



Planning Proposal 22/007

**» Conservation Zones
Burns Point Ferry Road
West Ballina**

March 2023 (v2 Exhibition) 23/16837

ballina
shire council

Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.



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Contents

1.	Introduction.....	2
	Overview.....	2
	Subject Land.....	2
	Background.....	3
	Council Resolutions	4
	Gateway Determination.....	5
2.	Planning Proposal	6
	Part 1 – Objectives and intended outcomes	6
	Part 2 - Explanation of provisions.....	6
	Part 3 – Justification.....	18
	Section A – Need for the Planning Proposal	18
	Section B – Relationship to Strategic Planning Framework.....	18
	Section C – Environmental, Social and Economic Impact	20
	Section D – State and Commonwealth Interests	21
	Part 4 – Mapping.....	21
	Part 5 – Community Consultation.....	21
	Part 6 – Project Timeline.....	21
	Appendices (provided under separate cover).....	22
	Appendix 1 – Land & Environment Court Judgement.....	23
	Appendix 2 – Joint Ecologists Report.....	24
	Appendix 3 – Council Reports.....	25
	Appendix 4 – Gateway Determination	26
	Appendix 5 – Section 9.1 Directions Checklist	27
	Appendix 6 – Assessment Checklist – Draft Coastal Design Guidelines 2022	28

1. Introduction

Overview

This planning proposal (PP) seeks to amend Ballina Local Environmental Plan 2012 (BLEP 2012) to introduce the C2 Environmental Conservation and C3 Environmental Management zones into the LEP, amend associated clauses, and rezone Lot 1 DP 124173 for conservation purposes.

Subject Land

The PP applies to land known as Lot 1 DP 124173, located at 550-578 River Street, West Ballina, as shown outlined in red in Figure 1. The property is owned by GTH Resorts No 10 Pty Ltd and has an area of 56.36ha.

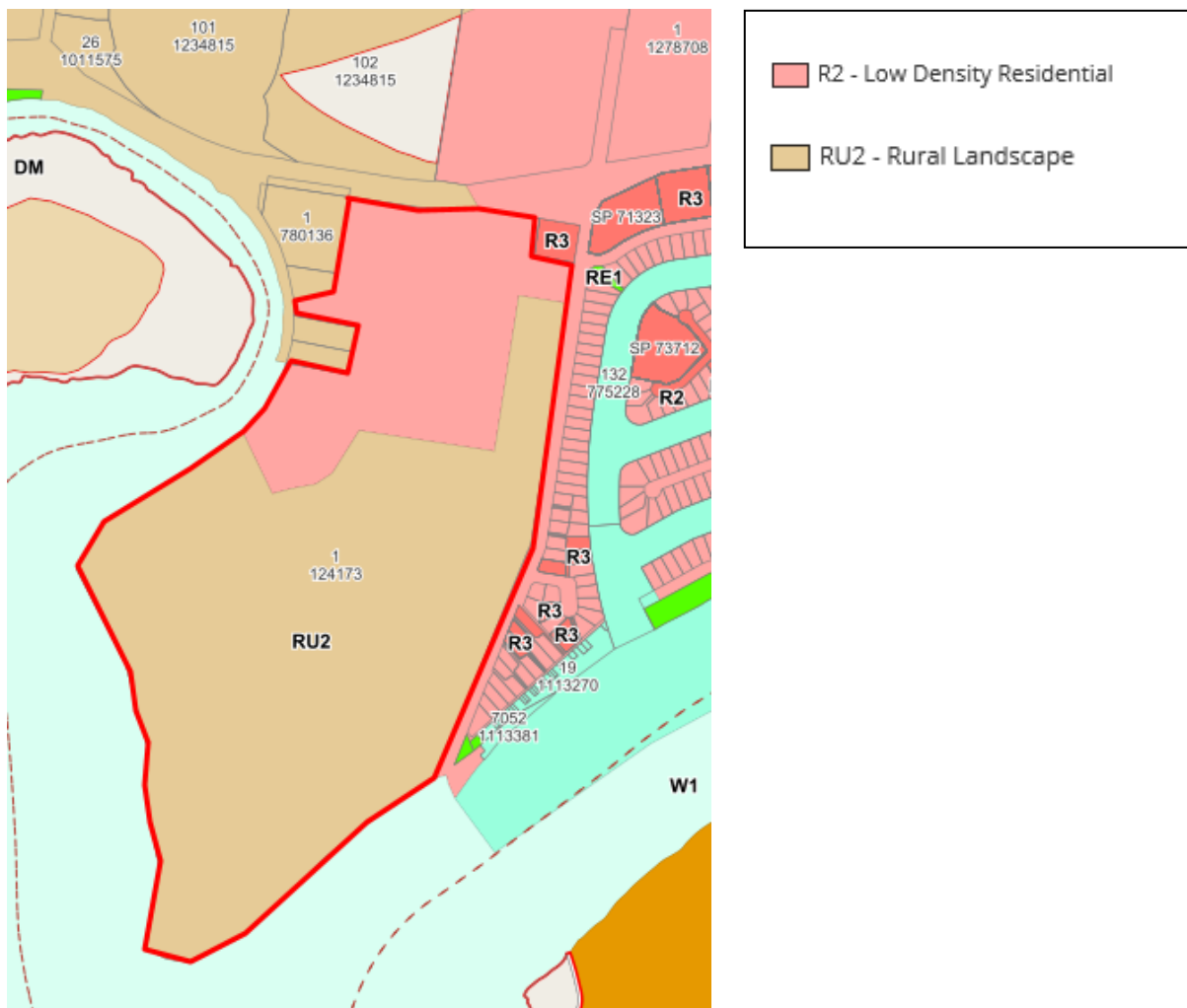


Figure 1 – Site subject to this planning proposal

The subject property is vacant and covered by native vegetation.

