



# **PLANNING PROPOSAL**

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## **CITY OF COFFS HARBOUR**

**Planning Proposal PP-2022-3059  
R5 Large Lot Residential / C2 Environmental Conservation Rezoning  
Lots 1 & 2 DP 1093448, 218 East Bank Road, Coramba**

**September 2024  
VERSION 2 Exhibition**

## PLANNING PROPOSAL STATUS

Stage	Version / Date <i>(blank until achieved)</i>
Reported to Council – Initiate s3.33	Version 1 – Pre Exhibition (9 May 2024)
Referred to DPHI s3.34(1)	Version 1 – Pre Exhibition (9 May 2024)
Gateway Determination s3.34(2)	Version 1 – Pre Exhibition (5 June 2024)
Amendments Required:	Yes – in accordance with Gateway Determination conditions.
Public Exhibition – Schedule 1 Clause 4 Version 1 - Exhibition	Public Exhibition Dates: 16/09/2024 – 14/10/2024
Reported to Council – Initiate Revised PP s3.33 Version x - Re_Exhibition	(insert date on revised PP)
Revised PP Sent to the Minister - s3.35(1) Version x - Re_Exhibition	(insert new date if the PP is amended after Council meeting or put N/A if no changes)
Altered Gateway Determination s3.34(2) Version x - Re_Exhibition	(insert Date of Altered Determination or N/A)
Public Exhibition – Schedule 1 Clause 4 Version x - Re_Exhibition	(insert Exhibition Dates xx/xx/xx – xx/xx/xx or N/A )
Reported to Council – Endorsement (or Making of LEP if delegated) s3.36 Version x - Post Exhibition	(insert date on PP)
Endorsed by Council for Submission to Minister for Notification (or Making where not delegated) s3.36(2) Version x – Post Exhibition	(insert date on PP)

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## EXECUTIVE SUMMARY & EXHIBITION INFORMATION

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### ***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-2022-3059 (the planning proposal) is to amend Coffs Harbour LEP 2013 to allow large lot residential development at 218 East Bank Road, Coramba. The planning proposal seeks to:

- Rezone 218 East Bank Road, Coramba 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 the proposed R5 Large Lot Residential zoned parts of 218 East Bank Road, Coramba from 40 hectares to 8000 m<sup>2</sup>.
- Amend the Coffs Harbour Terrestrial Biodiversity Map over 218 East Bank Road, Coramba 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 the 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 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](mailto:coffs.council@chcc.nsw.gov.au)

**Any questions, contact:**  
Marten Bouma on 02 6648 4657  
or email [marten.bouma@chcc.nsw.gov.au](mailto: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](http://www.coffsharbour.nsw.gov.au/disclosurestatement).*

## BACKGROUND

Proposal	R5 Large Lot Residential / C2 Environmental Conservation Rezoning
Property Details	218 East Bank Road, Coramba (Lots 1 & 2 DP 1093448)
Current Land Use Zone(s)	RU2 Rural Landscape
Proponent	Keiley Hunter
Landowner	JP & LF Cleary
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 the NSW Department of Planning, Housing, and Infrastructure's *Local Environmental Plan Making Guideline 2023*

This planning proposal explains the intended effects of a proposed amendment to Coffs Harbour LEP 2013 to enable large lot residential development on land at 218 East Bank Road, Coramba.

### **The Site**

This planning proposal applies to 218 East Bank Road, Coramba (Lots 1 & 2 DP 1093448), which has a total area of 20.45 hectares. The location of the subject land is shown in Figure 1.

The subject land is located approximately 15 kilometres west of the Coffs Harbour Central Business District, located on the Mid-North Coast of New South Wales. East Bank Road stretches generally northward from the villages of Coramba to Nana Glen, and the site is located approximately 1.6km from the village of Coramba.

The site is currently zoned RU2 Rural Landscape under LEP 2013 and is primarily used for cattle and horse grazing and for private equestrian activities. The land currently contains one existing approved dwelling and farm buildings associated with the use of the land. Surrounding lands are predominantly contained within Zone RU2 Rural Landscape, although a pocket of existing R5 Large Lot Residential zoned land exists along East Bank Road approximately 500m southwest of the subject land. The Orara East State Forest is located immediately to the east of the subject land and the Coramba Transfer Station, as well as the Coramba Historic Cemetery are both located to the south of the land (see Figure 2). East Bank Road bisects the subject land through its north-western corner. The North Coast rail line runs north-south, approximately 700 metres to the west of the land, and the Orara River approximately 1,500 metres to the west of the subject land.

A concept subdivision plan is shown in Appendix 4 and shows 15 lots proposed for the site.

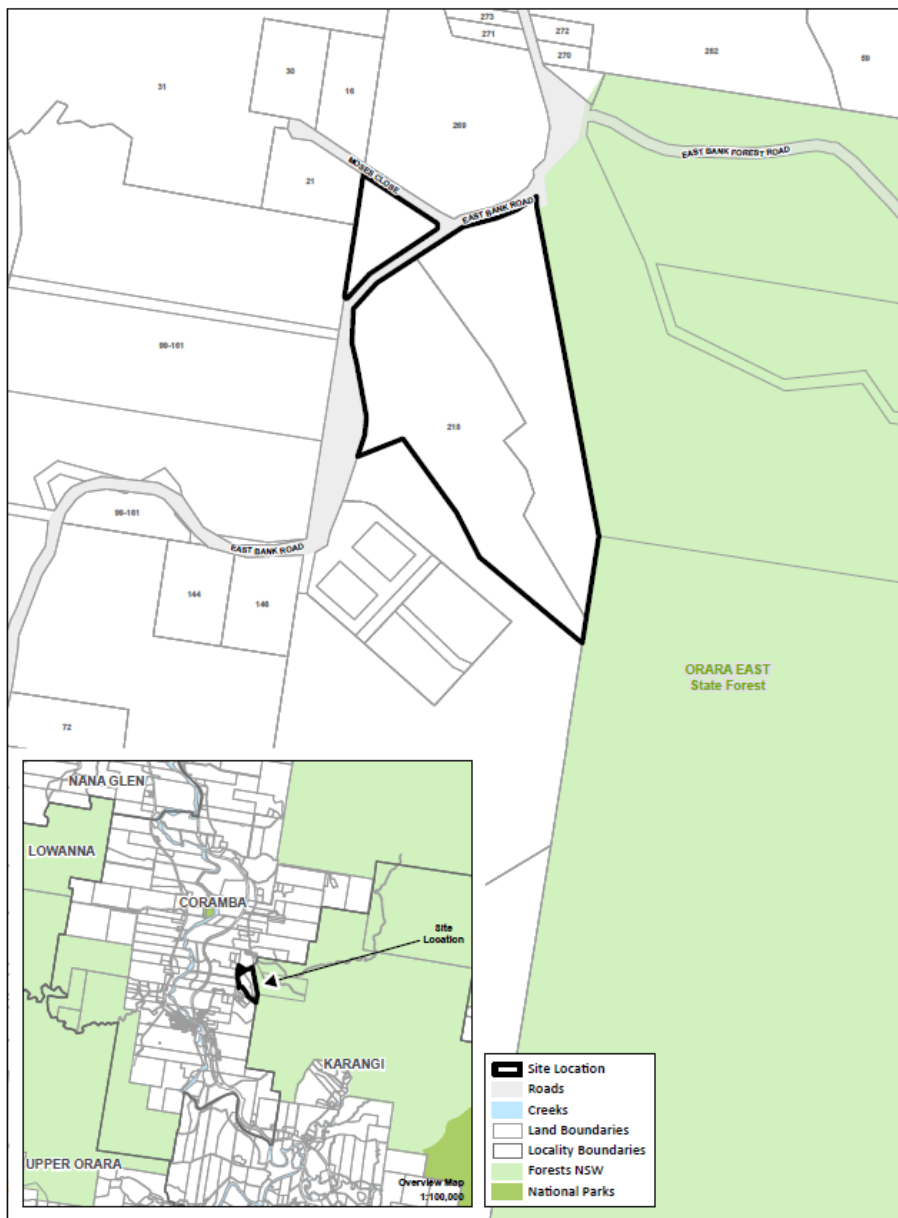


Figure 1: Location Map

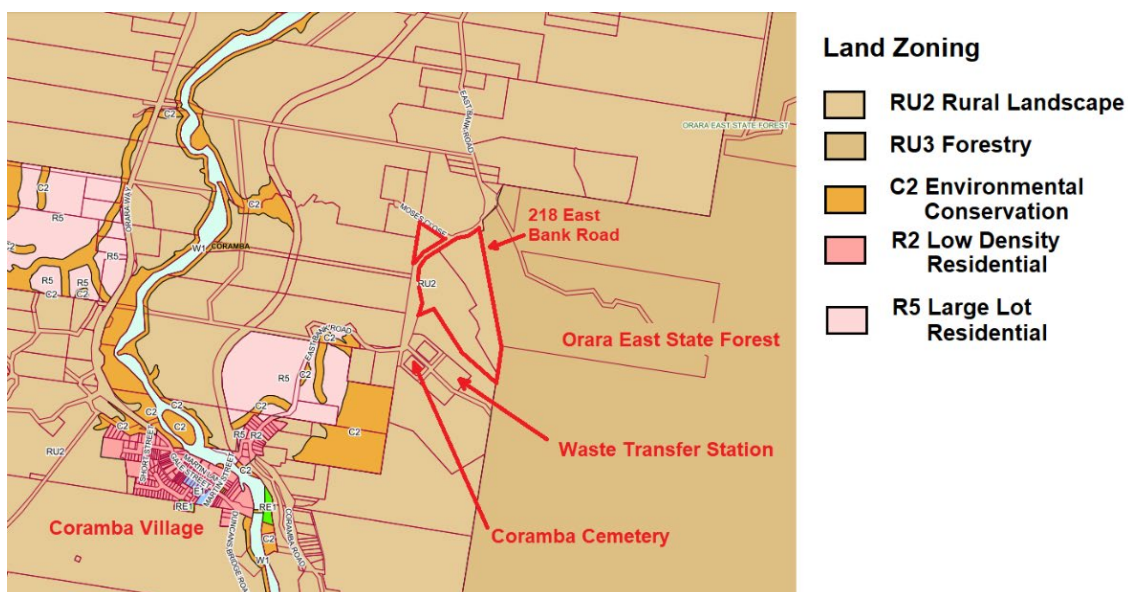


Figure 2: Surrounding Land Use Zones / Uses

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

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

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

## PART 2 – EXPLANATION OF PROVISIONS

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The intended outcomes of the planning proposal will be achieved by making the following amendments to LEP 2013 maps, as they relate to 218 East Bank Road, Coramba:

- Amend the spatial Land Zoning Map to change land currently within Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and Zone C2 Environmental Conservation.
- Amend the Coffs Harbour Lot Size Map (Sheet LSZ\_005B) to change land that is currently subject to a minimum lot size provision AB 40 ha to X2 8,000 m<sup>2</sup>, corresponding with the proposed R5 Large Lot Residential zone on the land.
- Amend the Coffs Harbour Terrestrial Biodiversity Map (Sheet CL2\_005B) to include the area proposed to be zoned C2 Environmental Conservation as terrestrial biodiversity on the map.

