land at Woolgoolga and Bonville.
- Promote the sustainable use of important farmland areas through encouraging initiatives to support the development of the agricultural sector and agribusiness.
- Identify opportunities to expand nature based, adventure and cultural tourism assets including Solitary Islands Marine Park and other coastal, hinterland, and heritage assets, which will support the local ecotourism industry.

Housing and Place

- Enable ‘better places’ through placemaking initiatives, active transport, urban design specific to the North Coast, and facilitation of the ‘20 minute neighbourhood’.
- Deliver housing at Woolgoolga, North Boambee Valley and Bonville, and address the temporary worker housing needs associated with the Coffs Harbour Bypass.

- Enhance the variety of housing options available by promoting a compact urban form in and around the Coffs Harbour city centre and Park Beach.

Smart, Connected and Accessible (Infrastructure)

- Increase and strengthen social, economic and strategic links with the Mid North Coast subregion including Bellingen, Clarence Valley and Nambucca LGAs, particularly regarding the delivery of additional employment lands.
- Maximise opportunities associated with the increased connectivity provided by the new Coffs Harbour Bypass.

The proposed LEP amendment is not inconsistent with this narrative.

5. Is the planning proposal consistent with Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Coffs Harbour Local Strategic Planning Statement 2020

The City adopted its Local Strategic Planning Statement (LSPS) on 25 June 2020. The proposed LEP amendment accords with the vision and planning priorities within the LSPS, in particular:

- Planning Priority 5: Deliver greater housing supply, choice and diversity.
- Action A5.5: Implement remaining actions from the Local Growth Management Strategy as funding allows.
- Planning Priority 7: Protect and conserve the natural, rural, built and cultural heritage of Coffs Harbour.
- Action A7.3: Implement actions from the Local Growth Management Strategy as funding allows.

MyCoffs Community Strategic Plan 2032

The MyCoffs Community Strategic Plan is based on four overarching themes: Community Wellbeing; Community Prosperity; A Place for Community; and Sustainable Community Leadership. Within each theme there are several sustainable development objectives and outcomes.

The planning proposal supports the vision of the MyCoffs Community Strategic Plan 'connected, sustainable, thriving' and will assist in achieving the objectives of the Plan by attracting people to work, live and visit; and by undertaking development that is environmentally, socially, and economically responsible as shown in table 2 below:

Theme	Objective	Relevant Outcomes
A Place for Community: Liveable neighbourhoods with a defined identity	We create liveable spaces that are beautiful and appealing.	The Coffs Harbour area is a place we are proud to call home. Our neighbourhoods have a strong sense of identity and are actively shaped by the local community.
		We reflect our beautiful natural setting throughout our built environment
	We undertake development that is environmentally, socially, and economically	Land use planning and development protects the value and benefits provided by our natural environment
		Population growth is focussed within the existing developed footprint
		Sustainable design and best practice development provide

	responsible	quality housing options
		Local heritage is protected and the stories behind it shared
A Place for Community: We collaborate to deliver opportunities for housing for all	We collaborate to deliver opportunities for housing for all	Development meets the changing needs and expectations of the community
A Place for Community: A natural environment sustained for the future	We protect the diversity of our natural environment	Through collaboration, we protect and enhance our natural environment
		We understand the challenges to our natural environment and act to mitigate them
		Pollution from human activities is minimised
Sustainable Community Leadership: Our leaders give us confidence in the future	We undertake effective engagement and are informed.	All groups in our community are valued and have the opportunity to shape our future
		Decision-making processes are open and transparent
Sustainable Community Leadership: We have effective use of public resources	We effectively manage the planning and provision of regional public services and infrastructure. We collaborate to achieve the best possible future for all the Coffs Harbour area	Our public infrastructure is maintained for its current purpose and for future generations
		Our community continues to have access to high quality public services
		Infrastructure is planned for the long-term and without imposing an unfair burden on future generations

Table 2: MyCoffs Community Strategic Plan Assessment

Coffs Harbour Local Growth Management Strategy

The City's Local Growth Management Strategy (LGMS) 2020 was endorsed by the (former) Department of Planning and Environment (now Department of Planning, Housing and Infrastructure) in 2020. The purpose of the LGMS is to inform and direct growth in the City to 2040 and to inform the City's Local Strategic Planning Statement 2020.

Chapter 6 Large Lot Residential Lands, of the LGMS identifies the subject sites as being in Precinct 5 (Gaudrons Road/ The Mountain Way) of the Korora, Sapphire, and Moonee Candidate Area. Land in this area is identified for short-term release of large lot residential development (refer Figure 3).

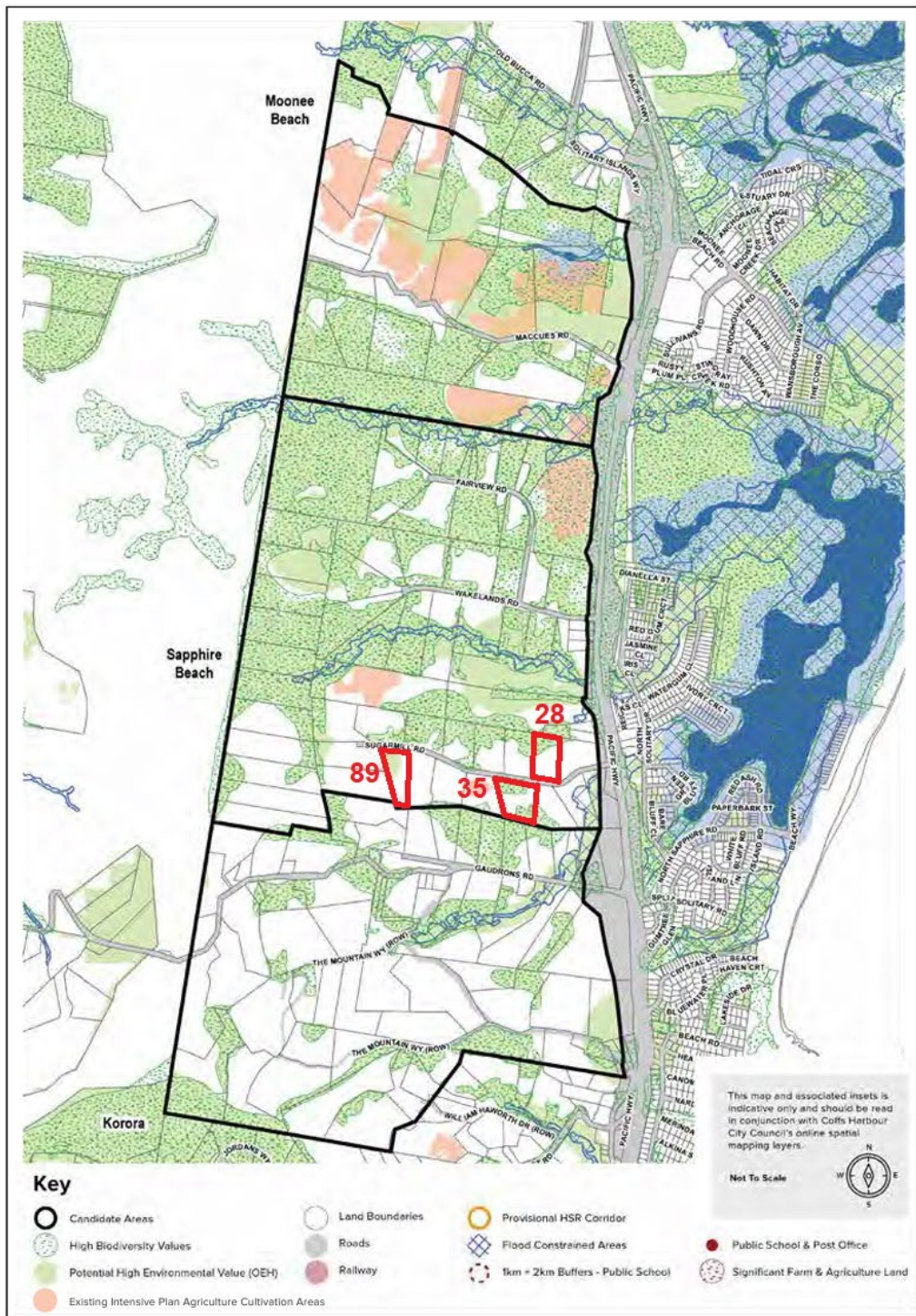


Figure 2 - Korora, Sapphire and Moonee Candidate Area

The Candidate Area was assessed by way of environmental investigations by Eco Logical Australia in 2017. The investigations concluded that precinct 5 is environmentally constrained and economically expensive to service due to projected infrastructure costs associated with road upgrades and potential new road requirements. However, despite the constraints on the land, the LGMS identifies land in Precinct 5 for short-term release as large lot residential development.