BLEP 2012 does not currently contain the C2 Environmental Conservation or C3 Environmental Management zones. The planning proposal, therefore, also intends to introduce these zones.

Consequential amendments are also proposed to various clauses within the LEP to reflect the introduction of the “C Zones”.

Background

Zoning considerations relating to this site have a long history; with successive landowners seeking an urban zoning since the mid-1990s.

The land was originally zoned 1(d) Rural (Urban Investigation) under BLEP 1987. In March 2010, an updated Draft Shire-wide LEP was exhibited, with a zoning of RU2 Rural Landscape proposed for the site.

The draft Shire-wide LEP was updated and re-exhibited in September 2011, with a zoning of E2 Environmental Conservation proposed over the whole of the site.

Because of the wider North Coast E Zone Review, the site was a ‘deferred matter’ upon the gazettal of BLEP 2012 in March of that year.

Based on a landowner-initiated application, the site was zoned in 2019, to its current zoning, with R2 Low Density Residential over the northern portion and RU2 Rural Landscape across the remainder of the site (see **Figure 1**).

Development application 2019/233 was approved in November 2019 for the placement of two ‘trial fill pads’, intended to test the sub-surface settlement characteristics of the site.

The pads were approved within the R2 zoned part of the land, in the locations shown by the brown squares below.



Earth mounds were subsequently placed on the site in locations outside of those approved.

Development application 2020/192 was subsequently lodged, seeking approval for a 230-site manufactured home estate within the R2 zoned part of the land, with associated filling of the land, civil and landscaping works.

The application was lodged in June 2020 and a 'deemed refusal' appeal was lodged in the Land & Environment Court in September 2020.

The Court Proceedings were finalised in 2021 and, in November 2021, the Chief Judge of the Court refused the development application.

A copy of the Land & Environment Court Judgement is contained in **Appendix 1**.

The Chief Judge presided over the hearing and found that the development proposed would have serious and irreversible impacts on Ecologically Endangered Communities (EECs) within the R2 zoned part of the site. He further found that the proponents had not demonstrated that the proposal would not have serious indirect impacts on the EECs present within the remainder, RU2 zoned part, of the site.

The evidence of the joint ecology experts (**Appendix 2**) demonstrated that the whole of the R2 zoned part of the land contains EECs, although there was some disagreement as to the make-up and condition of some of these mapped areas.

The expert evidence and Court judgement in relation to biodiversity values indicated that the site is not suitable for urban development.

Council Resolutions

Council considered a report regarding this land at the ordinary Meeting of 28 July 2022. A copy of that report is contained at **Appendix 3**.

The report discussed the zoning implications of the Court Judgement in relation to the subject land, and provided commentary on a smaller adjacent property, Lot 1 DP 522558, located on the corner of River Street and Burns Point Ferry Road.

After the Council meeting, it has been demonstrated that a previously issued development consent on that lot, DA 2014/377 had been legally commenced, and therefore remains valid.

No further action is therefore proposed for Lot 1 DP 522588.

At the July meeting, Council resolved:

1. *That Council undertakes an ecological assessment of Lot 1 DP 522558 to determine the presence or absence of vegetation with high biodiversity value.*
2. *That Council prepare a planning proposal to rezone the Lot 1 DP 124173 to C2 Environmental Conservation and include Lot 1 DP 522558 in the proposal for application of a C2 zone if it is demonstrated to contain vegetation with high biodiversity value*
3. *That the draft planning proposal be reported to Council prior to seeking a Gateway Determination.*

A further report on the matter was considered at Council's Ordinary Meeting of 27 October 2022. A copy of that report is also in **Appendix 3**.

At that meeting, Council resolved:

1. *That Council endorses, for Gateway determination, the amendments to Ballina Local Environmental Plan 2012 outlined in the planning proposal contained in Attachment 1 (BSCPP 22/007).*
2. *That Council submits the planning proposal contained in Attachment 1 to the NSW Department of Planning and Environment for review and Gateway determination.*
3. *That upon an affirmative Gateway determination being received from the Department, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.*
4. *That Council receive a further report on the proposal following the completion of the public exhibition of the planning proposal*

Gateway Determination

Gateway Determination was issued on 15 December 2022 and is contained in **Appendix 4**.

The Gateway was conditioned to “*retain the existing R2 Low Density Residential zone and minimum lot size for the area approved for trial fill pads under DA 2019/233, as the primary use of the land is not for environmental management or conservation, unless landowner agreement for the proposed change can be obtained*”

The landowner was requested to consider a revised proposal, whereby a section of the existing R2 Low Density Residential zone would be retained in the north-eastern corner of the site, to the equivalent area of the two approved fill test pads, fronting River Street and directly adjoining an area of land zoned R3 Medium Density Residential.

The landowner agreed to the revised zoning suggestion and a revised Gateway was requested.