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

## PART 3 – JUSTIFICATION & SITE-SPECIFIC MERIT

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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 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 most appropriate 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. The proposed LEP amendment is supported by a Land Capability Assessment in Appendix 9, which indicates the on-site sewage management can be maintained at a reduced minimum lot size.*
- 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.
- While not directly relevant to this planning proposal, the proposed LEP amendment is not inconsistent with this strategy given it offers additional (large lot residential) 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 a Department endorsed growth strategy (Coffs Harbour Local Growth Management Strategy 2020). The proposed LEP amendment will create the potential for*

*additional rural residential housing by reducing the minimum lot size of the land, which is an action that is prescribed by the Coffs Harbour Local Growth Management Strategy 2020. The site is not within the coastal strip.*

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 given that it seeks to provide housing that could be used for this purpose.*

### **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.

*While not directly relevant to this planning proposal, 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. The proposed LEP amendment shall be referred to NSW Rural Fire Service for further consideration, as the site is located within Bushfire Prone Land.*

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 land is currently used for lifestyle residential purposes (equestrian activities noted) and is surrounded by similar properties of many sizes. While agriculture occurs widely in this area, the area is not identified as important farmland under the Plan, and the land is identified in the City's local growth management strategy for large lot residential development.*

### **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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, the proposed LEP amendment is not inconsistent with this strategy. The proposed LEP amendment only intends to enable the creation of a single additional large lot residential lot.*

## **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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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. The proposed amendment will create rural (large lot) residential land, and therefore will not result in any change to agribusiness opportunities.*

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 (Coffs Harbour Local Growth Management Strategy 2020).*

#### **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.

*While this planning proposal relates to large lot residential development, 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.

*While this planning proposal relates to large lot residential development, 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.

*While not directly relevant to this planning proposal, 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

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, the proposed LEP amendment is not inconsistent with this strategy. The proposed LEP amendment will not reclassify public open space.*

## **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.

*While not directly relevant to this planning proposal, 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.

*While not directly relevant to this planning proposal, the proposed LEP amendment is not inconsistent with this strategy. There are no buildings of local heritage significance on the site.*

## **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.

### *Liveable 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 proposed LEP amendment accords with the following vision and planning priorities within the Local Strategic Planning Statement:

- *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 1 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 responsible	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 quality housing options
A Place for Community:  We collaborate to deliver opportunities for housing for all	We collaborate to deliver opportunities for housing for all	Local heritage is protected and the stories behind it shared
		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 1: MyCoffs Community Strategic Plan Assessment

### Coffs Harbour Local Growth Management Strategy 2020

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 land within the East Bank Road section of the Coramba Candidate Area (refer Figure 3).

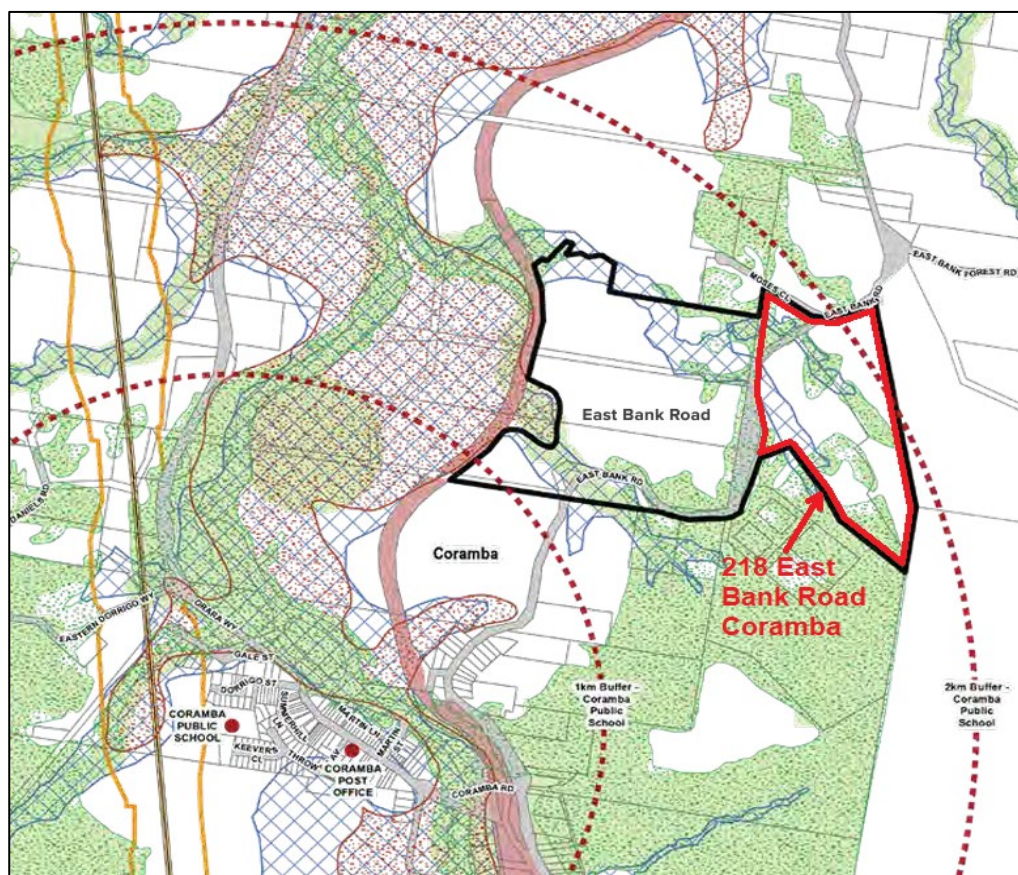


Figure 3 – East Bank Road Coramba Candidate Area

Chapter 6.10.3 (Coramba Candidate Area) of the LGMS goes on to say:

*“This candidate area is a potential extension of land within zone R5 Large Lot Residential that occurs on both sides of East Bank Road as it leaves the eastern village area, heading north. The candidate area is located 1.5 kilometres from the Coramba School (at its closest point) via the footpath river crossing and 2 kilometres from the school via East Bank Road and Orara Way. It is 1.1 kilometres from the post office and shops via the footpath river crossing and 1.6 kilometres via East Bank Road and Orara Way. It has 1.2 kilometres combined frontage to East Bank Road with some of the candidate area located on either side of the road. The Coramba Historic Cemetery is also located along this frontage. East Bank Road, along the candidate area frontage to the village boundary, is a sealed rural collector road with a pavement formation between 7.8 and 10.2 metres and a spray seal between 5.4 and 6.2 metres. It is speed limited with the 50 kilometres per hour zone starting approximately 200 metres out from the eastern village area.”*

Chapter 6 – Large Lot Residential also 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) has demonstrated that a minimum lot size of 8,000m<sup>2</sup> would be considered acceptable (also see section 10 of this planning proposal for further information).

## **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, as shown in Table 3 below:

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 that addresses the proposed LEP amendment (Appendix 5). The findings of the assessment are summarised as follows:

### **Vegetation Clearing**

The Biodiversity Assessment (Appendix 5) confirms that no clearing of native vegetation will be undertaken as part of the planning proposal or subsequent subdivision of the land (under the concept lot layout as shown in Appendix 4). Accordingly, under the concept, the proposal does not exceed the Biodiversity Offset Clearing Threshold.

### **Impacts on Threatened flora**

The Biodiversity Assessment (Appendix 5) confirms that two *Critically Endangered species*, *Rhodamnia rubescens* (Native Guava) and *Rhodomyrtus psidioides* (Brush Turpentine), were detected in the study area within an area of about 4mx5m in the south-eastern corner of proposed Lot 15 (see concept lot layout contained in Appendix 4). These species and remnant secondary Koala habitat within the riparian zone will be located within the proposed C2 Environmental Conservation zone.

The Biodiversity Assessment summarises that there would be no direct impacts on threatened flora, which are located within the vegetated riparian zone and the proposed C2 zone. Indirect impacts associated with the development are likely to be limited positive impacts on threatened flora habitat associated with rehabilitation of vegetation in the riparian zone proposed to be zoned C2 Environmental Conservation.

### **State Environmental Planning Policy (SEPP) Koala Habitat Protection 2021**

Koalas are a Threatened fauna species potentially dependent on existing habitat in the study area. According to the Biodiversity Assessment (Appendix 5), no scats were detected by a koala scat search undertaken using the Biodiversity Assessment Method. Limitations of the method resulting from wet weather mean that the presence of Koalas from time to time cannot be excluded but do indicate that Koala habitat on the Property is not currently occupied (at the time of testing). The habitat has therefore been assessed, for the purposes of the Biodiversity Assessment, in the low use category and the likelihood of breeding habitat on the Property has also been assessed as unlikely. Mapped Secondary and Tertiary Koala habitat occurs on the property. The extent of secondary habitat is mapped on Figure 4. Tertiary habitat consists of other remnant vegetation mapped as WSF03e, WSF09 and NRV01.

According to the Biodiversity Assessment (Appendix 5), the requirements of the Coffs Harbour Koala Plan of Management (1999) will be satisfied by the proposal, as there will be no loss of Secondary Koala habitat. Tallowwood or Flooded gum/Blue gum hybrids (or any other listed species) will not be removed because of the planning proposal or subsequent subdivision of the land. The proposal would not result in barriers to Koala movement, local roads will need to be designed to limit traffic speeds, threats to Koalas by dogs is likely to be low and bushfire asset protection zones are generally located outside of secondary Koala habitat.