A “joint report” was endorsed by Council at its Ordinary Meeting on 10 August 2017, in which it was agreed that proponent-initiated planning proposals can be lodged seeking rezoning of land for large lot residential purposes within the Korora, Sapphire and Moonee Candidate Area (on an individual or precinct or clustered basis) at a time of their choosing. This action was reflected in LGMS 2020.

Chapter 6 – Large Lot Residential addresses the potential reduction of minimum lot size in the R5 zone, where sufficiently justified. Section 6.7 within Chapter 6 of the LGMS states the following:

‘It is also reasonable that if undeveloped land within zone R5 can justify a reduced lot size, then it should be considered through an applicant-initiated planning proposal. This would allow a merit case for a revised minimum lot size LEP amendment request to be submitted to Council, bearing in mind the underlying reasons for the standard in the first place and the objectives of zone R5.’ (LGMS 2020 Ch. 6 p. 11)

Coffs Harbour has a range of existing large lot residential lot sizes that reflect past planning subdivision practice. In many cases, lot sizes reflected various constraints including slope, flooding, soil types and water table issues. Minimum lot size requirements were addressed in previous Development Control Plans (e.g., under LEP 2000) prior to being included as a development standard under the Standard Instrument Local Environmental Plan (LEP 2013).

A typical factor affecting lot size in Large Lot Residential zoned areas is onsite sewage management and the potential for the lot/s to be efficiently serviced by an effective onsite sewage management system. The Land Capability Assessment included with this planning proposal (see Appendix 11) demonstrated that a minimum lot size of 6,000m² at all three sites would be considered acceptable (also see section 10 of this planning proposal for further information).

Regarding infrastructure upgrades, the LGMS states that:

“Privately funded planning proposals and subsequent funding of any required infrastructure upgrades will be the responsibility of the landowner/applicant. Subsequently, there will be less financial risk to Council should applicants wish to proceed with planning proposals. Planning proposals would still aim to achieve environmentally sustainable planning outcomes. (LGMS 2020 Ch. 6 p. 13)

6. Is the planning proposal consistent with any other applicable State and Regional Study or Strategies?

Coffs Harbour Regional City Action Plan 2036

The NSW Government developed the Coffs Harbour Regional City Action Plan (the Plan) to provide a framework to manage and shape the city’s future growth. The Plan was finalised in March 2021 and it identifies 5 overarching goals which incorporate objectives and related actions. This planning proposal is consistent with the following relevant goals, objectives and associated actions within the Plan:

Goal	Objective	Actions	
Live	17. Deliver a city that responds to Coffs Harbour’s unique green cradle setting and offer housing choice.	17.1	Promote a sustainable growth footprint and enhance place-specific character and design outcomes.
		17.4	Support a greater variety and supply of affordable housing.

Table 3: Coffs Harbour Regional City Action Plan 2036

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. A Biodiversity Assessment was prepared for the three sites (Appendix 6). The sites are currently managed as part of existing rural / residential development which includes prevalent landscape plantings and regularly mown / slashed grassland. Areas of intact native eucalypt forest occur on the periphery of each Lot.

Of the three lots, 28 and 35 Sugarmill Road contain mapped Biodiversity Value (BV) land, while 89 Sugarmill Road is not mapped as BV land (see Figure 3 below). It is noted that any impact on BV mapped land would trigger the Biodiversity Offset Scheme (BOS) and the need for a Biodiversity Development Assessment Report (BDAR) to be prepared at the development application stage. Based on the concept lot layout (Appendix 6) it is considered unlikely that the future development of 28 & 35 Sugarmill Road would impact on an area of BV mapped land.

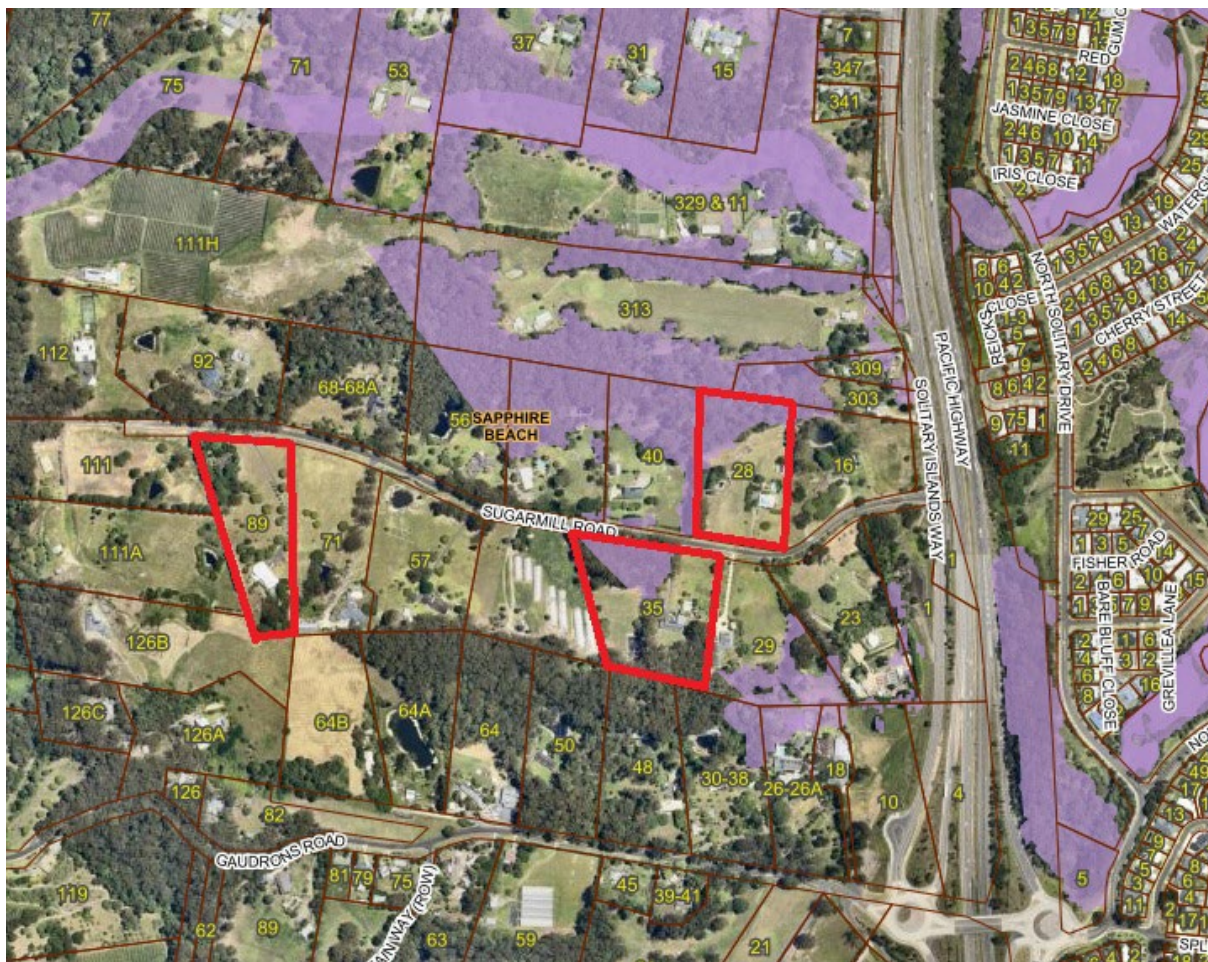


Figure 3 – Biodiversity Values Mapping

Results of field assessment as contained in the Biodiversity Assessment (Appendix 6) include:

- No threatened flora species listed under the *Biodiversity Conservation Act 2016* or *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* occur at the site.
- No TECs listed under the BC or EPBC Act occur at the site.