The altered Gateway was issued on 6 March 2023. It deleted Condition 1 of the previous Gateway and replaced it with the following:

1. *The planning proposal is to be amended prior to public exhibition to include a savings provision which identifies that a development application made on the land but not finally determined before the commencement of the LEP amendment must be finally determined as if the plan has not commenced.*

The proposed LEP described below, and shown in **Figure 2**, has therefore been amended to accord with revised Gateway condition.

A copy of the altered gateway is in **Appendix 4**.

2. Planning Proposal

Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* (the Act) outlines requirements that must be provided for when preparing PPs. The following sections provide details of the PP as it relates to Section 3.33(2) of the Act.

Part 1 – Objectives and intended outcomes

The intended outcome is to amend Ballina LEP 2012 to:

1. introduce C2 Environmental Conservation and C3 Environmental Management zones into Ballina Local Environmental Plan 2012 and make appropriate consequential amendments to various clauses, and
2. apply a C2 Environmental Conservation Zone to Lot 1 DP 124173, 550-578 River Street, West Ballina, apart from an area equivalent to the approved trail fill pads, but located in the north-east corner of the property (see **Figure 2**), to protect biodiversity values of the site, and amend associated development provisions, and
3. introduce the savings provision required by Condition 1 of the altered Gateway.

The primary objective of this PP is to conserve the habitats of native flora and fauna species and communities, particularly those that are threatened or endangered.

Part 2 - Explanation of provisions

C2 and C3 Zones Land Use Table Integration

Conservation zones ('C zones') are designed to recognise and protect land that has important biodiversity / environmental value.

The Standard LEP Instrument mandates certain objectives and land uses, which are consistent across NSW and are not able to be altered by Council. These are shown in **BLACK** text in the zone table below.

The *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) mandates that *Extensive agriculture* be permitted with consent in the C2 zone and permitted without consent in the C3 zone. This is shown in **BLUE** text below.

The objectives and land uses identified in **RED** have been included by Council based on local provisions/ issues.

C2 Environmental Conservation

The C2 zone provides for the protection of key environmental assets within the shire while allowing a limited range of land uses that are compatible with the environmental values of such areas.

Having regard for the outcomes of NCEZR and the history and characteristics of Ballina Shire, it is proposed that the C2 zone be introduced into the Ballina LEP 2012 as follows.

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural, or aesthetic values.
- To prevent development that could destroy, damage, or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Dwelling houses; Environmental facilities; Extensive agriculture; Oyster aquaculture; Research stations; Roads.

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

C3 Environmental Management

The C3 zone provides for the recognition, management and protection of environmental values while providing for a range of land uses compatible with those values. This zone is slightly more flexible in the range of permissible land uses than the C2 zone.

Having regard for the outcomes of NCEZR and the history and characteristics of Ballina Shire, it is proposed that the C3 zone be introduced in the Ballina LEP 2012 as follows:

Zone C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Environmental protection works; Extensive agriculture.

3 Permitted with consent

Camping grounds; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Farm building; Home-based child care; Information and education facilities; Intensive plant agriculture; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures.

4 Prohibited

Backpackers accommodation; Hotel or motel accommodation; Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises;

Seniors housing; Service stations; Serviced apartment; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

Consequential LEP amendments

The introduction of the C zones into the LEP will require the following amendments:

Clause 2.1 Land Use Zones

Add the following to the zones listed in this clause:

C2 Environmental Conservation

C3 Environmental Management

Clause 4.1AA Minimum subdivision lot size for community title schemes

Add the following to part 2 of the clause:

(e) *Zone C2 Environmental Conservation*

(f) *Zone C3 Environmental Management*

Clause 4.1B Minimum subdivision lot size for strata plan schemes in certain residential, rural and waterway zones

Add the following to part 2 of the clause:

(f) *Zone C2 Environmental Conservation*

(g) *Zone C3 Environmental Management*

Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural zones

Add the following to part 2 of the clause:

(c) *Zone C2 Environmental Conservation*

(d) *Zone C3 Environmental Management*

Clause 4.2C Exceptions to minimum subdivision lot sizes for split zones

Amend part 2 of this clause to read:

(2) *This clause applies to each lot (an **original lot**) containing:*

(a) land in a residential, business or industrial zone, and

(b) land in 1 or more of the following zones:

(i) Zone RU1 Primary Production,

(ii) Zone RU2 Rural Landscape,

(iii) C2 Environmental Conservation,

(iv) C3 Environmental Management.

Amend part 3 to read:

(3) *Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:*

(a) one or more of the resulting lots will contain all of the land in the following zones from the original lot and no other land:

- (i) *Zone RU1 Primary Production,*
 - (ii) *Zone RU2 Rural Landscape,*
 - (iii) *C2 Environmental Conservation,*
 - (iv) *C3 Environmental Management, and*
- (b) *each of the other resulting lots will contain land that has an area not less than the minimum size shown on the Lot Size Map in relation to that land.*

Clause 7.9 Rural and nature-based tourism development

Amend part 2 of the clause to read:

- (2) *This clause applies to land in the following zones:*
- (a) *Zone RU1 Primary Production.*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone C3 Environmental Management.*

Clause 7.12 Home businesses at Burns Point Ferry Road, West Ballina Shire Council

Delete this clause, as it will have no application given the rezoning of the land.