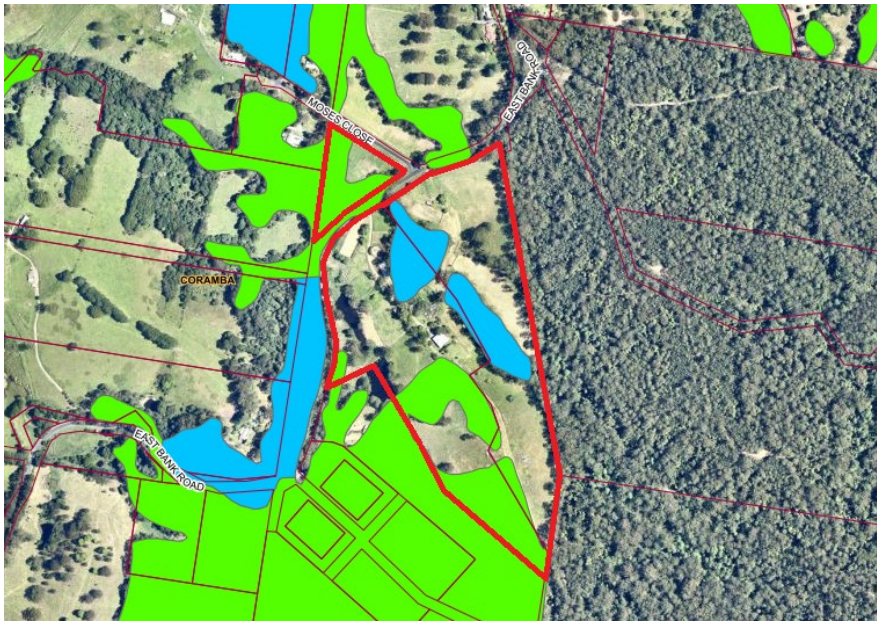


Figure 4 – CH KPoM 1999 Koala Habitat Mapping

### **Coffs Harbour Koala Plan of Management (KPoM) Part B**

Classification of Koala habitat in Coffs Harbour LGA as described in detail in Part B of the KPoM. In the Coramba locality (and outside of the most important Southeast Koala Planning Precinct, which is generally confined to coastal and near-coastal hinterland south from Korora), the three-koala habitat planning categories were derived directly from the Koala Habitat Map as follows (KPoM p57, Table B4).

- Preferred Habitat Type A and B - Primary Koala Habitat
- Supplementary Habitat Type A and B1 - Secondary Koala Habitat
- Supplementary Habitat Type B2 - Tertiary Koala Habitat

Where they do not occur on quaternary sand and alluvium, both Blue Gum, Flooded Gum and Blackbutt dominated forests (such as those of the study area) are categorised as Supplementary B2 (Tertiary Koala habitat) (KPoM Part B Appendix B7).

The property occurs on the Ulong soil landscape, an erosional landscape of undulating to rolling low hills on Late Carboniferous metasediments, and no quaternary sand or alluvium is mapped as occurring.

However, there may be some small areas of quaternary alluvium associated with the watercourse. Where Blue Gum, Flooded Gum and Blackbutt dominated forests occur on quaternary sand and alluvium they are categorised as Supplementary A (Secondary Koala habitat). Areas of quaternary alluvium are likely to occur only within the 1%AEP flood level and are therefore captured in the proposed C2 zone.

Classification of Koala habitat from field-based survey as undertaken for the KPoM placed vegetation with a lower percentage of preferred tree species (less than 35 % Tallowwood) and with a low level of use by koalas of the property in Field Rank 3 (KPoM p.43), equivalent to Tertiary Koala habitat.

Vegetation field ranked 3 was largely concentrated in the west of the LGA including around the study area.

Of trees identified during the scat search only 10% were Tallowwood, with the percentage in any polygon ranging from 18% to zero, significantly less than the 35% identified as the minimum in field rank 3 vegetation.

Furthermore, Koala scat search undertaken using the Biodiversity Assessment Method detected no scats, indicating that forest vegetation on the property is in the Low Use category for Koalas.

Application of the KPoM classification methodology therefore supports classification of vegetation on the property as Tertiary Koala habitat.



## **Coffs Harbour Koala Plan of Management (KPoM) Part A**

With the exception of primary koala habitat occurring on lands already zoned for urban, industrial or special purposes, or as open space, primary koala habitat was zoned 7(A) Environmental Protection - Habitat and Catchment in Coffs Harbour LEP 2000 (KPoM Part A p.9). Similarly, areas of Secondary Koala Habitat in the south-east of the LGA were zoned 7(A) Environmental Protection zone in LEP 2000 except where it occurs on lands zoned for urban, industrial, or special purposes or as open space (KPoM Part A p.11). 7(A) zones have since been replaced by C2 zones, but it was not Council policy under the KPoM to include Secondary Koala Habitat in 7(A) zones except in the Southeast Koala Planning Precinct, which does not include the study area. Tertiary Koala habitat was not identified for inclusion in the 7(A) zone.

The exclusion of vegetation on the property from 7(A) (now C2) Zoning on the basis of Koala habitat characteristics is therefore consistent with Council's approach.

### **Impacts on Threatened fauna**

According to the Biodiversity Assessment (Appendix 5), there would be no direct impacts on threatened fauna and indirect impacts are assessed as unlikely to be of sufficient magnitude or extent to impact the survival of any subject species in the locality.

### **Riparian Corridor**

The riparian corridor for a second order stream extends 20 metres either side of the high bank of the stream ([https://www.dpie.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0003/367392/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf](https://www.dpie.nsw.gov.au/__data/assets/pdf_file/0003/367392/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf))

According to the Biodiversity Assessment (Appendix 5), the average width from bank to bank on the Property is estimated at 7 metres, and the average total width of the corridor would be 47 metres. An averaging scheme permits areas in the outer half (10m) of the riparian corridor to be relocated to other areas of the property adjoining the riparian zone. The proposed C2 zone includes a riparian corridor that meets the requirements of the riparian corridor guidelines. Most of the corridor is forested but weed control and bush regeneration planting would be required to restore the riparian zone to fully structured native vegetation.

### **Proposed C2 Zone**

A proposed C2 Zone has been identified that includes the following:

- Approximately 99% of flood prone (CHCC mapped as 1% AEP) land associated with the secondary watercourse.
- A riparian corridor meeting the requirements of DPIE guidelines.
- Approximately 70% of mapped secondary Koala habitat.
- Approximately 70% of native vegetation associated with the secondary watercourse.

To minimise biodiversity impacts which may result from the proposed rezoning and future development of the site, the Biodiversity Assessment states that 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 should be avoided in the final design of subdivision with building envelopes and associated infrastructure (including boundary fences) to be located within cleared areas.
- 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 Site Assessment was undertaken on the subject site by a Cultural Site Officer from the Coffs Harbour and District Local Aboriginal Land Council (Appendix 6). The assessment identified that:

- The site in general has been highly disturbed due to previous logging activities.
- One hand-held worked stone axe was identified on the site, and there is a high potential for further artifacts to be discovered on the site.

The report included the following management recommendations:

1. *Provide (subdivision) Development Application plans to the Coffs Harbour and District Local Aboriginal Land Council.*
2. *The Coffs Harbour and District Local Aboriginal Land Council may need to appoint a Cultural Site Officer to undertake site monitoring during excavation works.*
3. *Unexpected finds procedure to be implemented to any future ground disturbance works as per relevant cultural heritage protection legislation.*
4. *Contact the Land Council or Heritage Division should any unexpected finds be uncovered.*

The above management recommendations are designed to address the eventual development of the land. Should the rezoning progress to completion, it would be appropriate that all the management recommendations set out above be implemented as part of the future development of the land. To ensure that this occurs, an attribute can be placed on the subject land within the City's property information system to alert development assessment staff of the need to contact the Coffs Harbour and District Local Aboriginal Land Council during any development assessment process involving subdivision and/or earthworks.

**Bushfire Risk**

The land is mapped as Bushfire Prone Land and a Bushfire Risk Assessment was prepared for the planning proposal (Appendix 7), and a relevant extract from the City's bushfire mapping is below in Figure 5. 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*. This would need to be confirmed with NSW Rural Fire Service.

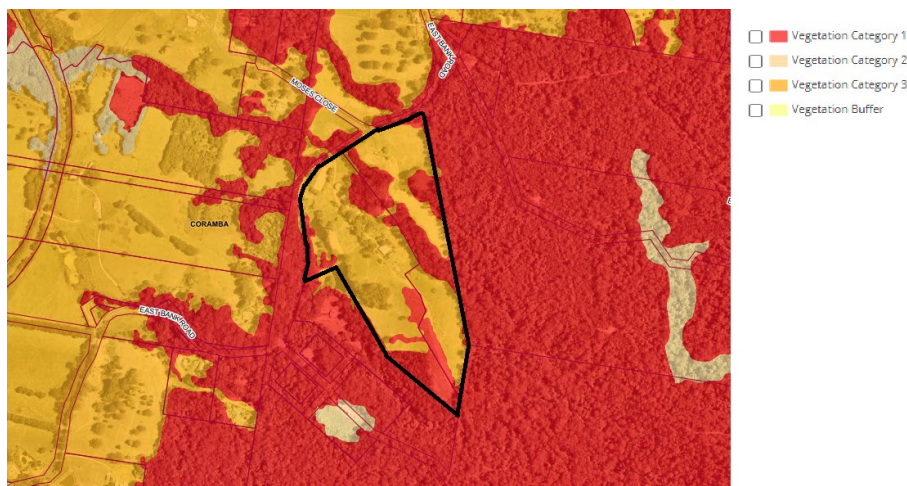


Figure 5 – Bushfire Prone Land

## Land Contamination

A Preliminary Environmental Site Assessment (PESA) is included with this planning proposal (Appendix 8). A summary of the findings of the PESA is as follows:

A broad summary of the history of the subject site includes:

- Prior to 1954 much of the subject site was cleared with structures already present.
- Phases of vegetation regrowth and clearing subsequently followed.
- Clearing for a waste transfer station and landfill was carried out in the 1970's to the southwest of the site.
- The property was purchased by the Cleary family in 1980.

Two 'Areas of Concern' were identified and assessed by the PESA:

- General farming activities. Soil and water testing was carried out with results well below NSW EPA thresholds.
- An offsite land transfer facility / landfill (see Figure 6 below). The PESA concluded that the likelihood of contamination arising from the landfill was found to be very low, given the position of the facility on a ridgeline separated from the site with an incised gully between, plus the existence of fine-grained bedrock that is impermeable with a limited groundwater aquifer, and groundwater impacts are not suspected at the site.