- No State Environmental Planning Policy (Resilience and Hazards) 2021 (littoral rainforest or coastal wetlands), over-cleared vegetation types, high value arboreal habitats or old growth forests (CHCC, 2021) occur at the site.
- Four discreet areas of native vegetation are recommended for rezoning as E2 Environmental Conservation.
- Koala (*Phascolarctos cinereus*) scats were detected beneath three Swamp Mahogany at 89 Sugarmill Road.
- Koalas are listed as *Vulnerable* under both the BC and EPBC Act.
- The site provides a range of good quality potential fauna habitats including native vegetation, hollow-bearing trees, and aquatic habitats. While no significant habitat for threatened fauna occurs at the site, the site provides potential habitat for several locally occurring threatened fauna species.

The future development of the site, based on the subdivision concept design (Appendix 3), may result in the following potential biodiversity impacts:

- Minor loss of native vegetation
- Minor loss of preferred Koala feed trees
- Minor loss of HBTs
- Minor intensification of human occupation regarding native fauna (e.g., minor increase in traffic movements).
- Introduction of weed species during the construction period.
- Disturbance to fauna during construction and ongoing occupation.
- Fauna roadkill from a minor increase in vehicular traffic.

Recommendations from the Biodiversity Assessment

To minimise biodiversity impacts which may result from the proposed rezoning and future development of the site, the following measures should be considered at the subdivision stage:

- Proposed C2 zoned areas should be supported and adopted to provide future development controls within areas of consolidated native vegetation and threatened species habitat.
- Clearing of native vegetation (mapped PCTs) should be avoided in the final design of subdivision with building envelopes and associated infrastructure (including boundary fences) to be located within cleared areas.
- Where native vegetation, tree hollows and/or koala habitat requires removal, compensation will be required as per Coffs Harbour DCP 2015.
- Vegetation Management Plans (VMPs) should be required as a condition of consent for those lots including future C2 zoned land. VMPs should include measures to protect and enhance native vegetation and habitat within all C2 zoned land.

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

Yes. Other likely environmental effects resulting from the proposed rezoning are discussed in the following sections:

Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment (ACHA) was prepared for the wider Korora Sapphire Moonee Large Lot Residential Candidate Area (Appendix 12). The assessment identified no significant constraints relating to this location with respect to Aboriginal and/or European Heritage.

A site inspection was also undertaken by Cultural Site Officers from the Coffs Harbour and District Local Aboriginal Land Council on 27 September 2021. As a result of the site inspection, no physical evidence of cultural items or sites were found during the inspection and the resulting report included the following recommendations:

1. *Unexpected finds procedure to be implemented to any future ground disturbance works as per relevant cultural heritage protection legislation.*
2. *Contact the Land Council or Heritage Division should any unexpected finds be uncovered.*

Acid Sulfate Soils

The whole of 28 Sugarmill Road and part of 35 Sugarmill Road are 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 prepared for the planning proposal (Appendix 10) and is summarised as follows:

The desktop review shows no ASS risk the residual clay subsoils. Biophysical indicators, field screening and soil profiles suggest that the properties are not underlain by ASS.

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.

If dark grey to black, odorous or waterlogged alluvial sands or clays are encountered during development, then works should be halted until confirmation of the presence of ASS is undertaken and/or remedial strategies developed.

Bushfire Risk

All of the land is mapped as Bushfire Prone Land and a Bushfire Risk Assessment was prepared for the planning proposal, that assesses each property (Appendix 5), and a relevant extract from the City's bushfire mapping is below in Figure 4. The Bushfire Risk Assessment concludes that the planning proposal can meet the relevant requirements of Ministerial Direction 4.3 Planning for Bushfire Protection as well as *Planning for Bushfire Protection (PBP) 2019*.

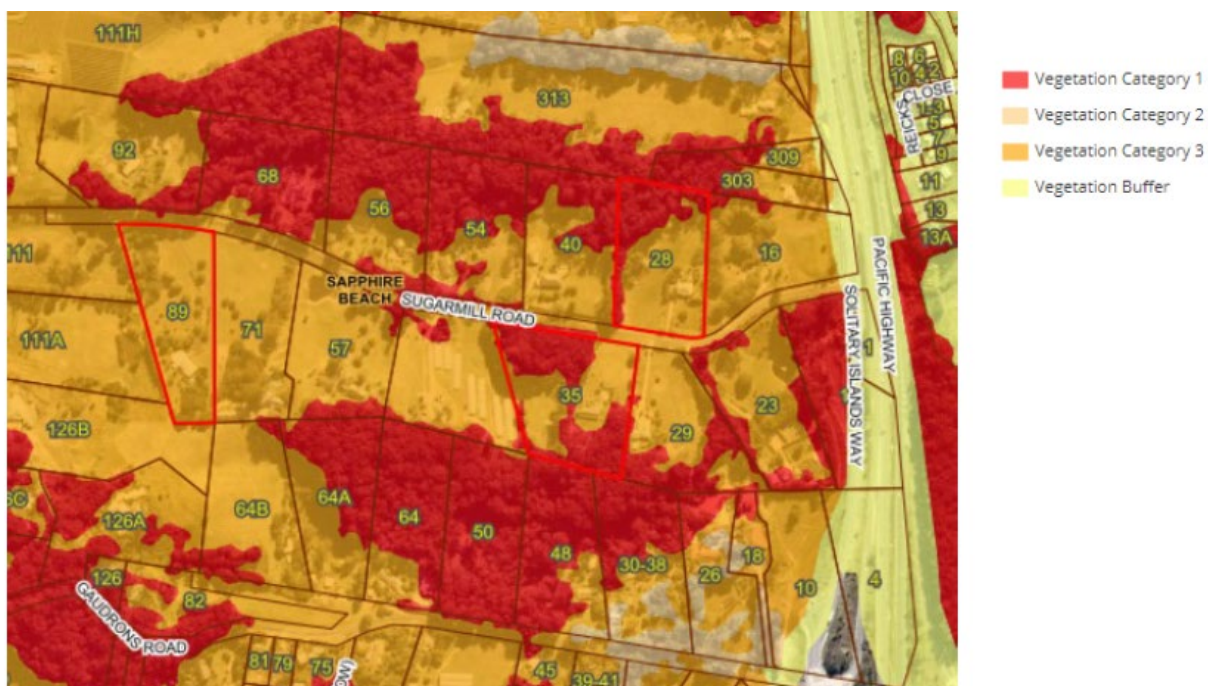


Figure 4 – Bushfire Prone Land

Land Contamination

An Environmental Site Assessment (ESA) is included with this planning proposal (Appendix 13) and is summarised below:

- No. 35 and 89 Sugarmill Road have been previously used for banana cultivation purposes.
- Broadacre banana cultivation on No.35 and 89 was assessed as contributing to a risk of surface contamination in soils on those properties. The analytical results of detailed sampling across the proposed building envelopes of No.35 and 89, and check sampling on No.28 confirm that concentrations of the heavy metals and OCP analysed were below the investigation criteria.
- The ESA identified that dwellings were approved on the two properties in the late 1970's, with their prior use as grazing or banana plantations.
- The ESA concluded that no further investigations or remediation of soils is required for the proposed large lot residential use of the land.