Application of C2 Environmental Conservation Zone to the subject land

The planning proposal will amend the Ballina LEP Land Zoning Map in relation to Lot 1 DP 124173, 550-578 River Street, West Ballina, by deleting the majority of the R2 Low Density Residential Zone and all of the RU2 Rural Landscape Zone that apply to the land, replacing them with a C2 Environmental Conservation zone.

As shown in **Figure 2** (below), the C2 Environmental Conservation Zone would be applied to all of the site apart from an area in the north-east corner of the property, which would remain R2 Low Density Residential. The remaining R2 zoned portion has an area equivalent to the two previously approved trail fill pads. The landowner has agreed to this revised location as it presents a more logical area of R2 zone than the trail fill pad locations that were approved.

In addition to amending the Zoning Map, the PP will amend the following Ballina LEP Maps:

- The Floor Space Ratio Map, by removing the maximum FSR of 0.7: from the area to be rezoned to C2 Environmental Conservation
- The Lot Size Map, by deleting the 450m² minimum lot size that applies to the R2 zoned portion of the land and replacing it with a 40ha minimum lot size.

The thumbnail maps contained in Figures 2, 3 and 4 indicate the mapping outcomes proposed by this planning proposal. These maps may require additional adjustments to ensure consistency with the *Standard Technical Requirements for Spatial Datasets and Maps*.

Savings Provision

Condition 1 of the current Gateway requires:

Gateway and replaced it with the following:

1. *The planning proposal is to be amended prior to public exhibition to include a savings provision which identifies that a development application made on the land but not finally determined before the commencement of the LEP amendment must be finally determined*

as if the plan has not commenced.

This savings provision will be implemented by the amendment of the Clause 1.8A into Ballina LEP 2014 as follows (additions in red text):

1.8A Savings provision relating to development applications

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

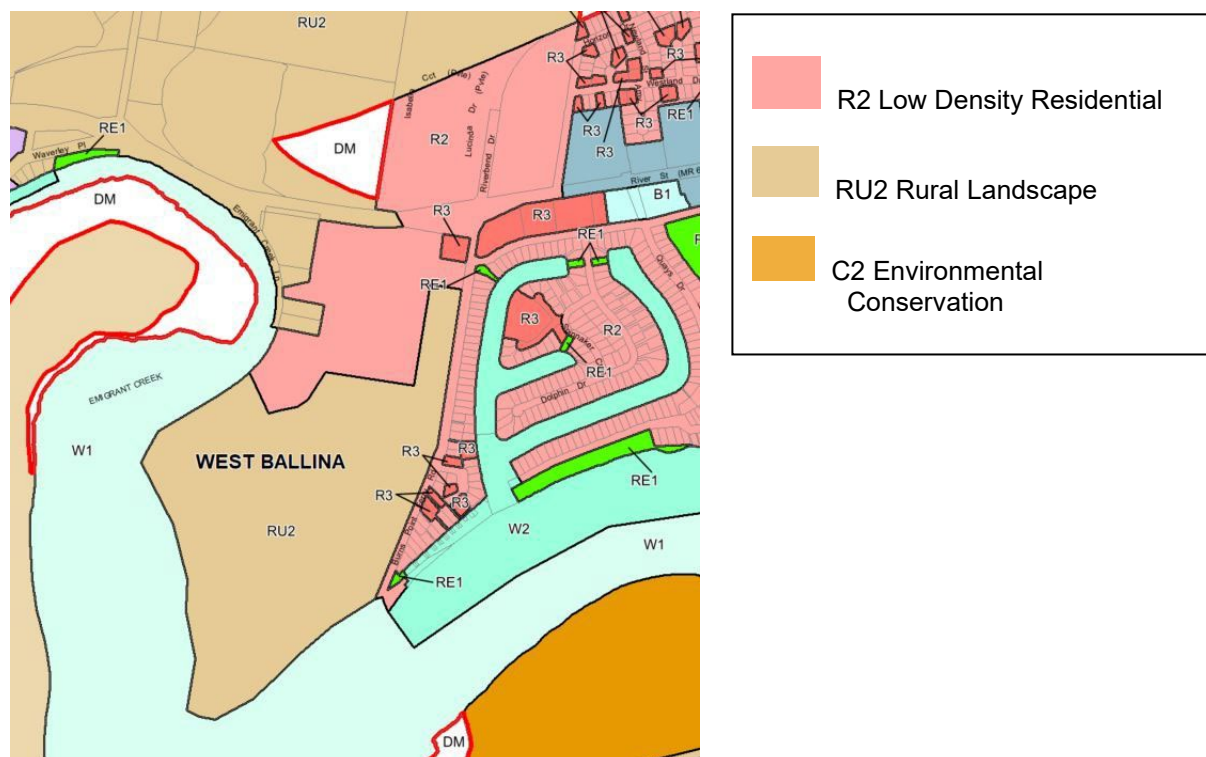
Note—

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

- (2) A development application made but not finally determined before the commencement of *Ballina Local Environmental Plan 2014 (Amendment No 52)* must be determined as if that Plan had not commenced.