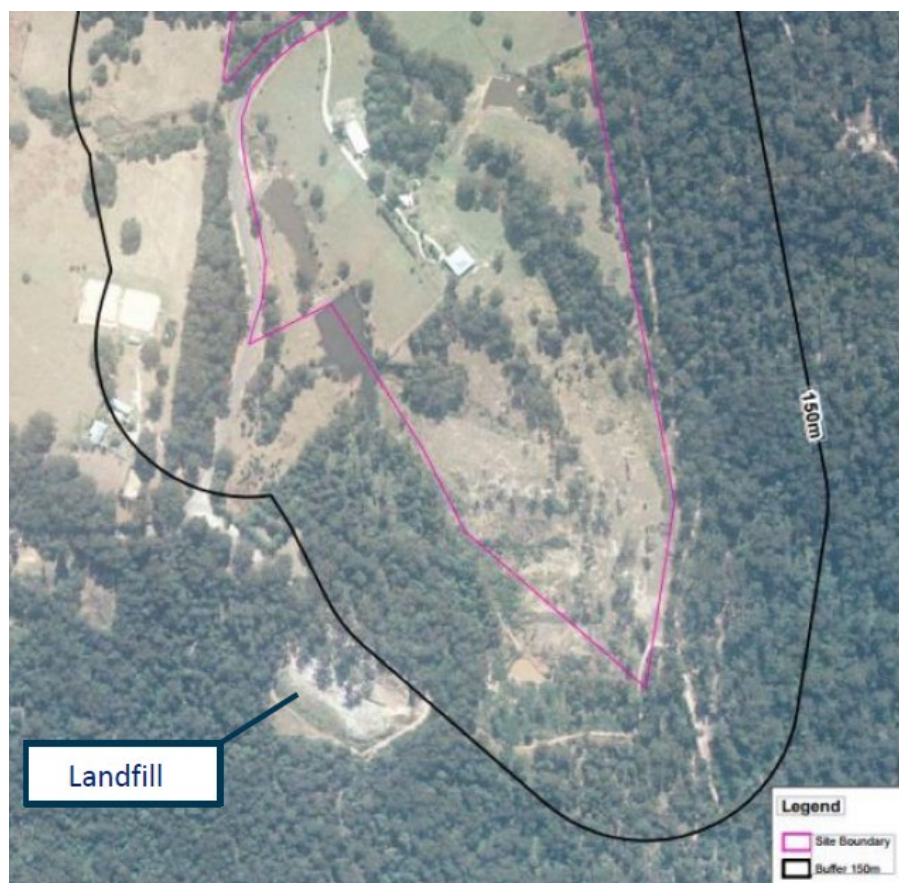


Figure 6 - 1989 aerial photograph with landfill to SW & 150m buffer

The PESA further identified that the subject property has been likely used for limited cattle grazing and equestrian use since the 1950s. There is a low risk of residual contamination from cattle grazing. The PESA has identified that potential runoff and leaching due to activities of the former nearby landfill and

waste transfer facility located offsite to the southwest are negligible, and the PESA suggests that there is a low risk of contamination from this facility impacting the site.

The PESA's historical desktop review and site inspection states that there is a low risk of significant contamination being present, and that this should not preclude a large lot residential subdivision of the site.

### **Land Use Conflict Risk Assessment**

The land is separated from adjacent agricultural land uses by existing vegetation and topography and therefore no Land Use Conflict Risk Assessment has been supplied with the planning proposal. Mapped significant farmland exists (approximately 700 metres) to the west, surrounding the Orara river flats, but there is adequate separation from the site.

### **Minimum Lot Size Analysis – Wastewater Disposal**

An assessment of land capability for wastewater disposal and minimum lot size (MLS) analysis is also included with this planning proposal (Appendix 9). The study methodology included:

- *A desktop review of site conditions including geology, hydrogeology, soils, and landscape features.*
- *A site inspection to map site and soil constraints plus an audit of the existing dwelling on-site sewage management system (OSMS) in relation to the proposed subdivision boundary.*
- *Drilling of 7 boreholes to assess soil conditions across the Site.*
- *Assessment of a range of site constraints including landform, slope, aspect, drainage, flooding, and proximity to sensitive environments.*
- *A minimum lot size analysis involving the review of several nearby lot sizes, developed, constrained and available land area footprints.*
- *Analysis of two selected soil samples for a range of chemical properties including pH, EC, dispersibility, PSorp, CEC and ESP.*
- *Estimation of likely wastewater loads (quantity and quality) from future dwellings on the proposed lots and undertake confirmation water and nutrient balance modelling to size suitable land application areas.*
- *Determining an appropriate level of wastewater treatment and the preferred method of land application of effluent to overcome the constraints on the proposed lots.*

Based on the study recommendations, there is the opportunity for the sustainable application of wastewater following subdivision of the existing property into 15 smaller lots, as shown on the concept subdivision plans included as Appendix 3. The minimum disposal area required for each proposed lot is 1,010 m<sup>2</sup>. A plan showing recommended Environmental Management Areas (EMAs) located >50m (200m min) from the nearest bores is provided in the assessment and shown below in Figure 7.



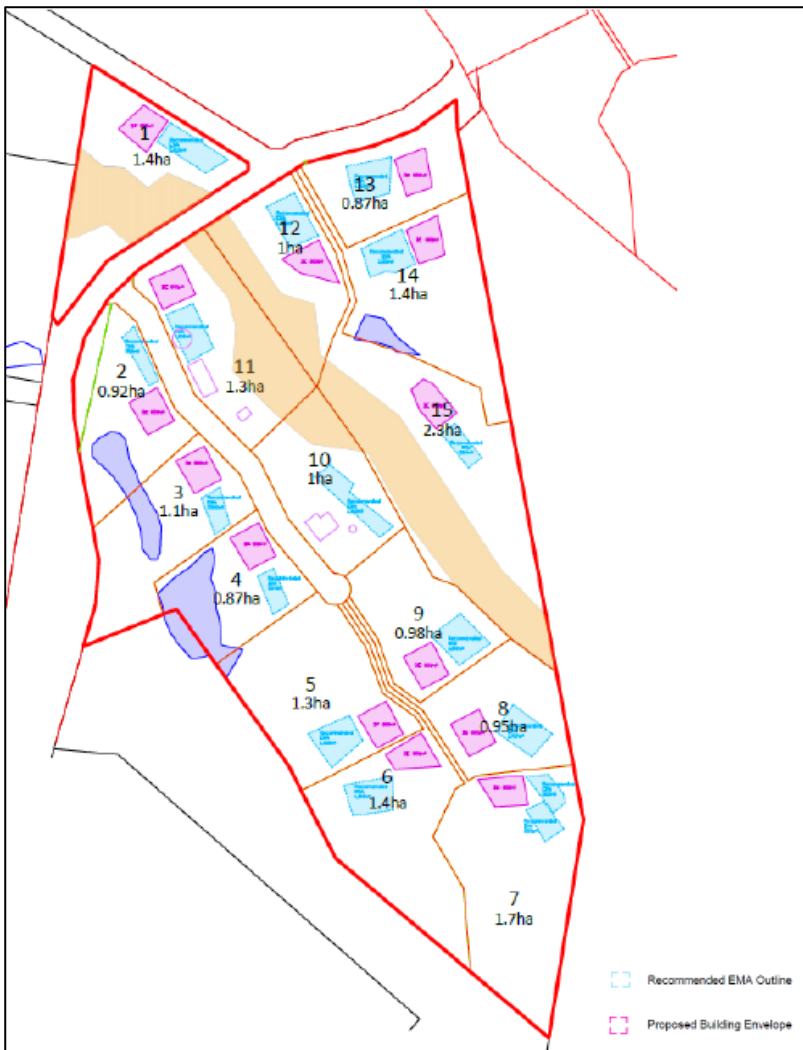


Figure 7 – Recommended Environmental Management Areas

For Lots 1 and 5-14 a primary treatment and subsurface land application OSMS combination is recommended. For Lots 2-4 and 15 a secondary treatment and subsurface land application OSMS combination is recommended.

For any future system, it is recommended that:

- A dwelling specific OSMS should be designed by an experienced professional, considering the assumptions and recommendations contained in the report; and
- An OSMS should be installed by a suitably qualified plumber, ensuring that effluent is distributed evenly across the entire area serviced.

### Flooding

Parts of the subject site are affected by a mapped flood planning area (see Figure 8). As such, a Flood Risk Assessment is included with the planning proposal (Appendix 10) and the findings of the flood study are summarised as follows:

- Flood modelling outcomes identified within the report show that the proposed development has a developable footprint outside the 1% AEP flood event.
- Each proposed parcel has developable land outside the probable maximum flood (PMF) flood extents which can be used as a Shelter In Place for residents.
- The development has flood free access to East Bank Road.

- The development will not unduly burden SES, Emergency Departments or Council during flood events up to the PMF.
- A culvert crossing will be required within the development to provide 1% AEP immunity to service Lot 15
- East Bank Road has a time of closure of less than 3 hours during a PMF for the local flood event and the site is not directly affected by the backwater of the Orara River Regional flood.
- Based on the findings outlined in this Flood Risk Assessment, the proposed development has been assessed as suitable for the level of flood risk relative to the surrounding environment. We do not foresee any reasonable flood risks that would preclude the development being approved by Department of Planning, Housing and Infrastructure NSW or Council.

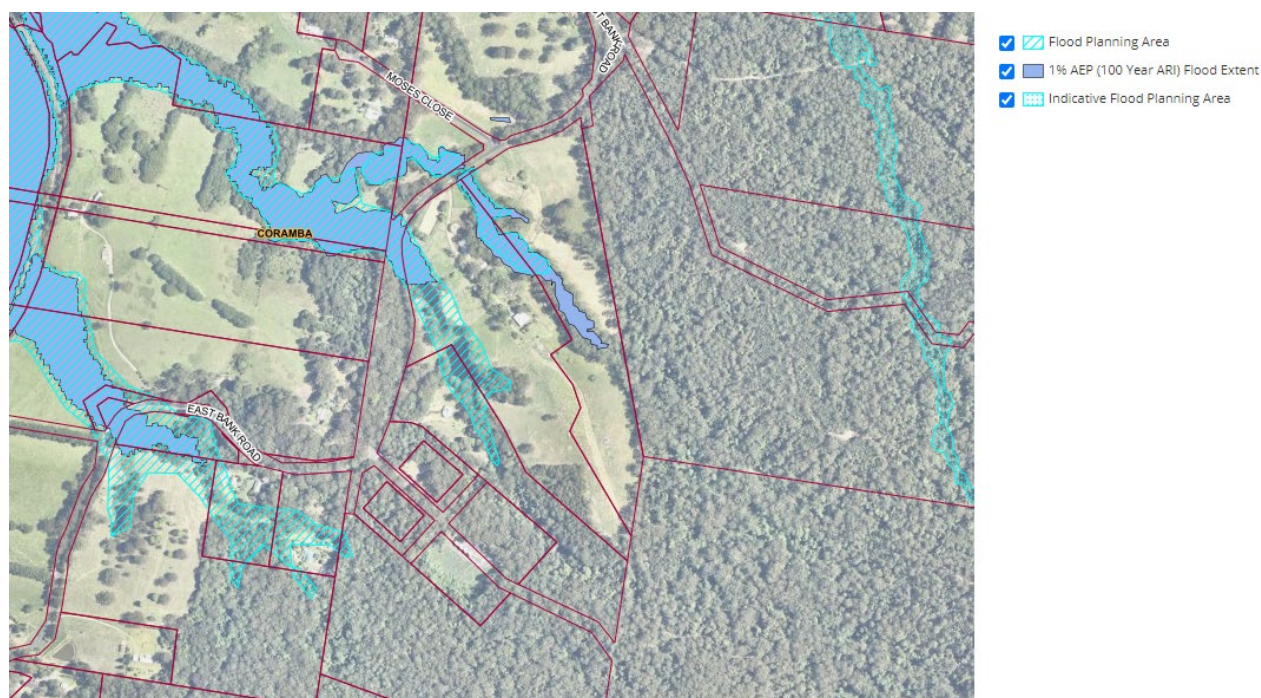


Figure 8 – Flood Prone Land

## 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 services in the hinterland village of Coramba thereby offering housing choice and diversity for existing and future residents. Consistent with the City's LSPS, the LGA's hinterland villages (including Coramba) have been identified as priority areas 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.