Land Use Conflict Risk Assessment

A Land Use Conflict Risk Assessment (LUCRA) has been prepared for the planning proposal (Appendix 8). The LUCRA identified that 28 and 89 Sugarmill Road are at a low risk of conflict with adjoining land uses, while 35 Sugarmill Road has a moderate risk of land use conflict due to proximity to greenhouses located to the west of the indicative building envelope. The LUCRA concluded that the planning proposal is considered suitable despite a moderate risk to 35 Sugarmill Road, subject to the following recommendations:

- Future residential development will be guided by the Coffs Harbour DCP controls aimed to ensure that the agricultural potential of surrounding land is not diminished.
- The potential land use conflict between a future building envelope on 35 Sugarmill Road and the existing greenhouse horticulture land use can be mitigated utilising a vegetation buffer, as long as:
 - A Vegetation Management Plan is prepared by the landowner and approved by the City; and
 - The vegetated buffer is legally secured via a S88B restriction on the land.

Despite the potential for land use conflict between the existing greenhouses and a future building envelope at 35 Sugarmill Road, the following factors have led to this conclusion including:

- The adjoining horticultural land use occurs within a small farm of just over 2 ha in area and involves vegetable cultivation within the confines of seven (7) greenhouse enclosures.
- Land values in the area will inevitably lead to the decline of horticulture and increase in large lot residential land uses, especially given the inclusion of the surrounding lands as a Candidate Area within Chapter 6 of the LGMS 2020.
- No aerial agricultural spraying is known to occur in the area.
- A vegetated landscaped buffer is considered appropriate in terms of impact mitigation and will provide a valuable visual asset between the two properties regardless of the eventual land uses.

The proposed rezoning would permit large lot residential development in an already highly fragmented area predominantly used for hobby farming or lifestyle housing. As outlined above, the LUCRA concludes that the risk of conflict is acceptable subject to appropriate mitigation measures to reduce the risk of conflict, such as the use of separation buffers and landscaping.

Minimum Lot Size Analysis

Earth Water Consulting (EWC) carried out an assessment of land capability for wastewater disposal and minimum lot size (MLS) analysis (Appendix 9). Six nearby representative lots were selected for the purpose of comparison. All are zoned RU2 Rural Landscape and are small lots (under 4300 m²) likely created as concessional lots under previous planning controls. The comparison properties typically included a dwelling, garage/shed, landscaped trees, shrubs and gardens, driveways, water tanks, and

recreational space. These properties are similar in use, to the development proposed in this application and as shown in the concept subdivision plans (Appendix 3) and therefore minimum lot size and development potential should be comparable.

The assessment assumed that all properties would require an onsite wastewater management system designed for a 5-bedroom dwelling on tank water. Based on the modelling, a primary and reserve environmental management area (EMA) was calculated to 1,010 m². Buffer distances were calculated at greater than 50 m to the nearest bore, 100 m to permanent waterways and 40 m to drainage lines and found that:

- *The comparison properties are between 3,000-4,200m² in area, less than the smallest lot: 6,636 m² proposed as part of this application.*
- *Apart from the smallest comparison lot (2,800m²), each have about 1,200-1,800m² of available unconstrained area for effluent disposal. The smaller comparison lot has only a 587m² footprint.*
- *Typically, available area for effluent application represents about 30-50% of the total lot area, the smaller the lot, the same development footprint requirements impact on land area available for effluent application.*
- *Allowing for additional developed footprint such as sheds and swimming pools that may not be present currently, and constraints such as buffers to gullies and protected forest vegetation, the minimum 1,010 m² footprint typically required for a primary treatment and land application OSMS would still be able to be met. As such given the low slopes and limited site and soil constraints, a minimum 6,000 m² lot sizing would be considered acceptable.*
- *The smaller lot sizes require effluent land application in the managed areas around any dwellings, or within forested margins.*
- *To minimize effluent and recreational land use plus ecological protection conflicts, a minimum lot size of at least 6,000 m² fully developable area is considered prudent and acceptable.*

Based on the above recommendations, each property within this application has the land capability to accommodate one additional lot as shown on the concept subdivision plans included as Appendix 3.

Noise (from the Pacific Highway)

28 Sugarmill Road is located within the Transport for NSW mapped Pacific Highway Noise Corridor, and therefore an assessment of noise impact to future residential housing has been prepared (Appendix 11) and summarised below.

- As part of determining the suitability of the area for residential housing, an assessment of noise impacts from the Pacific Motorway is required using the guidelines in the NSW Road Noise Policy (RNP) and Development near Rail Corridors and Busy Roads to determine the suitability of the site for residential development (including any requirements for noise mitigation).
- An Acoustic Buffer was determined using Matrix Thornton Report M15387 (which was used to assess the wider KWSM Candidate Area) in which noise contours were published. Those contours were used to determine the noise impact at the site.
- The assessment procedure involved:
 - Obtaining noise data from Report M15387.
 - Setting appropriate limits in rooms.
 - Calculating noise intrusion using different glazing and construction materials.
 - Recommending minimum glazing and ventilation requirements.
- The guideline describes categories of building construction with increasing acoustic performance. At this site, Category 1 constructions will be satisfactory.

- As night-time noise levels are predicted to be below 55dBA, and daytime levels are predicted to be below 60dBA, no acoustic design treatment is required to comply with the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

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

Social and economic effects arising from the planning proposal are likely to be positive in terms of the provision of new housing close to urban facilities in the coastal village of Moonee Beach thereby offering housing choice and diversity for existing and future residents. Consistent with the City's LSPS, Moonee Beach has been identified as a priority area for place making with local character statements and place manuals.

The proposed rezoning would permit large lot residential development in an area predominantly used for hobby farming or lifestyle housing. Consideration has been given to the potential for land use conflicts resulting from the proposed rezoning and the risk of conflict has been deemed acceptable subject to appropriate mitigation measures to reduce the risk of conflict such as the use of separation buffers and landscaping.

Section D – State and Commonwealth interests

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

Yes. Whilst the sites are not connected to reticulated sewer, mains water or stormwater infrastructure, they have access to a public road, reticulated telecommunications, and electricity. Section C1.8 of The Coffs Harbour Development Control Plan 2015 specifies that the following infrastructure is to be provided as part of subdivision proposals for land zoned R5 Large Lot Residential, in accordance with the City's Planning and Design Development Specifications:

- Roads
- Drainage
- Sealed driveways where servicing two or more resulting lots
- Underground reticulated telecommunications
- Underground reticulated electricity
- National Broadband Network (where available)

Any augmentation to the existing infrastructure required to service future lots would be addressed at the subdivision stage in accordance with the City's Planning and Design Development Specifications.

13. What are the views of State and federal public authorities and government agencies consulted in order to inform the Gateway determination?

A Gateway determination has not been issued by the NSW Department of Planning, Housing and Infrastructure; therefore, consultation has not yet been undertaken with public authorities and/or government agencies.

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.

Any required authority to be consulted will be identified by the NSW Department of Planning, Housing and Infrastructure as part of the gateway process. This section of the planning proposal will be updated to align with any Gateway Determination by NSW Department of Planning, Housing and Infrastructure.

PART 4 – MAPS

Proposed maps amendments to Coffs Harbour LEP 2013, as described in Part 2 of this planning proposal, are shown on the next three pages..