Figure 2 – Current and Proposed Zoning

Current:



Proposed:

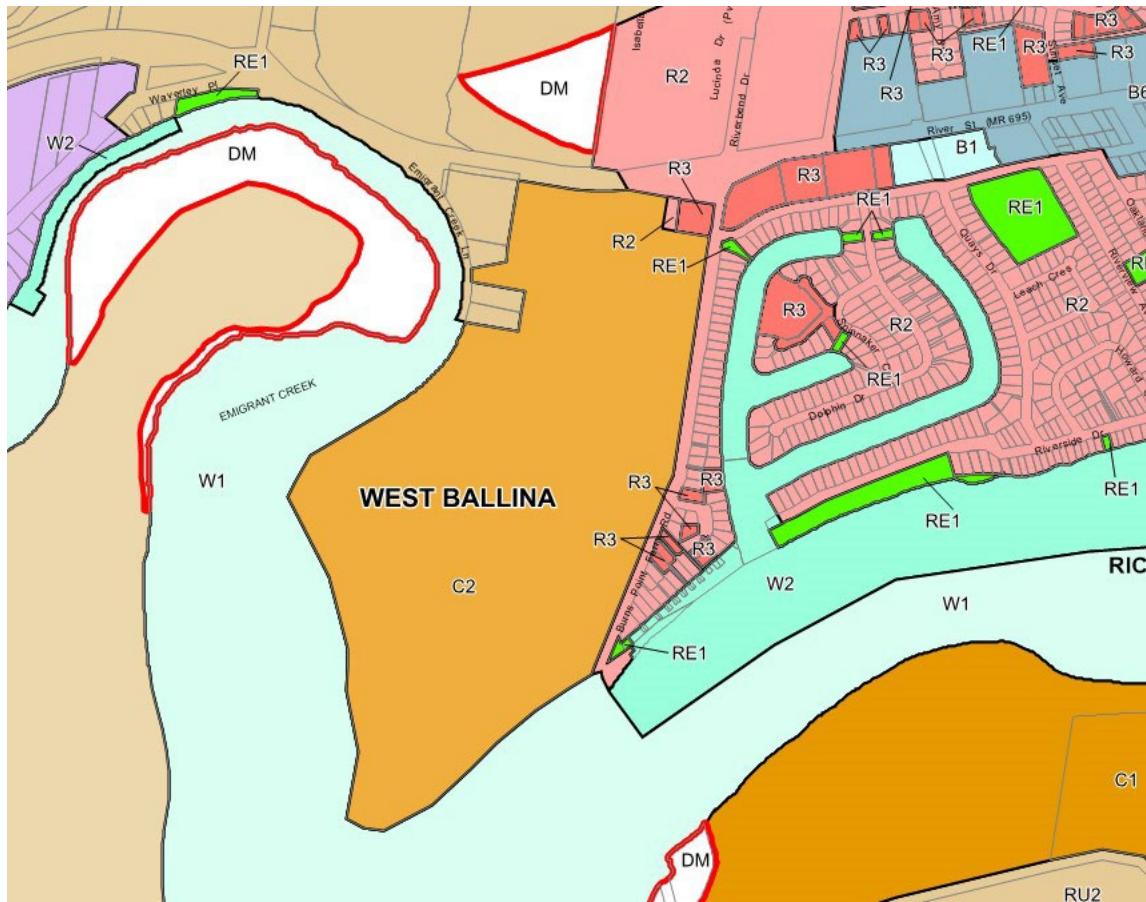


Figure 3 – Current and Proposed Minimum Lot Size

Current:



Proposed:

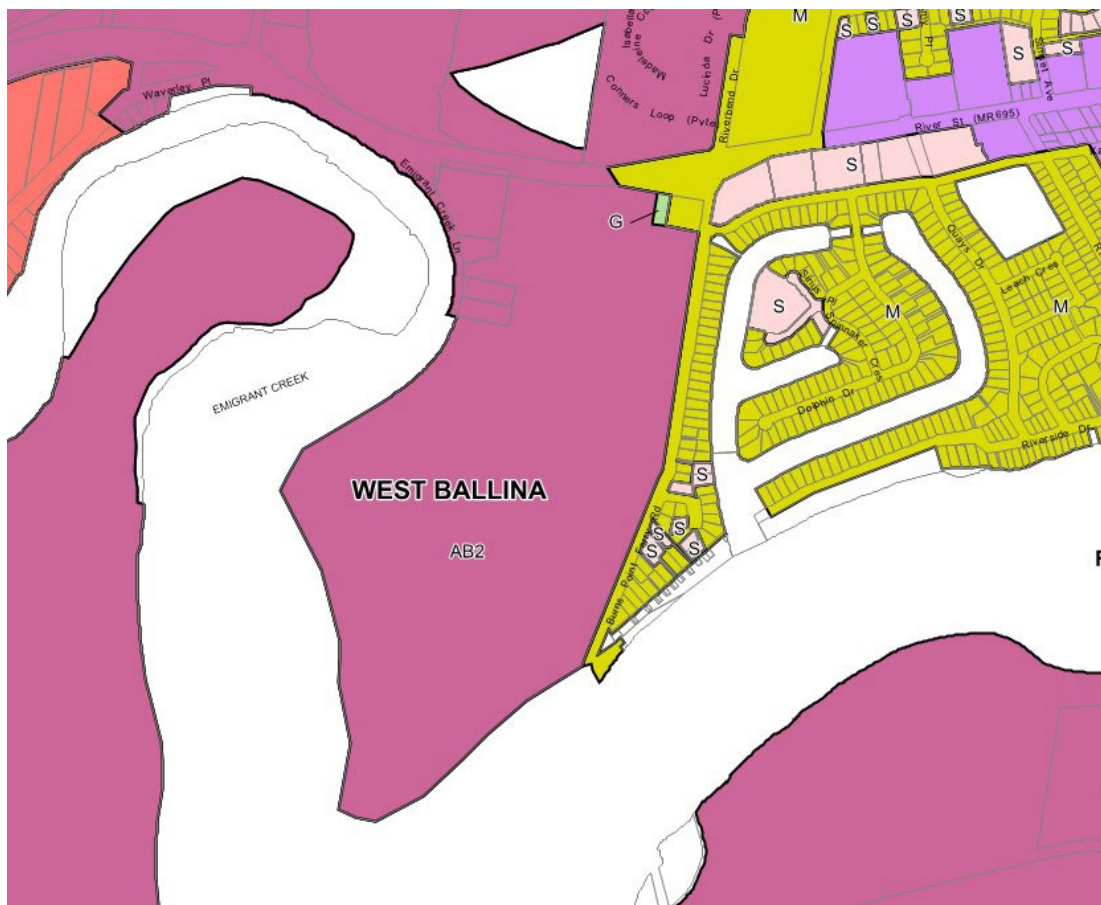


Figure 4 – Current and Proposed Floor Space Ratio

Current:



Proposed:



The application of a C zone to the land is based on the NSW DPE's *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) and the associated s.9.1 Ministerial Direction under the *Environmental Planning and Assessment Act 1979*.

Land proposed to be zoned C2 or C3 must contain one or more of the criteria listed in Tables 1 and 2 of the Department's NCEZR and, where applicable, be based on the primary land use. The relevant criteria are addressed in the table below.

Table 1: Criteria for Application of C2 Environmental Conservation Zone

Criteria	Description
SEPP Littoral Rainforests	The property does not contain any land mapped as Littoral Rainforest
SEPP Coastal Wetlands	The property contains a significant area mapped a Coastal Wetland under SEPP (Resilience & Hazards) 2012 (See Figure 4 below).
Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	In considering the evidence presented in the Land & Environment Court, the Chief Judge determined: <i>"I consider that in circumstances where both experts agree that the vegetation in the slashed area is of a plant community type that is part of an endangered ecological community, either PCT 1235 (Swamp Oak) which is part of the Swamp Oak Floodplain Forest EEC or PCT 1808 (Estuarine Reedland) which is part of the Freshwater Wetlands EEC, the finding should be made that the</i>

Criteria	Description
	<p><i>vegetation is part of an endangered ecological community, whichever one does not matter.</i></p> <p><i>The upshot is that the whole of the northern part of the site zoned R2 is comprised of three endangered ecological communities, Coastal Saltmarsh EEC to the east and south, grading to the west into a mosaic of Freshwater Wetlands EEC and Swamp Oak Floodplain Forest EEC, depending on the different microhabitats across the site, ending in the north-western corner with Swamp Oak Floodplain Forest EEC. There is a small stand of mangrove to the west adjoining Emigrant Creek."</i></p>
Key Threatened Species Habitat	<p>In considering the evidence presented in the Land & Environment Court, the Chief Judge determined that the site provides habitat for five threatened species:</p> <ul style="list-style-type: none"> • Southern Myotis • Black-necked Stork • Collared Kingfisher • Mangrove Honeyeater • Curlew Sandpiper
Over-cleared vegetation communities	<p>The site contains areas of Freshwater wetlands and Saline wetlands, both of which are native vegetation in over-cleared Mitchell landscapes, as listed in the <i>Far North Coast Regional Conservation Plan</i>.</p>
Culturally significant lands	<p>The site is not identified as an area of culturally significant land.</p>