## Section D – State and Commonwealth interests

### 1. 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, 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)

## **Traffic and Access**

The land has frontage to the public road network. A Traffic Impact and Access Assessment (see Appendix 11) was prepared to assess the impact of the proposed rezoning and eventual subdivision of land to create 15 lots on the operation of the surrounding transport network infrastructure and services.

The Assessment concluded that development resulting from the planning proposal:

1. *Will have no impact on traffic safety, level of service or amenity on Eastbank Road or the surrounding road network.*
2. *Traffic generation will have no impact on road safety or trigger any warrants for intersection upgrade works at the Coramba Road / Eastbank Road intersection or upgrade of Eastbank Road.*
3. *The proposal includes a concept for a public road access to service 10 of the proposed lots with a ROC driveway access and a new property access to Eastbank Road proposed to service lots which cannot gain access to the proposed public road.*
4. *The potential subdivision would effectively replace three existing driveway accesses to Eastbank Road with an intersection and two driveway accesses. The proposed driveway accesses will be able to meet relevant standards for traffic safety and provide a superior solution to subdivision access than concentrating all traffic at the proposed intersection.*
5. *The proposed subdivision concept was designed to provide for road and road reserve widening on Eastbank Road to ensure that the required Austroads Safe Intersection Sight Distance can be achieved at the proposed subdivision intersection.*
6. *The proposed Right of Carriageway driveway access and the proposed Lot 13 single driveway access to Eastbank Road will be able to meet the site distance requirements for domestic driveways in Austroads and AS2890.1.*

Chapter 6 Large Lot Residential Lands, of the City's Local Growth Management Strategy states that privately funded planning proposals and subsequent funding of any required infrastructure upgrades (particularly roads) is the responsibility of the landowner/applicant. Road standards for large lot residential development are specified in the City's Planning and Design Development Specifications and are based on predicted traffic generation because of eventual subdivision.

To demonstrate that the proposal has merit from a road infrastructure and safety viewpoint, a Road Safety Audit was undertaken by the applicant's consultant, which focussed on Eastbank Road (Appendix 12). The Road Safety Audit identified several 'safety' related issues with East Bank Road and these issues related to the need for updated, or additional line-marking, road signage, guideposts and the like. Some of the issues identified are general maintenance issues, and considered to be the responsibility of the City to address and the Road Safety Audit has been given to the City's Transport and Open Space Services section to action where appropriate. The need for road widening along East Bank Road was not identified in the Road Safety Audit, as the road was deemed to comply with the relevant applicable standards.

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.

**2. 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 yet 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 mapping amendments to Coffs Harbour LEP 2013, as described in Part 2 of this planning proposal, are shown in Figures 9 – 11 below.

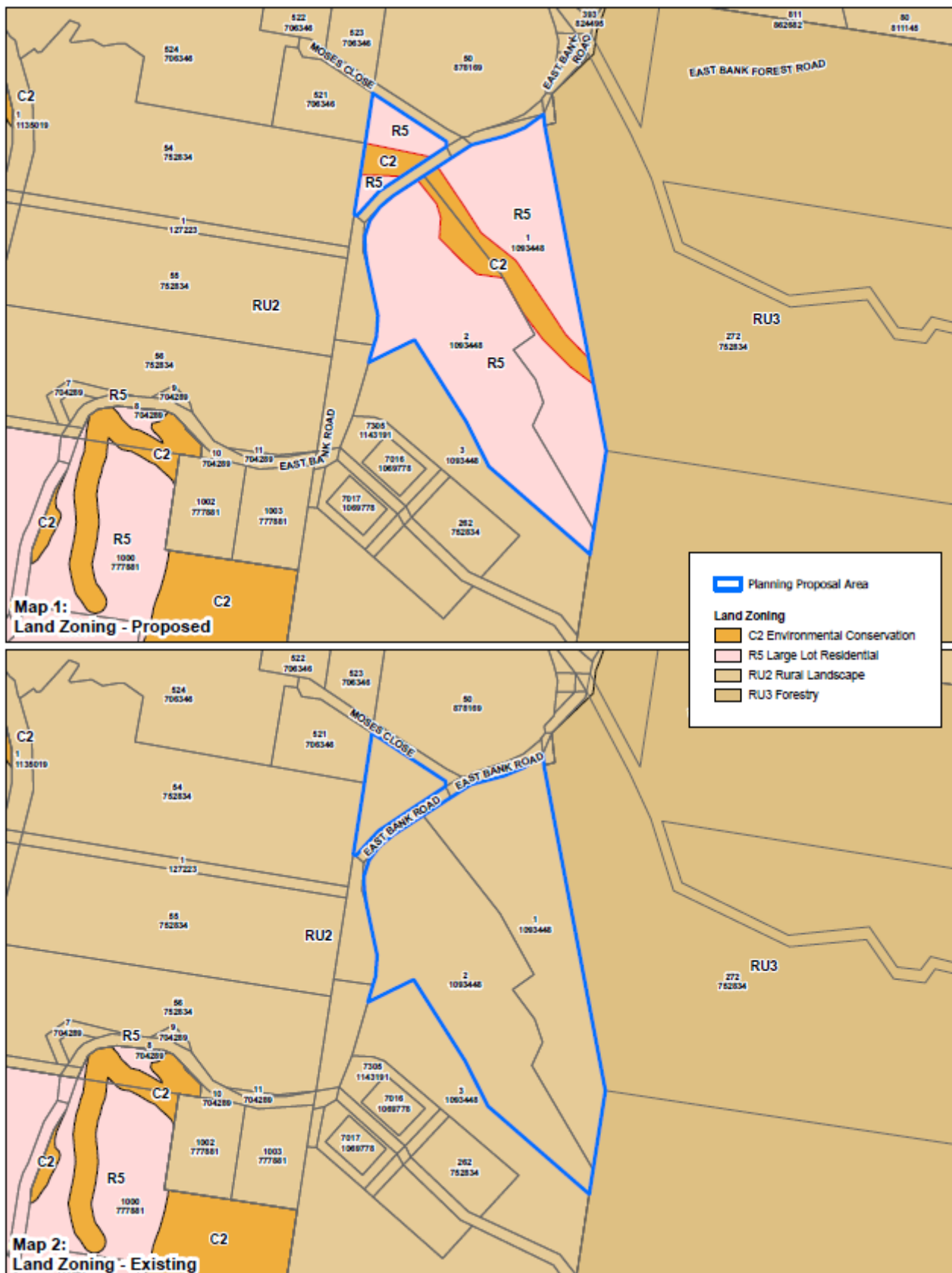


Figure 9: Combined map of existing and proposed amendments to digital Land Zoning Map

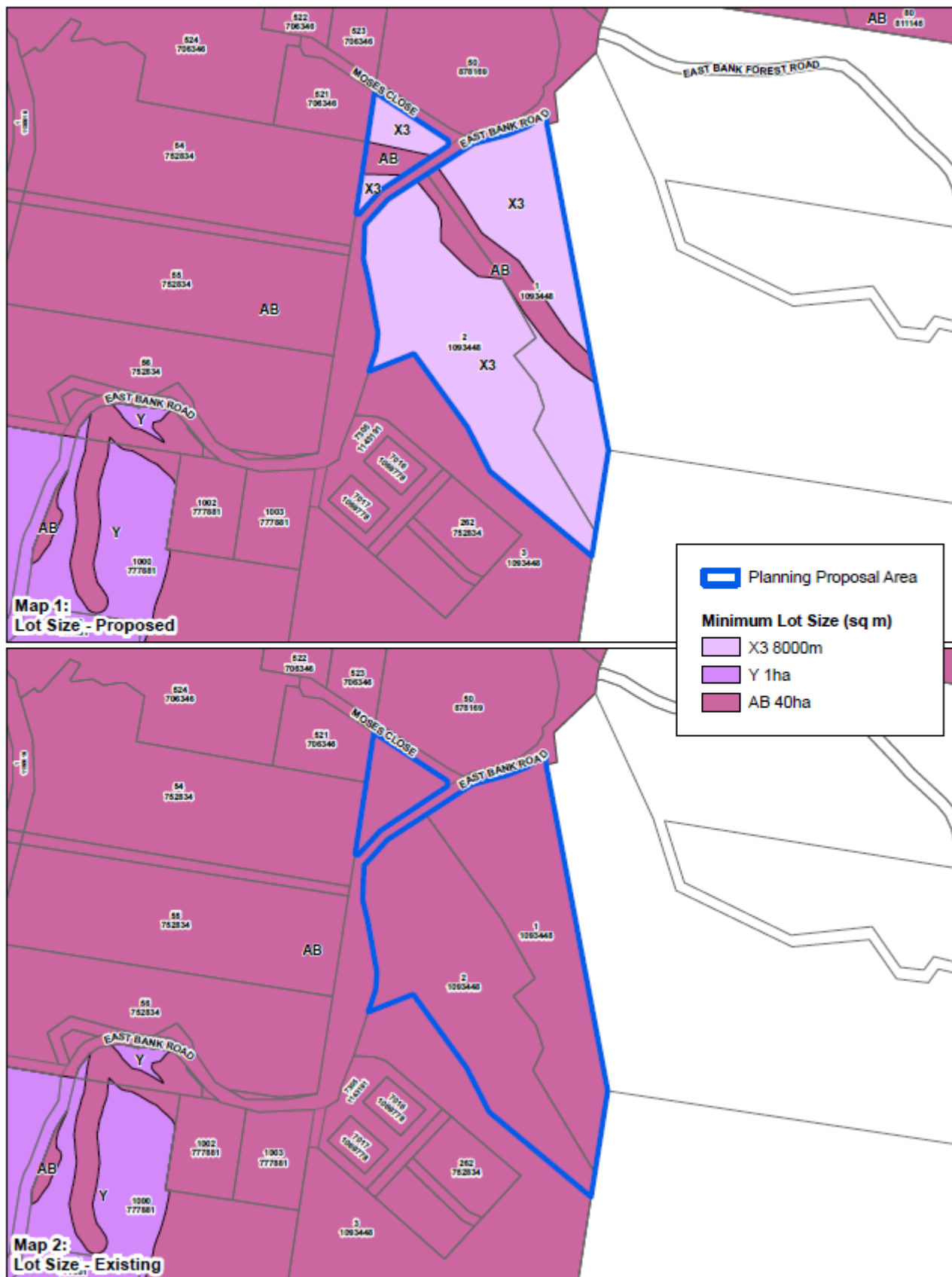


Figure 10: Combined map of existing and proposed amendments to Lot Size Map – Sheet LSZ\_005B