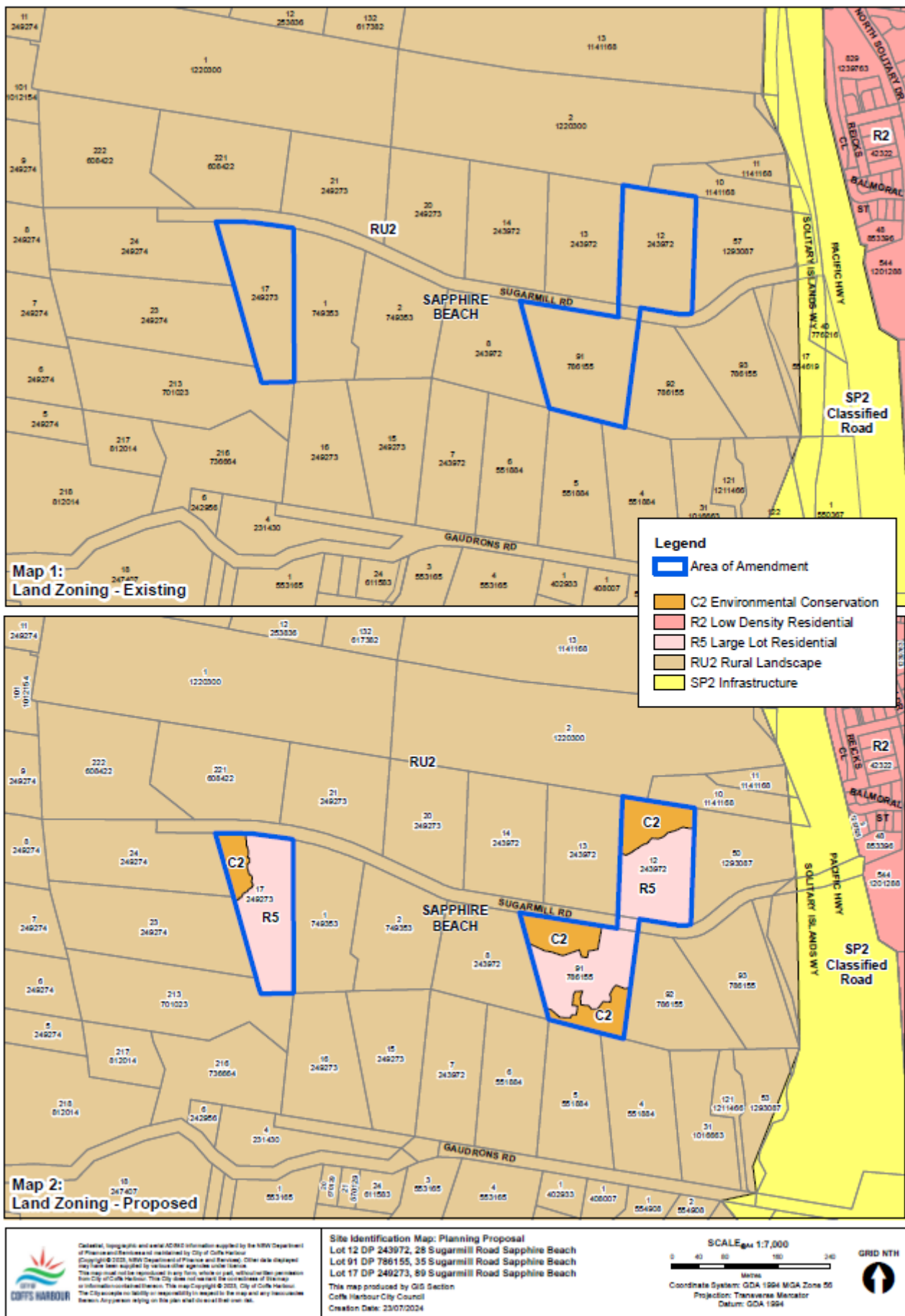


Figure 5: Combined map of existing and proposed amendments to digital Land Zoning Map

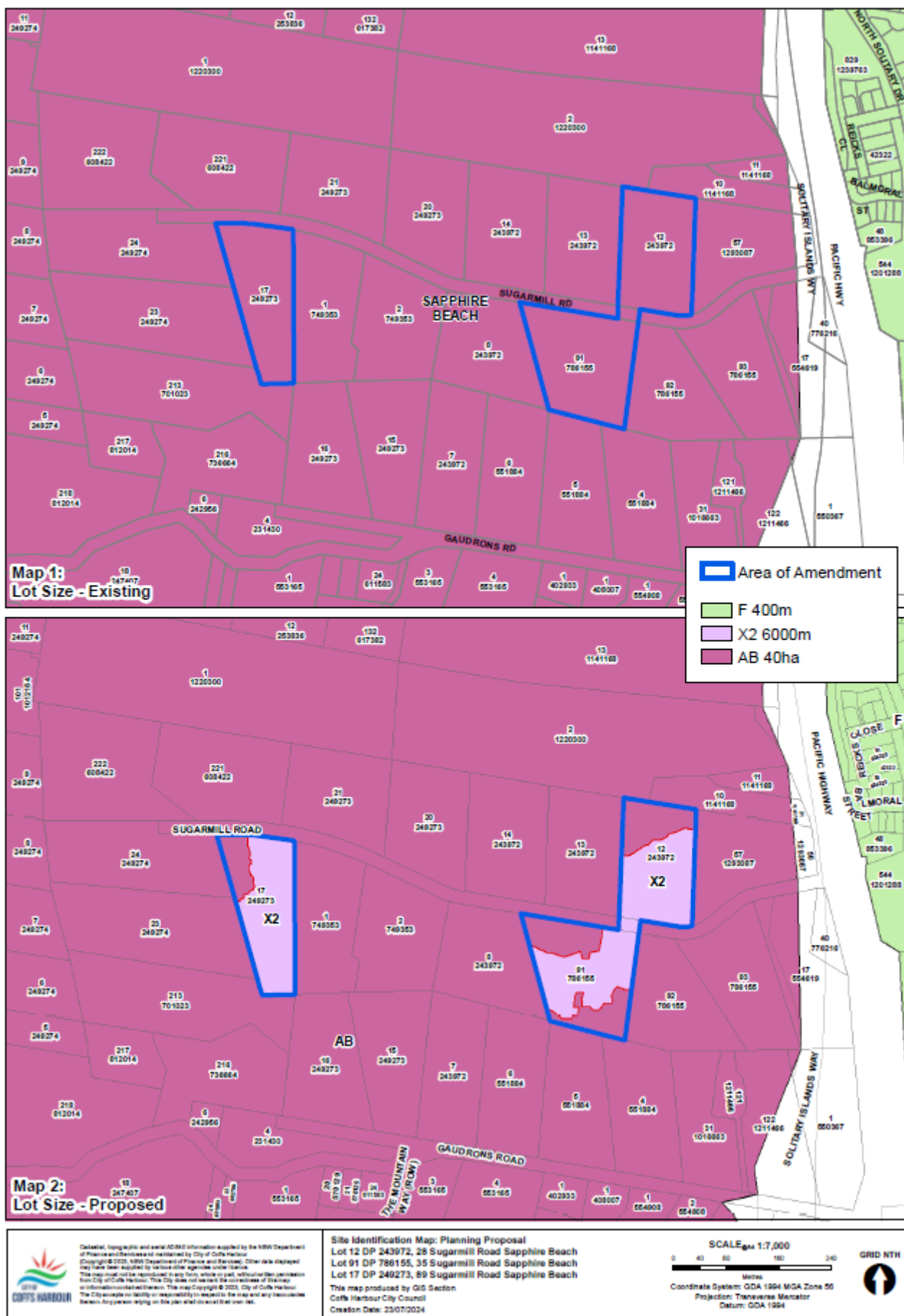


Figure 6: Combined map of existing and proposed amendments to Lot Size Map – Sheet LSZ_005C