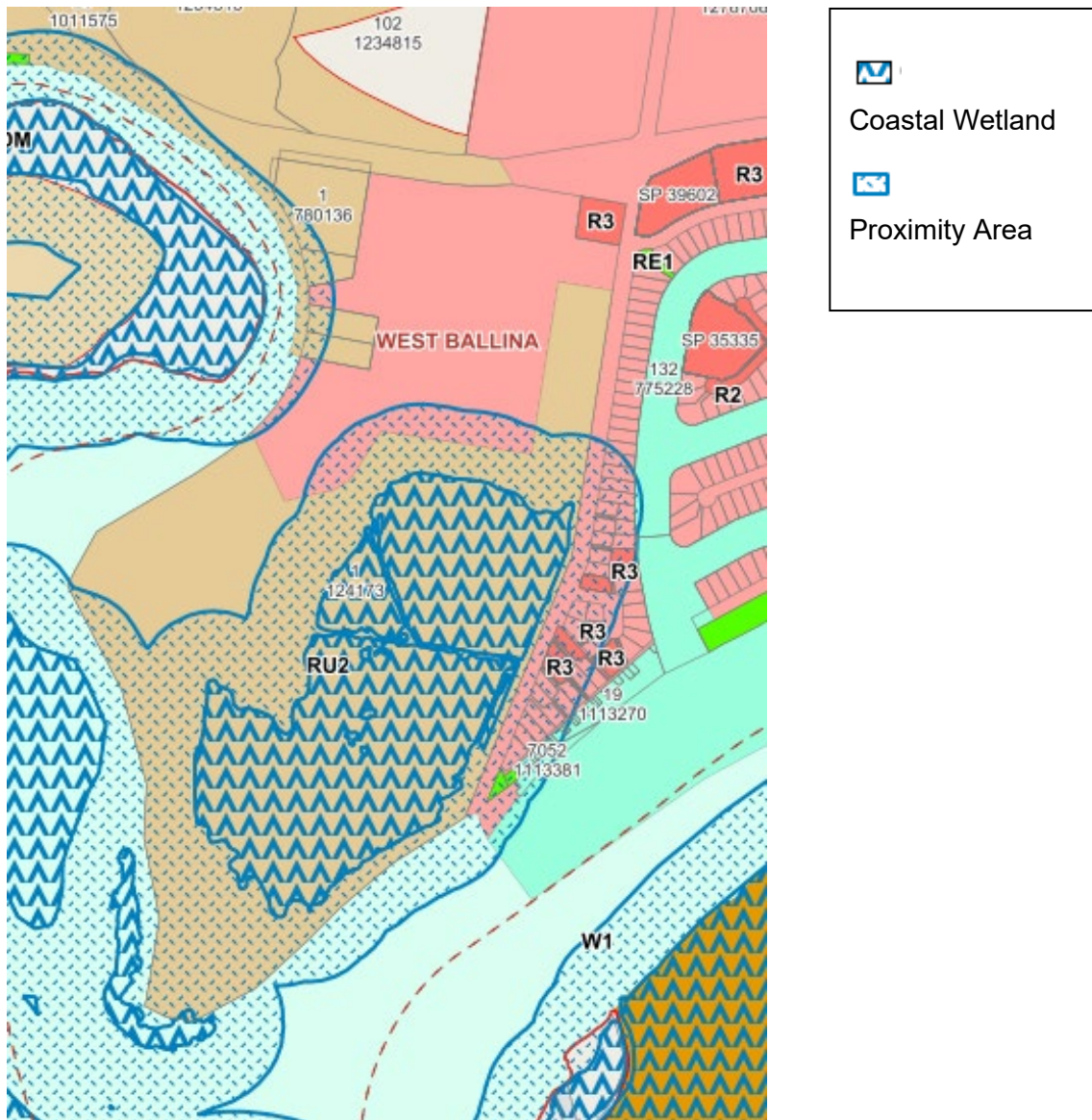


Figure 4 SEPP (Resilience & Hazards) Coastal Wetland mapping

Primary Land Use

The NCEZR defines the primary land use as the main use for the land over the last two years.

There has been no active use of the majority of the land over that time.

In early 2020, two trial fill pads were placed within the R2 zoned part of the land, following approval of Development Consent 2019/233. The pads were proposed as part of ongoing investigations into the potential suitability of the site for urban development.

The pads were approved in two locations as shown in the background to this PP.

Other than the fill pad placement, the landowner has, from time to time, slashed parts of the site within the area zoned R2 Low Density Residential.

While no planning approval is required for slashing in this zone, with the presence of Ecological Endangered Communities in this part of the site, it is Council's view that ongoing slashing is not a determining factor for the purposes of determining 'primary land use'.

The photos below demonstrate that there have been no active land uses at this site for the past 2 years.

Apart from the approved trial fill pads, therefore, the primary land use is considered to be environmental conservation.