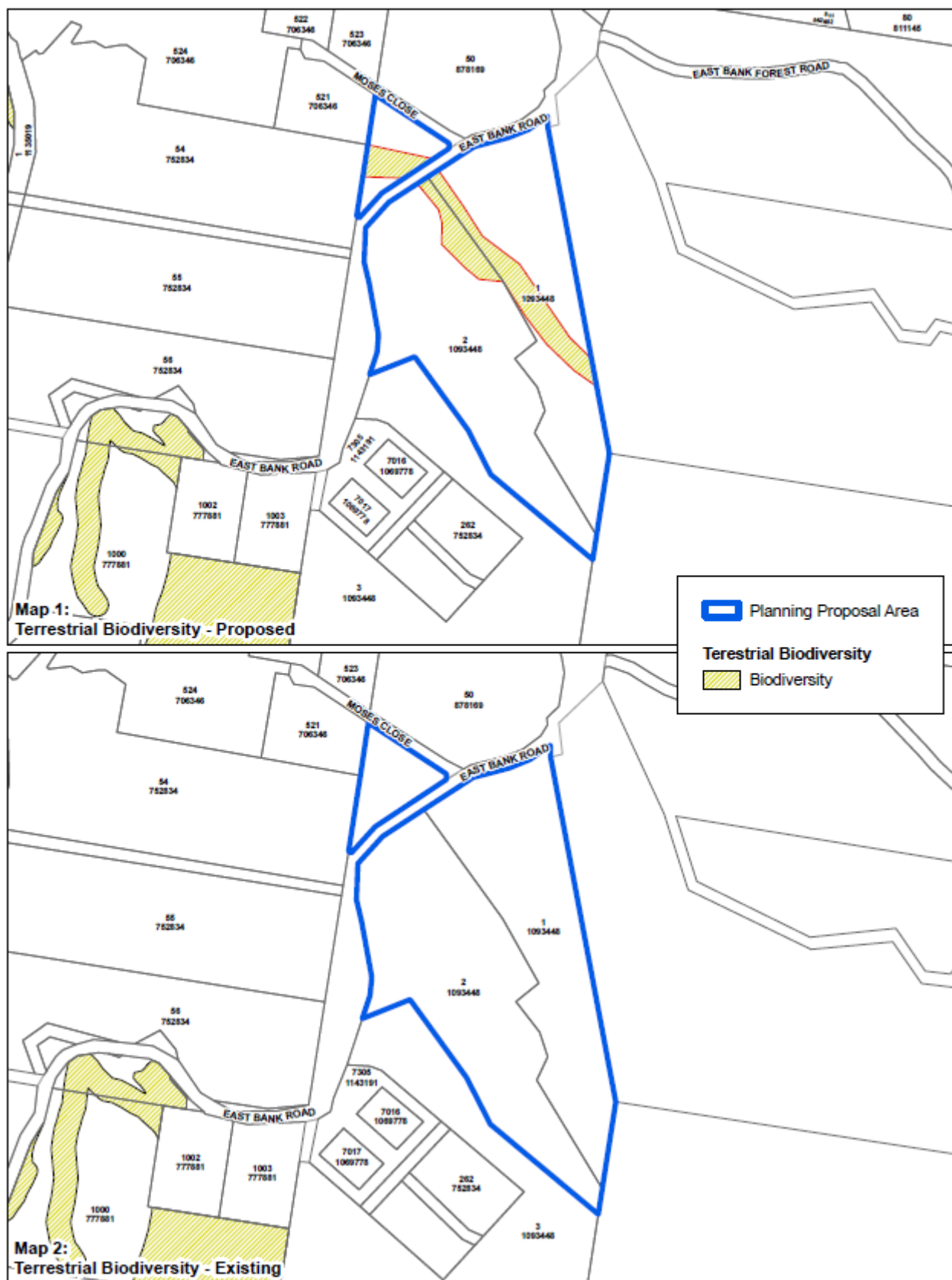


Figure 11: Combined map of existing and proposed amendments to Terrestrial Biodiversity Map – Sheet CL2\_005B

#### Technical Notes:

- An amended version of these maps will be created and supplied to NSW Department of Planning, Housing, and Infrastructure if Council resolves to initiate the planning proposal.

## PART 5 – COMMUNITY CONSULTATION

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The Gateway determination issued by the NSW Department of Planning, Housing, and Infrastructure has specified the community consultation requirements that must be undertaken for the planning proposal. The Gateway determination requires the planning proposal to be publicly exhibited for 20 working days.

Public Exhibition of the planning proposal includes 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 is 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

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A project timeline is yet to be determined however the anticipated timeframes are provided below in Table 2, 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 2: Anticipated Timeline

Milestone	Anticipated Timeframe
Consideration by Council	May 2024
Commencement (date of Gateway determination)	June 2024
Public exhibition & agency consultation	September - October 2024
Consideration of submissions	October 2024
Reporting to Council for consideration	November 2024
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	December 2024
Gazettal of LEP Amendment	December 2024 – January 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"> <li>a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> <li>b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</li> </ul> <p>The SEPP applies to land zoned R5 Large Lot Residential (which the land is proposed to be zoned). Presently, none of the site is included on the DCP Preservation of Vegetation map as it is contained in the RU2 Rural Landscape zone. The Biodiversity Assessment identified mapped Secondary Koala Habitat on the subject land. 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"> <li>a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</li> <li>b) by encouraging the identification of areas of core koala habitat, and</li> <li>c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</li> </ul> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
	Chapter 4 - Koala Habitat Protection 2021	Yes	Yes	<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>Where an approved Comprehensive Koala Plan of Management (CKPoM) is in place the SEPP defers to this plan. The Coffs Harbour City Koala Plan of Management (CHCKPoM) was prepared in accordance with the requirements of the SEPP and introduced in January 1995.</p> <p>Koala habitat is shown on the City's online mapping system, and mapped secondary Koala habitat occurs on the subject site. Although the proposal does not intend any vegetation removal, under the Coffs Harbour DCP, compensatory offset plantings are required for impacts to Secondary Koala habitat.</p> <p>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	The City of Coffs Harbour is not listed in the “land to which this chapter applies” and thus this chapter of the policy does not apply to the Coffs Harbour LGA now.
	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 now.
SEPP (Exempt and Complying Development Codes) 2008	N/A – this is a standalone State Environmental Planning Policy	N/A	N/A	<p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by:</p> <ul style="list-style-type: none"> <li>a) providing exempt and complying development codes that have State-wide application, and</li> <li>b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</li> <li>c) identifying, in the complying development codes, types of complying development that may be</li> </ul>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>carried out in accordance with a complying development certificate as defined in the Act, and</p> <p>d) enabling the progressive extension of the types of development in this Policy, and</p> <p>e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.</p>
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> <p>a) enabling the development of diverse housing types, including purpose-built rental housing,</p> <p>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,</p> <p>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,</p> <p>d) minimising adverse climate and environmental impacts of new housing development,</p> <p>e) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</p> <p>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,</p> <p>g) mitigating the loss of existing affordable rental housing.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.</p>
State Environmental Planning Policy (Industry and	Chapter 3 - Advertising and Signage	N/A	N/A	<p>This aims of this chapter of the Policy are:</p> <p>a) to ensure that signage (including advertising):</p>



## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
Employment) 2021				<p>(i) is compatible with the desired amenity and visual character of an area, and</p> <p>(ii) provides effective communication in suitable locations, and</p> <p>(iii) is of high-quality design and finish, and</p> <p>b) to regulate signage (but not content) under Part 4 of the Act, and</p> <p>c) to provide time-limited consents for the display of certain advertisements, and</p> <p>d) to regulate the display of advertisements in transport corridors, and</p> <p>e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy (Planning Systems) 2021.	Chapter 2 -State and Regional Development	N/A	N/A	<p>The aims of this chapter of the Policy are:</p> <p>a) to identify development that is State significant development,</p> <p>b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>c) to identify development that is regionally significant development.</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 - Aboriginal Land	N/A	N/A	<p>The aims of this Chapter of the Policy are:</p> <p>a) to provide for development delivery plans for areas of land owned by Aboriginal Land Councils to be considered when development applications are considered, and</p> <p>b) to declare specified development carried out on land owned by Aboriginal Land Councils to be regionally significant development.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
	Chapter 4 - Concurrences and Consents	N/A	N/A	The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Precincts— Central River City) 2021	Chapter 2 -State Significant Precincts	N/A	N/A	<p>The aims of this chapter of the Policy are to:</p> <ul style="list-style-type: none"> <li>a) to facilitate the development, redevelopment, or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,</li> <li>b) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</li> </ul> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy (Precincts— Eastern Harbour City) 2021	Chapter 2 -State Significant Precincts	N/A	N/A	<p>The aims of this chapter of the Policy are to:</p> <ul style="list-style-type: none"> <li>c) to facilitate the development, redevelopment, or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,</li> <li>d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</li> </ul> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy	Chapter 2 -State Significant Precincts	N/A	N/A	<p>The aims of this chapter of the Policy are to:</p> <ul style="list-style-type: none"> <li>a) to facilitate the development, redevelopment, or protection of</li> </ul>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
(Precincts— Regional) 2021				<p>important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,</p> <p>b) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy (Primary Production) 2021	Chapter 2 - Primary Production and Rural Development	N/A	N/A	<p>The aims of this chapter of the Policy are to:</p> <p>a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity, and water resources,</p> <p>c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic, and environmental considerations,</p> <p>d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>The land does not comprise state significant agricultural land, or important farmland.</p> <p>The proposed change to an R5 Large Lot Residential zone does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management	N/A	N/A	<p>The aim of this chapter of the Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:</p> <ul style="list-style-type: none"> <li>a) managing development in the coastal zone and protecting the environmental assets of the coast, and</li> <li>b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</li> <li>c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</li> </ul> <p>The proposed LEP amendment is not located within the Coastal Zone footprint and therefore does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	Chapter 3 – Hazardous and Offensive Development	N/A	N/A	<p>The aims of this chapter of the Policy are:</p> <ul style="list-style-type: none"> <li>a) to amend the definitions of hazardous and offensive industries where they are used in environmental planning instruments, and</li> <li>b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and</li> <li>c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</li> <li>d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce</li> </ul>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>the impact of the development are considered, and</p> <p>e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</p> <p>f) to require the advertising of applications to carry out any such development.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	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> <p>a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>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, and</p> <p>c) by requiring that a remediation work meet certain standards and notification requirements.</p> <p>A Preliminary Environmental Site Assessment (PESA) is included with this planning proposal (Appendix 8). Two ‘Areas of Concern’ were identified and assessed by the PESA:</p> <ul style="list-style-type: none"> <li>General farming activities. Soil and water testing was carried out with results well below NSW EPA thresholds.</li> <li>An offsite land transfer facility / landfill (see Figure 6). The PESA concluded that the likelihood of contamination arising from the landfill was found to be very low, <i>given the position of the facility on a ridgeline separated from the site with an incised gully between, plus the existence of fine-grained bedrock that</i></li> </ul>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p><i>is impermeable with a limited groundwater aquifer, and groundwater impacts are not suspected at the site.</i></p> <p>The PESA further identified that the subject property was likely used for limited cattle grazing and equestrian use since the 1950s. There is a low risk of residual contamination from cattle grazing. The PESA has identified that potential runoff and leaching due to activities of the former nearby landfill and waste transfer facility located offsite to the southwest are negligible, and the PESA suggests that there is a low risk of contamination from this facility impacting the site.</p> <p>The PESA's historical desktop review and site inspection shows that there is a low risk of significant contamination being present that would preclude a residential subdivision of the site.</p> <p>The proposed LEP amendment therefore does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy (Resources and Energy) 2021	Chapter 2 - Mining, Petroleum Production and Extractive Industries	N/A	N/A	<p>The aims of this chapter of the Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries:</p> <ul style="list-style-type: none"> <li>a) to provide for the proper management and development of mineral, petroleum, and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</li> <li>b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</li> <li>b1) to promote the development of significant mineral resources, and</li> <li>c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum, and extractive material resources, and</li> </ul>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:</p> <ul style="list-style-type: none"> <li>(i) to recognise the importance of agricultural resources, and</li> <li>(ii) to ensure protection of strategic agricultural land and water resources, and</li> <li>(iii) to ensure a balanced use of land by potentially competing industries, and</li> <li>(iv) to provide for the sustainable growth of mining, petroleum, and agricultural industries.</li> </ul> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 - Standards for residential development - BASIX	N/A	N/A	<p>The aims of this SEPP are to encourage the design and delivery of sustainable buildings that minimise energy and water use.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of Chapter 2 of the SEPP.</p>
	Chapter 3 - Standards for non-residential development	N/A	N/A	<p>The aims of this SEPP are to encourage the design and delivery of sustainable buildings that minimise energy and water use.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of Chapter 3 of the SEPP.</p>