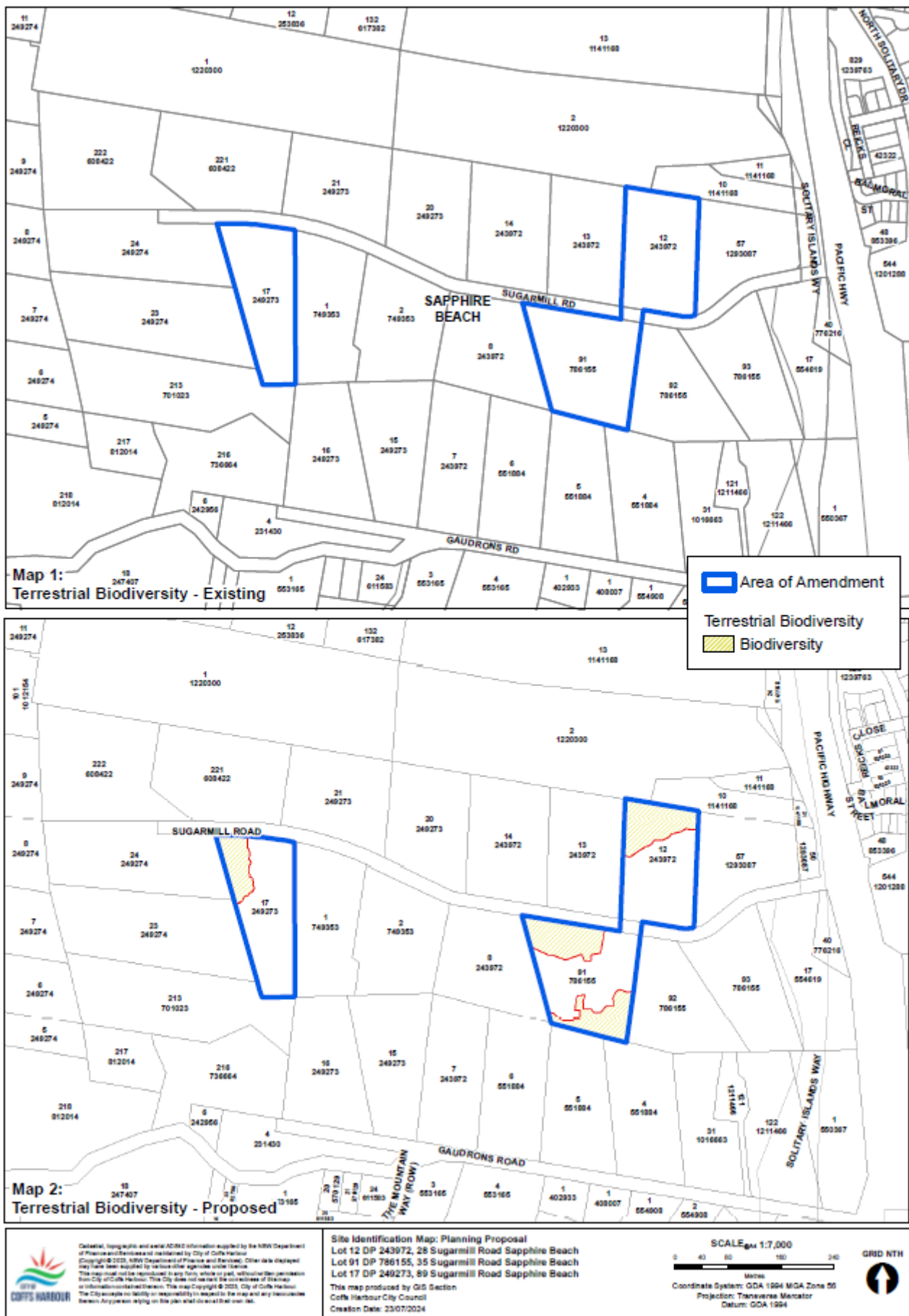


Figure 7: Combined map of existing and proposed amendments to Terrestrial Biodiversity Map – Sheet CL2_005C

PART 5 – COMMUNITY CONSULTATION

The Gateway determination issued by the NSW Department of Planning, Housing and Infrastructure will specify the community consultation requirements that must be undertaken for the planning proposal. The City considers that the planning proposal should be exhibited for 28 days, given that it is not a principal LEP and does not seek to reclassify public land.

Public Exhibition of the planning proposal will include the following:

Advertisement

Placement of an online advertisement in the Coffs Newsroom.

Consultation with affected owners and adjoining landowners

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

Website

The planning proposal will be made publicly available on the City's Have Your Say Website at: <https://haveyoursay.coffsharbour.nsw.gov.au/>

Note: Following public exhibition, this section of the planning proposal will be updated to include details of the community consultation.

PART 6 –PROJECT TIMELINE

A project timeline is yet to be determined however the anticipated timeframes are provided below in Table 4, noting that the Gateway Determination issued by the NSW Department of Planning, Housing and Infrastructure will specify the date that the planning proposal is to be completed.
delays in the process.

Table 4: Anticipated Timeline

Milestone	Anticipated Timeframe
Consideration by Council	November 2024
Commencement (date of Gateway determination)	December 2024 – January 2025
Public exhibition & agency consultation	February 2025
Consideration of submissions & reporting to Council for consideration	March 2025
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	April 2025
Notification of LEP Amendment	May 2025

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 - Vegetation in Non-Rural Areas	Yes	Yes	<p>The aims of this chapter of the Policy are:</p> <ul style="list-style-type: none"> a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. <p>The SEPP applies to land zoned R5 Large Lot Residential (which the land is proposed to be). Presently, none of the sites are included on the DCP Preservation of Vegetation map as they are contained in the RU2 Rural Landscape zone. The Biodiversity Assessment (GeoLink, 2021) identified Plant Community Type 695 on 35 Sugarmill Road and the land also contains mapped Secondary Koala Habitat. It is therefore recommended that the vegetation mapped as Secondary Koala Habitat be added to the City's Preservation of Vegetation map to trigger the requirements of the Vegetation SEPP and Part E1.2 (1) of DCP 2015.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	Chapter 3 - Koala Habitat Protection 2020	Yes	Yes	<p>The aims of this chapter of the Policy are to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <ul style="list-style-type: none"> a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and b) by encouraging the identification of areas of core koala habitat, and c) by encouraging the inclusion of areas of core koala habitat in environment protection zones. <p>Clause 3.14 - Preparation of local environmental studies is a relevant consideration:</p>

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>(1) If, under a planning proposal, a council proposes to zone or rezone land that is a potential koala habitat or a core koala habitat otherwise than as a conservation zone, the Minister may require the council to prepare an environmental study of the land.</p> <p>(2) The council must prepare the environmental study in accordance with the specifications, if any, relating to the form, content and preparation of the study as have been notified to the council by the Minister.</p> <p>(3) The environmental study must be prepared with regard to the matters, relating to the environment of the land, as determined by the council, subject to the specifications.</p> <p>(4) The council must have regard to an environmental study prepared under this section in preparing the proposed instrument to which the planning proposal relates.</p> <p>(5) Subsection (1) does not apply if a council has, before the commencement of the subsection, prepared an environmental study of the land.</p> <p>The proposal seeks to rezone land that is potential koala habitat or core koala to a conservation zone, which is consistent with the aims of this policy.</p>
	Chapter 4 - Koala Habitat Protection 2021	Yes	N/A	<p>The aims of this chapter of the Policy are to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>The provisions of this chapter only relate to development assessment processes and the preparation of koala plans of management. In this regard, the proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	Chapter 6 – Water Catchments	N/A	N/A	<p>The City of Coffs Harbour is not listed in the “land to which this chapter applies”</p>

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				and thus this chapter of the policy does not apply to the Coffs Harbour LGA.
	Chapter 13 – Strategic Conservation Planning	N/A	N/A	The City of Coffs Harbour is not listed in the “land application map” and thus this chapter of the policy does not apply to the Coffs Harbour LGA.
SEPP (Exempt and Complying Development Codes) 2008	N/A – this is a standalone State Environmental Planning Policy	N/A	N/A	This SEPP is not relevant to this planning proposal as the proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Housing) 2021	N/A – this is a standalone State Environmental Planning Policy	Yes	Yes	<p>The principles of this Policy are:</p> <ul style="list-style-type: none"> a) enabling the development of diverse housing types, including purpose-built rental housing, b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, c) ensuring new housing development provides residents with a reasonable level of amenity, promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, d) minimising adverse climate and environmental impacts of new housing development, e) reinforcing the importance of designing housing in a way that reflects and enhances its locality, f) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, g) mitigating the loss of existing affordable rental housing. <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.</p>

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3 - Advertising and Signage	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it does not relate to advertising and signage.
State Environmental Planning Policy (Planning Systems) 2021.	Chapter 2 -State and Regional Development	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it does not affect or identify development that is State significant infrastructure and/or critical State significant infrastructure.
	Chapter 3 - Aboriginal Land	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as the land is not owned by an Aboriginal Land Council.
	Chapter 4 - Concurrences and Consents	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal.
State Environmental Planning Policy (Precincts— Central River City) 2021	Chapter 2 -State Significant Precincts	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as the land is not located in a state significant precinct.
State Environmental Planning Policy (Precincts— Eastern Harbour City) 2021	Chapter 2 -State Significant Precincts	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as the land is not located in a state significant precinct.
State Environmental Planning Policy (Precincts— Regional) 2021	Chapter 2 -State Significant Precincts	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as the land is not located in a state significant precinct.
State Environmental Planning Policy (Primary Production) 2021	Chapter 2 - Primary Production and Rural Development	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as the land does not comprise state significant agricultural land, or important farmland.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as the land is not located in the Coastal Zone.
	Chapter 3 – Hazardous and	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it does not seek