## 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"> <li>a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</li> <li>b) providing greater flexibility in the location of infrastructure and service facilities, and</li> <li>c) allowing for the efficient development, redevelopment, or disposal of surplus government owned land, and</li> <li>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</li> <li>e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</li> <li>f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>g) providing opportunities for infrastructure to demonstrate good design outcomes.</li> </ul> <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 Childcare Facilities	N/A	N/A	<p>The aim of this chapter of the Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <ul style="list-style-type: none"> <li>a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</li> <li>b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of</li> </ul>



## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>minimal environmental impact as exempt development), and</p> <p>c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>d) allowing for the efficient development, redevelopment, or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	Chapter 4 – Major Infrastructure Corridors	N/A	N/A	<p>The aims of this chapter of the Policy are:</p> <p>a) to identify land that is intended to be used in the future as an infrastructure corridor,</p> <p>b) to establish appropriate planning controls for the land for the following purposes—</p>

## APPENDIX 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>(i) to allow the ongoing use and development of the land until it is needed for the future infrastructure corridor,</p> <p>(ii) to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
<b>Focus area 1: Planning Systems</b>			
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 planning proposal does not contain provisions that contradict or hinder the application of this direction, and therefore the planning proposal is therefore considered to be consistent with the 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 currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
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 community consultation in satisfaction of Schedule 1 to the EP&amp;A Act, and</p>	Yes	The planning proposal does not contain provisions that contradict or hinder the application of this direction, and therefore the planning proposal is therefore considered to be consistent with the Direction.

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(c) not identify development as designated development unless the relevant planning authority:</p> <ul style="list-style-type: none"> <li>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</li> <li>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&amp;A Act.</li> </ul> <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 to allow development to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(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</li> <li>(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.</li> </ul> <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 provisions of the planning proposal that are inconsistent are of minor significance.</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> <p>The planning proposal does not contain provisions that contradict or hinder the application of this direction, and therefore the planning proposal is therefore considered to be consistent with the Direction.</p>
1.4A Exclusion of Development Standards from Variation	<p>This direction applies when a planning proposal authority prepares a planning proposal that proposes to introduce or alter an existing exclusion to clause 4.6 of a Standard</p>	N/A	<p>The planning proposal will not introduce or alter an existing exclusion to clause 4.6 of Coffs Harbour LEP 2013.</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	Instrument LEP or an equivalent provision of any other environmental planning instrument.		
<b>Focus area 1: Planning Systems – Place Based</b>			
Directions 1.5 – 1.22 do not apply to the Coffs Harbour LGA.			
<b>Focus area 2: Design and Place</b>			
Directions yet to be included.			
<b>Focus area 3: Biodiversity and Conservation</b>			
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> <ul style="list-style-type: none"> <li>i. considers the objectives of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> <p>(b) justified by a study prepared in support of the planning proposal which considers the objectives of this direction, or</p>	No	<p>An ecological assessment of the subject site 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 Local Growth Management Strategy (LGMS 2020). The inconsistency with the Direction is therefore considered to be justified.</p>

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Sg.1 Direction	Applicable	Consistent	Comment
	<p>(c) 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, 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 environmental planning instruments, legislation, or regulations that apply to the land, or</p> <p>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</p>	Yes	<p>An Aboriginal Cultural Heritage Site Assessment was undertaken on the subject site by a Cultural Site Officer from the Coffs Harbour and District Local Aboriginal Land Council (Appendix 6). The assessment identified that:</p> <ul style="list-style-type: none"> <li>• The site in general has been highly disturbed due to previous logging activities.</li> <li>• One hand-held worked stone axe was identified on the site, and there is a high potential for further artifacts to be discovered on the site.</li> </ul> <p>The report included the following management recommendations:</p> <ol style="list-style-type: none"> <li>1. <i>Provide (subdivision) Development Application plans to the Coffs Harbour and District Local Aboriginal Land Council.</i></li> <li>2. <i>The Coffs Harbour and District Local Aboriginal Land Council may need to appoint a Cultural Site Officer to undertake site monitoring during excavation works.</i></li> <li>3. <i>Unexpected finds procedure to be implemented to any future ground disturbance works as per relevant cultural heritage protection legislation.</i></li> <li>4. <i>Contact the Land Council or Heritage Division should any unexpected finds be uncovered.</i></li> </ol> <p>The above management recommendations are designed to address the eventual development of the land. Should the rezoning progress to completion, it would be</p>

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Sg.1 Direction	Applicable	Consistent	Comment
			<p>appropriate that all the management recommendations set out above be implemented as part of the future development of the land. To ensure that this occurs, an attribute can be placed on the subject land within the City's property information system to alert development assessment staff of the need to contact the Coffs Harbour and District Local Aboriginal Land Council during any development assessment process involving subdivision and/or earthworks.</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 and the land attribute notation outlined above, which are both considered to be adequate. The planning proposal is therefore considered to be consistent with the Direction.</p>
3.3 Sydney Drinking Water Catchments	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.5 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within a conservation zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p>	N/A	The proposed LEP amendment will not facilitate recreation vehicle areas.



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S9.1 Direction	Applicable	Consistent	Comment
	<p>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>i. the provisions of the guidelines entitled Guidelines for the Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of NSW, September 1985, and</p> <p>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</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. considers 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 considers 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 considers the objective of this direction, or</p> <p>(d) of minor significance.</p>		
3.6 Strategic Conservation Planning	This direction does not apply to the Coffs Harbour LGA.	N/A	This direction does not apply to the Coffs Harbour LGA.
3.7 Public Bushland	This direction does not apply to the Coffs Harbour LGA.	N/A	This direction does not apply to the Coffs Harbour LGA.

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Sg.1 Direction	Applicable	Consistent	Comment
3.8 Willandra Lakes Region	This direction does not apply to the Coffs Harbour LGA.	N/A	This direction does not apply to the Coffs Harbour LGA.
3.9 Sydney Harbour Foreshores and Waterways Area	This direction does not apply to the Coffs Harbour LGA.	N/A	This direction does not apply to the Coffs Harbour LGA.
3.10 Water Catchment Protection	This direction does not apply to the Coffs Harbour LGA.	N/A	This direction does not apply to the Coffs Harbour LGA.
<b>Focus Area 4: Resilience and Hazards</b>			
4.1 Flooding	<p>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.</p> <p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy,</li> <li>(b) the principles of the Floodplain Development Manual 2005,</li> <li>(c) the Considering flooding in land use planning guideline 2021, and</li> <li>(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.</li> </ul> <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"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit development for the purposes of residential accommodation in high hazard areas,</li> <li>(d) permit a significant increase in the development and/or dwelling density of that land,</li> </ul>	No	<p>Parts of the subject site are affected by a mapped flood planning area (see Figure 8). As such, a Flood Risk Assessment is included with the planning proposal (Appendix 10) and the findings of the flood assessment are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Flood modelling outcomes identified within the report show that the proposed development has a developable footprint outside the 1% AEP flood event.</li> <li>• Each proposed parcel has developable land outside the probable maximum flood (PMF) flood extents which can be used as a Shelter In Place for residents.</li> <li>• The development has flood free access to East Bank Road.</li> <li>• The development will not unduly burden SES, Emergency Departments or Council during flood events up to the PMF.</li> <li>• A culvert crossing will be required within the development to provide 1% AEP immunity to service Lot 15.</li> <li>• East Bank Road has a time of closure of less than 3hours</li> </ul>

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Sg.1 Direction	Applicable	Consistent	Comment
	<p>(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,</p> <p>(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,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management 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</p>		<p>during a PMF for the local flood event and the site is not directly affected by the backwater of the Orara River Regional flood.</p> <ul style="list-style-type: none"> <li>Based on the findings outlined in this Flood Risk Assessment, the proposed development has been assessed as suitable for the level of flood risk relative to the surrounding environment. We do not foresee any reasonable flood risks that would preclude the development being approved by Department of Planning, Housing and Infrastructure NSW or Council.</li> </ul> <p>Although the planning proposal is inconsistent with this direction, it is considered that the City can satisfy the Planning Secretary (or their nominee) as the planning proposal is supported by a flood risk impact assessment accepted by the City which has been prepared in accordance with the principles of the <i>Floodplain Development Manual 2005</i> and which is consistent with the City's requirements. The provisions of the planning proposal that are inconsistent are of minor significance as the planning proposal accords with a department approved local strategy (LGMS 2020) and will not result in a substantial increase of flood water movement due to the (concept) lot layout.</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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> <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	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> -comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area -and as identified by chapter 3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p> <p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</p>	N/A	The subject sites are not located within the coastal zone.

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S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>, that applies to the land.</p> <p>(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</p> <p>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p> <p>(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p> <p>(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>:</p> <p>(a) Coastal wetlands and littoral rainforests area map.</p> <p>(b) Coastal vulnerability area map.</p> <p>(c) Coastal environment area map.</p> <p>(d) Coastal use area map.</p> <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a <i>Coastal Zone Management Plan</i></p>		

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Sg.1 Direction	Applicable	Consistent	Comment
	<p>under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a study or strategy prepared in support of the planning proposal which considers the objective of this direction, or</p> <p>(b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the EP&amp;A Act by the relevant strategic planning authority, which considers the objective of this direction, or</p> <p>(c) of minor significance.</p>		
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> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the</p>	No	<p>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>incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> <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>		
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>,</p> <p>(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,</p> <p>(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:</p>	No	<p>A Preliminary Environmental Site Assessment (PESA) is included with this planning proposal (Appendix 8). Two ‘Areas of Concern’ were identified and assessed by the PESA:</p> <ul style="list-style-type: none"> <li>• General farming activities. Soil and water testing was carried out with results well below NSW EPA thresholds.</li> <li>• An offsite land transfer facility / landfill (see Figure 6). The PESA concluded that the likelihood of contamination arising from</li> </ul>



## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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</p> <p>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> <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> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>To satisfy itself as to paragraph 1(c), the planning proposal authority may 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>		<p>the landfill was found to be very low, given the position of the facility on a ridgeline separated from the site with an incised gully between, plus the existence of fine-grained bedrock that is impermeable with a limited groundwater aquifer, and groundwater impacts are not suspected at the site.</p> <p>The PESA further identified that the subject property was likely used for limited cattle grazing and equestrian use since the 1950s. There is a low risk of residual contamination from cattle grazing. The PESA has identified that potential runoff and leaching due to activities of the former nearby landfill and waste transfer facility located offsite to the southwest are negligible, and the PESA suggests that there is a low risk of contamination from this facility impacting the site.</p> <p>The PESA's historical desktop review and site inspection shows that there is a low risk of significant contamination being present that would preclude a residential subdivision of the site.</p> <p>Although the planning proposal is inconsistent with this direction, it is considered that the City can satisfy the Planning Secretary (or their nominee) as the planning proposal is supported by a preliminary environmental site assessment accepted by the City which has been prepared in accordance with the principles of the contaminated land planning guidelines and which is consistent with the City's requirements. The provisions of the planning proposal that are inconsistent are of minor significance as the planning proposal accords with a</p>

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Sg.1 Direction	Applicable	Consistent	Comment
			department approved local strategy (LGMS 2020).
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> <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</p>	N/A	The subject site does not contain any mapped Acid Sulfate Soils.

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Sg.1 Direction	Applicable	Consistent	Comment
	<p>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 considers the objective of this direction, or</p> <p>(b) of minor significance.</p>		
4.6 Mine Subsidence and Unstable Land	<p>This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.</p> <p>(1) When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</p> <p>(a) consult Subsidence Advisory NSW to ascertain:</p> <p>i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</p> <p>ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and</p> <p>(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information received from Subsidence Advisory NSW with the statement to 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 Act.</p>	N/A	Mine subsidence issues have not been identified at the subject site.

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(2) A planning proposal must not permit development on land that has been identified as unstable as referred to in the application section of this direction.</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> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary which: <ul style="list-style-type: none"> <li>i. considers the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study prepared in support of the planning proposal which considers the objective of this direction, or</li> <li>(c) 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, or</li> <li>(d) of minor significance.</li> </ul>		
<b>Focus Area 5: Transport and Infrastructure</b>			
5.1 Integrating Land Use and Transport	<p>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, 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> <ul style="list-style-type: none"> <li>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <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>	No	<p>The planning proposal would alter a provision relating to rural land proposed to be zoned residential, and 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 a department approved local strategy (LGMS 2020) and will not result in a substantial increase of movement due to</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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"> <li>i. considers the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> <p>(b) justified by a study prepared in support of the planning proposal which considers 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 considers the objective of this direction, or</p> <p>(d) of minor significance.</p>		the potential of minimal additional lots.
5.2 Reserving Land for Public Purposes	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) reserve the land in accordance with the request, and</li> <li>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</li> <li>(c) identify the relevant acquiring authority for the land.</li> </ul> <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p>	N/A	The proposed LEP amendment will not affect land reserved for a public purpose.

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</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) with respect to a request referred to in paragraph (4), further information is required before appropriate planning controls for the land can be determined, or</p> <p>(b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p>		
5.3 Development Near Regulated Airports and Defence Airfields	<p>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 land near a regulated airport which includes a defence airfield.</p> <p>(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <p>(a) consult with the lessee/operator of that airport;</p> <p>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</p> <p>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(2) In the preparation of a planning proposal that sets controls for development of land</p>	N/A	The sites are not located near to a regulated airport or defence airfield.

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>near a core regulated airport, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</li> <li>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the <i>Airports (Protection of Airspace) Regulation 1996</i>, prepare appropriate development standards, such as height controls.</li> <li>(c) not allow development types that are incompatible with the current and future operation of that airport.</li> <li>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i>. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</li> </ul> <p>(3) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) consult with the Department of Defence if: <ul style="list-style-type: none"> <li>i. the planning proposal seeks to exceed the height provisions contained in the <i>Defence Regulations 2016 – Defence Aviation Areas</i> for that airfield; or</li> <li>ii. no height provisions exist in the <i>Defence Regulations 2016 – Defence Aviation Areas</i> for the airfield and the proposal is within 15km of the airfield.</li> </ul> </li> <li>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</li> <li>(c) not allow development types that are incompatible with the current and future operation of that airfield.</li> </ul> <p>(4) A planning proposal must include a provision to ensure that development meets <i>Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction</i> with respect to interior noise levels, if the proposal seeks to rezone land:</p>		



## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30.</p> <p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</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"> <li>i. considers the objectives of this direction; and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> <p>(b) justified by a study prepared in support of the planning proposal which considers the objectives of this direction; or</p> <p>(c) in accordance with the relevant Regional Plan prepared by the Department of Planning, Housing and Infrastructure which considers the objectives of this direction.</p>		
5.4 Shooting Ranges	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect, create, alter, or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p> <p>(1) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <ul style="list-style-type: none"> <li>(a) permitting more intensive land uses than those which are permitted under the existing zone; or</li> </ul>	N/A	The sites do not lie adjacent to or adjoining an existing shooting range.

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</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"> <li>i. considers the objectives of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> <p>(b) justified by a study prepared in support of the planning proposal which considers the objective of this direction, or</p> <p>(c) is of minor significance.</p>		
<b>Focus area 6: Housing</b>			
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"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul>	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>The planning proposal is however inconsistent with the Direction in that 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>However, the City feels that the inconsistency with the Direction can be justified due to the land's identification for the intended purpose within a Department approved local strategy (LGMS 2020).</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul> <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> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary which: <ul style="list-style-type: none"> <li>i. considers the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study prepared in support of the planning proposal which considers the objective of this direction, or</li> <li>(c) 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, or</li> <li>(d) of minor significance.</li> </ul>		
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"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> </ul>	Yes	<p>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.</p> <p>The planning proposal does not contain provisions that contradict or hinder the application of this direction, and therefore the planning proposal is therefore considered to be consistent with the Direction.</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park.</p> <p>(2) In identifying suitable zones, locations, and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) consider 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) consider 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> <p>i. considers 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 considers 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 considers the objective of this direction, or</p> <p>(d) of minor significance.</p>		
<b>Focus area 7: Industry and Employment</b>			

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
7.1 Employment Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</li> </ul> <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> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary, which: <ul style="list-style-type: none"> <li>i. considers the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study (prepared in support of the planning proposal) which considers the objective of this direction, or</li> <li>(c) 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, or</li> <li>(d) of minor significance.</li> </ul>	N/A	This planning proposal does not affect land within an existing or proposed business or industrial zone.
7.2 Reduction in non-hosted short-term rental accommodation period	<p>This direction does not currently apply to the Coffs Harbour LGA.</p>	N/A	

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	<p>Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p>(1) A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must be concentrated within district centres rather than spread along the highway;</p> <p>(b) development with frontage to the Pacific Highway must consider impacts that the development has on the safety and efficiency of the highway; and</p> <p>(c) for the purposes of this paragraph, “within town” means areas which prior to the draft LEP have an urban zone (e.g. Village, residential, tourist, commercial and industrial etc.) and where the Pacific Highway is less than 80km/hour.</p> <p>(2) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.</p> <p>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc.) or are in areas where the Pacific Highway speed limit is 80 km/hour or greater.</p> <p>(3) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the highway interchange(s) at those localities.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant</p>	N/A	This planning proposal does not constitute commercial and/or retail development along the Pacific Highway.

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	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.		
<b>Focus area 8: Resources and Energy</b>			
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"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(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.</li> </ul> <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"> <li>(a) consult the Secretary of the Department of Primary Industries (DPI) to identify any: <ul style="list-style-type: none"> <li>i. resources of coal, other minerals, petroleum, or extractive material that are of either State or regional significance, and</li> <li>ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</li> </ul> </li> <li>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</li> <li>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and: <ul style="list-style-type: none"> <li>i. development of resources identified under (1)(a)(i), or</li> <li>ii. existing development identified under (1)(a)(ii).</li> </ul> </li> </ul> <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>	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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Sg.1 Direction	Applicable	Consistent	Comment
	<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>		
<b>Focus area 9: Primary Production</b>			
9.1 Rural Zones	<p>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).</p> <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> <ol style="list-style-type: none"> <li>considers the objectives of this direction, and</li> <li>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ol> <p>(b) justified by a study prepared in support of the planning proposal which considers the objectives of this direction, or</p>	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 inconsistency is, however, considered to be justified by the land's inclusion within a department approved local strategy (LGMS 2020).</p>



## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(c) 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, or</p> <p>(d) is of minor significance.</p>		
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> <p>(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</p> <p>(b) changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>(1) A planning proposal must:</p> <p>(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</p> <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</i></p>	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.</p> <p>The proposal is however considered to be consistent with the Rural Subdivision Principles set out in the Coffs Harbour LEP 2013. The land is also located within an already highly fragmented area and is also included within a department approved local Strategy for the intended purpose (LGMS 2020).</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p><i>Production</i>) 2021 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>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	<p>This direction applies to any relevant planning authority when preparing a planning proposal in ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i> (“the Strategy”), when proposing a change in land use which could result in:</p>	N/A	<p>The planning proposal is not located within a Priority Oyster Aquaculture Area, or an area identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i>.</p>

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(a) adverse impacts on a ‘Priority Oyster Aquaculture Area’ or a “current oyster aquaculture lease in the national parks estate”, or</p> <p>(b) incompatible use of land between oyster aquaculture in a ‘Priority Oyster Aquaculture Area’ or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p> <p>(1) In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a ‘Priority Oyster Aquaculture Area’ or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</p> <p>(d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>(e) ensure the planning proposal is consistent with the Strategy.</p> <p>(2) Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), 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 before undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</p>		

## APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

Sg.1 Direction	Applicable	Consistent	Comment
	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.		
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.