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
	Offensive Development			to allow hazardous and/or offensive Development.
	Chapter 4 – Remediation of Land	Yes	Yes	<p>The aims of this chapter of the Policy are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <ul style="list-style-type: none"> a) by specifying when consent is required, and when it is not required, for a remediation work, and b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and c) by requiring that a remediation work meet certain standards and notification requirements. <p>An Environmental Site Assessment (ESA) included with this planning proposal (Appendix 13) notes the following:</p> <ul style="list-style-type: none"> • No. 35 and 89 Sugarmill Road have been previously used for banana cultivation purposes. • Broadacre banana cultivation on No.35 and 89 was assessed as contributing to a risk of surface contamination in soils on those properties. The analytical results of detailed sampling across the proposed building envelopes of No.35 and 89, and check sampling on No.28 confirm that concentrations of the heavy metals and OCP analysed were below the investigation criteria. • The ESA identified that dwellings were approved on the two properties in the late 1970's, with their prior use as grazing or banana plantations. • The ESA concluded that no further investigations or remediation of soils is required for the proposed large lot residential use of the land. <p>The proposed LEP amendment therefore does not contain provisions that</p>

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				contradict or hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Chapter 2 - Mining, Petroleum Production and Extractive Industries	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it does not constitute mining and/or petroleum development.
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 - Standards for residential development - BASIX	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it does not propose any specific dwelling design and the proposed LEP amendment does not contain any provisions that contradict the aims of this chapter of the SEPP.
	Chapter 3 - Standards for non-residential development	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal.

APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 - Infrastructure	Yes	Yes	<p>The aim of this chapter of the Policy is to facilitate the effective delivery of infrastructure across the State by:</p> <ul style="list-style-type: none"> a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and b) providing greater flexibility in the location of infrastructure and service facilities, and c) allowing for the efficient development, redevelopment, or disposal of surplus government owned land, and d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and g) providing opportunities for infrastructure to demonstrate good design outcomes. <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	Chapter 3 - Educational Establishments and Child Care Facilities	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it will not affect the provision of educational establishments and / or child care facilities.
	Chapter 4 – Major Infrastructure Corridors	N/A	N/A	This chapter of the SEPP is not relevant to this planning proposal as it does not relate to land that is intended to be used in the future as an infrastructure corridor.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
Focus area 1: Planning Systems			
1.1 Implementation of Regional Plans	<p>This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning and Public Spaces.</p> <p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan’s vision, land use strategy, goals, directions or actions.</p>	Yes	<p>The proposal does not contain provisions that contradict or hinder the objectives of this Direction.</p> <p>The proposal is considered consistent with the relevant goals, directions and actions within the North Coast Regional Plan 2041 and achieves the overall intent of the Plan – see Section B (4) of this planning proposal.</p>
1.2 Development of Aboriginal Land Council land	This direction does not apply to the Coffs Harbour LGA.	N/A	
1.3 Approval and Referral Requirements	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal to which this direction applies 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 Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking</p>	Yes	The planning proposal does not contain provisions that contradict or hinder the application of this direction.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) 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 Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p> <p>A planning proposal must be substantially consistent with the terms of this direction.</p>		
1.4 Site Specific Provisions	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development 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 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>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the</p>	Yes	<p>The planning proposal would rezone the subject sites from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and Zone C2 Environmental Conservation under Coffs Harbour LEP 2013 to permit the subdivision and development of the land for large lot residential purposes.</p> <p>The planning proposal will not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument (Coffs Harbour LEP 2013).</p>

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	provisions of the planning proposal that are inconsistent are of minor significance.		
1.4A Exclusion of Development Standards from Variation	This direction does not apply to this planning proposal, as it will not introduce or alter an existing exclusion to clause 4.6 of Coffs Harbour LEP 2013.	N/A	
Focus area 1: Planning Systems – Place Based			
Directions 1.5 – 1.22 do not apply to the Coffs Harbour LGA.			
Focus area 2: Design and Place			
Directions yet to be included.			
Focus area 3: Biodiversity and Conservation			
3.1 Conservation Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation 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 Direction 9.3 (2) of “Rural Lands”.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <p>i. gives consideration to the objectives of this direction, and</p>	No	An ecological assessment of the three sites identified some areas of environmental significance. A subdivision layout can be designed to protect these areas from development and the land is identified for the intended purpose within a Department approved local strategy (Coffs Harbour LGMS 2020). The inconsistency with the Direction is therefore considered to be justified.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>		
3.2 Heritage Conservation	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal 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> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:</p> <p>(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft</p>	Yes	<p>An Aboriginal Cultural Heritage Assessment (ACHA) was prepared for the wider Korora Sapphire Moonee Large Lot Residential Candidate Area (Appendix 12). The assessment identified no significant constraints relating to this location with respect to Aboriginal and/or European Heritage.</p> <p>A site inspection was also undertaken by Cultural Site Officers from the Coffs Harbour and District Local Aboriginal Land Council on 27 September 2021. As a result of the site inspection, no physical evidence of cultural items or sites were found during the inspection.</p> <p>While the planning proposal does not contain provisions that inhibit the conservation of heritage items within the areas, the proposed LEP amendment is unlikely to inhibit the conservation of Aboriginal objects or places. Any future development on the land will be subject to the current provisions of the LEP. The planning proposal is therefore considered to be consistent with the Direction.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance.		
3.3 Sydney Drinking Water Catchments	This direction does not apply to the Coffs Harbour LGA.	N/A	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Coffs Harbour LGA.	N/A	
3.5 Recreation Vehicle Areas	This direction does not apply to this planning proposal, as the proposed LEP amendment will not facilitate recreation vehicle areas.	N/A	
3.6 Strategic Conservation Planning	This direction does not apply to the Coffs Harbour LGA.	N/A	
3.7 Public Bushland	This direction does not apply to the Coffs Harbour LGA.	N/A	
3.8 Willandra Lakes Region	This direction does not apply to the Coffs Harbour LGA.	N/A	
3.9 Sydney Harbour Foreshores and Waterways Area	This direction does not apply to the Coffs Harbour LGA.	N/A	
3.10 Water Catchment Protection	This direction does not apply to the Coffs Harbour LGA.	N/A	
Focus Area 4: Resilience and Hazards			
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.	Yes	The sites are not affected by riverine flooding. Stormwater and associated water quality related issues will

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. <p>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, (d) permit a significant increase in the development and/or dwelling density of that land, (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, (g) are likely to result in a significantly increased requirement for government spending on emergency management 		be considered at the subdivision stage.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p>		

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the <i>Floodplain Development Manual 2005</i>, or</p> <p>(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the <i>Floodplain Development Manual 2005</i> or</p> <p>(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the <i>Floodplain Development Manual 2005</i> and consistent with the relevant planning authorities' requirements, or</p> <p>(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p>		
4.2 Coastal Management	This direction does not apply to this planning proposal, as the subject sites are not located within the coastal zone.	N/A	
4.3 Planning for Bushfire Protection	<p>This direction applies to all local government areas 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 consider any comments so made.</p> <p>A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2019</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p>	No	<p>Part of the land is bush fire prone. The planning proposal is currently inconsistent with this Direction because it provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) following the issue of a Gateway determination and prior to community consultation. Consultation with the RFS is required following receipt of a Gateway determination and prior to undertaking community consultation.</p> <p>Until this consultation has occurred the inconsistency with the Direction is unresolved.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (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, (c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks, (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. <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.</p>		

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>, (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, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). <p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <ul style="list-style-type: none"> (a) the planning proposal authority has considered whether the land is contaminated, and (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 (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. <p>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may</p>	Yes	<p>Parts of the land are known known to be potentially contaminated from previous agricultural land uses, in particular banana cropping. The land is proposed to be rezoned to facilitate a change of use for residential purposes. The City has considered the results of an Environmental Site Assessment (ESA) undertaken for the land to determine the potential for contamination (Appendix 13). The results are summarised below:</p> <ul style="list-style-type: none"> • No. 35 and 89 Sugarmill Road have been previously used for banana cultivation purposes. • Broadacre banana cultivation on No.35 and 89 was assessed as contributing to a risk of surface contamination in soils on those properties. The analytical results of detailed sampling across the proposed building envelopes of No.35 and 89, and check sampling on No.28 confirm that concentrations of the heavy metals and OCP analysed were below the investigation criteria. • The ESA identified that dwellings were approved on the two properties in the late 1970's, with their prior use as grazing or banana plantations. • The ESA concluded that no further investigations or remediation of soils should be necessary for the proposed large lot residential use of the land. <p>With the above in mind, the City considers that the proposed LEP Amendment satisfies Direction 4.4 Remediation of Contaminated Land, as:</p>

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
	<p>need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies 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>		<ul style="list-style-type: none"> the application has included a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines, although the land is contaminated, the City 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 if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the City is satisfied that the land will be so remediated before the land is used for that purpose.
4.5 Acid Sulfate Soils	<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing 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 held by the Department of Planning, Housing and Infrastructure.</p> <p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p>	No	<p>The whole of 28 Sugarmill Road and part of 35 Sugarmill Road are 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 prepared for the planning proposal (Appendix 10) and is summarised as follows:</p> <p><i>The desktop review shows no ASS risk from the residual clay subsoils. Biophysical indicators, field screening and soil profiles suggest that the properties are not underlain by ASS.</i></p> <p><i>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.</i></p> <p><i>If dark grey to black, odorous or waterlogged alluvial sands or clays are encountered during</i></p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes 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. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(b) of minor significance.</p>		<p><i>development, then works should be halted until confirmation of the presence of ASS is undertaken and/or remedial strategies developed.</i></p> <p>The inconsistency with the Direction is considered to be justified as; the provisions of the planning proposal that are inconsistent are justified by a study prepared in support of the planning proposal which gives consideration to the objective of Direction 4.5 Acid Sulfate Soils.</p>
4.6 Mine Subsidence and Unstable Land	This direction does not apply to this planning proposal, as mine subsidence issues have not been identified at either site.	N/A	
Focus Area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land,	No	The planning proposal would alter a provision relating to rural land proposed to be zoned

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S9.1 Direction	Applicable	Consistent	Comment
	<p>including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <p>i. gives consideration to the objective of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		<p>residential, by reducing the applicable minimum lot size.</p> <p>The proposal is consistent with the Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>The proposal is deemed to be of minor significance as it accords with the City's Local Growth Management Strategy and will not result in a substantial increase of movement due to the potential of minimal additional lots.</p>
5.2 Reserving Land for Public Purposes	This direction does not apply to this planning proposal, as the proposed LEP amendment will not affect land reserved for a public purpose.	N/A	
5.3 Development Near Regulated Airports and Defence Airfields	This direction does not apply to this planning proposal, as the sites are not located near to a regulated airport or defence airfield.	N/A	

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S9.1 Direction	Applicable	Consistent	Comment
5.4 Shooting Ranges	This direction does not apply to the planning proposal, as the sites do not lie adjacent to or adjoining an existing shooting range.	N/A	
Focus area 6: Housing			
6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(1) 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>(2) 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 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. <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department</p>	No	<p>The proposed amendment will facilitate the creation of additional large lot residential land, which will contribute to the supply of vacant land and increase lifestyle choices in the LGA.</p> <p>However, the planning proposal is inconsistent with the Direction, as it will not make more efficient use of existing infrastructure and services, nor reduce the consumption of land for housing and associated urban development on the urban fringe.</p> <p>The City considers that the inconsistency with the Direction is justified due to the land's identification for the intended purpose within a Department approved local strategy (LGMS 2020), which:</p> <ul style="list-style-type: none"> i. considers the objective of this direction, ii. identifies the land which is the subject of the planning proposal, and iii. has been prepared in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which considers the objective of this direction.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <ul style="list-style-type: none"> i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
6.2 Caravan Parks and Manufactured Home Estates	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>This direction does not apply to Crown land reserved or dedicated for any purposes under the <i>Crown Land Management Act 2016</i>, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park. <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates</p>	Yes	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.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 6 of <i>State Environmental Planning Policy (Housing)</i> as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 Schedule 5 of <i>State Environmental Planning Policy (Housing)</i> (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> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <ol style="list-style-type: none"> gives consideration to the objective of this direction, and identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
Focus area 7: Industry and Employment			

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S9.1 Direction	Applicable	Consistent	Comment
7.1 Employment Zones	This direction does not apply to the planning proposal, as it does not affect land within an existing or proposed business or industrial zone.	N/A	
7.2 Reduction in non-hosted short-term rental accommodation period	This direction does not apply to the Coffs Harbour LGA.	N/A	
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply to the planning proposal, as the planning proposal does not constitute commercial and/or retail development along the Pacific Highway.	N/A	
Focus area 8: Resources and Energy			
8.1 Mining, Petroleum Production and Extractive Industries	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. <p>(1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) consult the Secretary of the Department of Primary Industries (DPI) to identify any: <ul style="list-style-type: none"> i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and 	No	<p>The planning proposal is inconsistent with this Direction as the change in zoning from RU2 Rural Landscape to R5 Large Lot Residential will have the effect of prohibiting extractive industries on the land.</p> <p>While the inconsistency is likely of minor significance due to the characteristics of the area and the existing and likely future uses making extractive industries unlikely to be viable, the consistency of the proposal with this Direction remains unresolved until (likely) consultation can be undertaken with NSW Mining, Exploration and Geoscience.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</p> <p>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:</p> <p>i. development of resources identified under (1)(a)(i), or</p> <p>ii. existing development identified under (1)(a)(ii).</p> <p>(2) Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that the provisions of the planning proposal that are inconsistent are of minor significance.</p>		
Focus area 9: Primary Production			
9.1 Rural Zones	This direction 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).	No	<p>The planning proposal is inconsistent with this Direction as it rezones land from a rural zone to a residential zone.</p> <p>The City considers that the inconsistency with the Direction is justified due to the land's</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>		<p>identification for the intended purpose within a Department approved local strategy (LGMS 2020), which:</p> <ul style="list-style-type: none"> i. considers the objective of this direction, ii. identifies the land, which is the subject of the planning proposal, and iii. has been prepared in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which considers the objective of this direction.
9.2 Rural Lands	<p>This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the <i>Greater Sydney Commission Act 2015</i>) other than Wollondilly and Hawkesbury, that:</p> <ul style="list-style-type: none"> (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone. <p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement 	No	<p>The planning proposal is inconsistent with this Direction as it does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities; support farmers in exercising their right to farm; or prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses. The proposal is however considered to be consistent with the Rural Subdivision Principles set out in Coffs Harbour LEP 2013. The land is also located within an already highly fragmented area.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the <i>State Environmental Planning Policy (Primary Production) 2021</i> for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p>		<p>The City considers that the inconsistency with the Direction is justified due to the land's identification for the intended purpose within a Department approved local strategy (LGMS 2020), which:</p> <p>i. considers the objective of this direction,</p> <p>ii. identifies the land, which is the subject of the planning proposal, and</p> <p>iii. has been prepared in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which considers the objective of this direction.</p>

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S9.1 Direction	Applicable	Consistent	Comment
	<p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary and is in force which:</p> <p>i. gives consideration to the objectives of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p> <p>(b) is of minor significance.</p>		
9.3 Oyster Aquaculture	This direction does not apply to the planning proposal, as the land is not located within a Priority Oyster Aquaculture Area, or an area identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> .	N/A	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply to the Coffs Harbour LGA.	N/A	