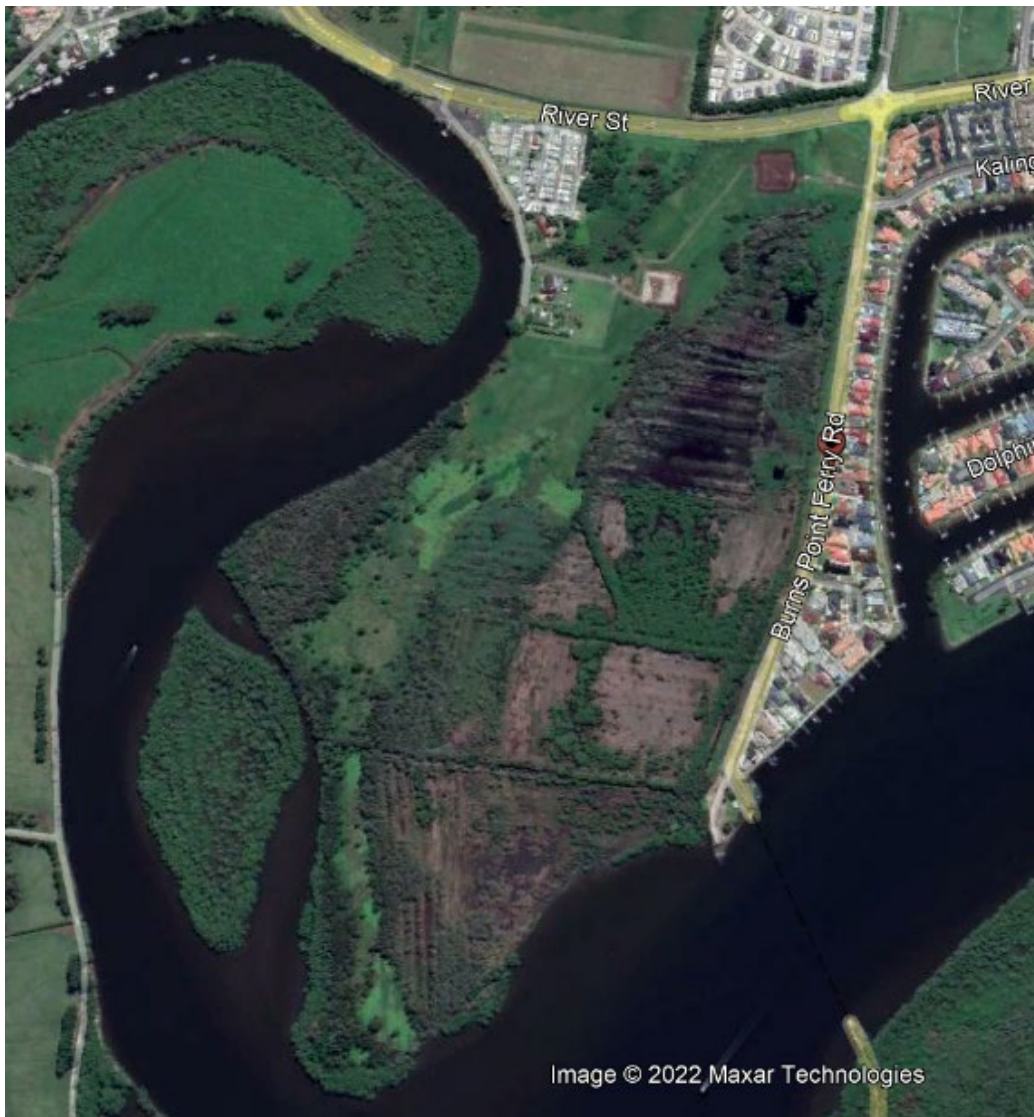


Photo 1 March 2020 (Source: Google Earth)



Photo 2 March 2021 (Source: Google Earth)

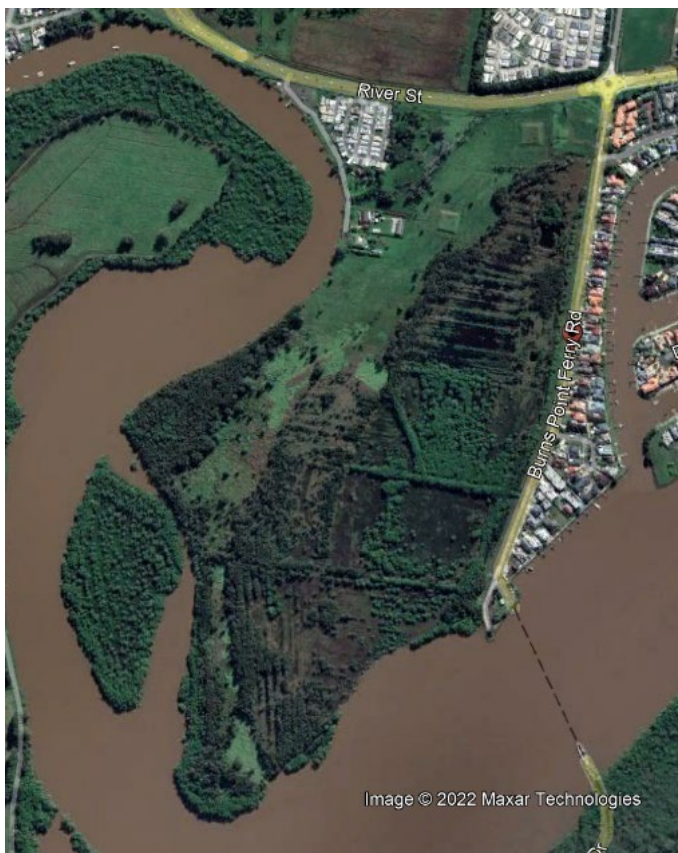


Photo 3 May 2022 (Source: Google Earth)

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal follows a NSW Land and Environment Court refusal of a development application on the property at Burns Point Ferry Road.

The primary issue of contention related to the impacts of development on the site's biodiversity values and the Court found that, based on expert studies and evidence, that the site is not suitable for urban development of the scale proposed.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the appropriate mechanism to introduce the C Zones into Ballina LEP 2012 and to amend the current zoning of the subject land.

Section B – Relationship to Strategic Planning Framework

Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The North Coast Regional Plan 2041 is the current strategic planning document applying to the Ballina Shire.

The proposal is broadly consistent with the Regional Plan, which provides the regional framework for the consideration of policy development and the overall vision of the future.

An assessment of the proposal against the relevant objectives and strategies of the Plan is provided below.

Table 2: Assessment of North Coast Regional Plan 2041

Objective / Strategy	Comment
Protect and enhance important environmental assets	
<p>Strategy 3.1 Protect, maintain and restore important environmental assets in strategic planning and local plans by:</p> <ul style="list-style-type: none"> focusing land-use intensification away from HEV land and implementing the 'avoid, minimise and offset' hierarchy in strategic plans, LEPs and planning proposals identifying HEV land within the rezoning 	<p>Based on the Land & Environment Court judgement (Appendix 1), which considered the detail site investigations that formed the basis of the Joint Ecologist Expert report (Appendix 2), the whole of the property constitutes HEV land.</p> <p>The judgment concludes that the whole of the property contains Endangered Ecological Communities (EECs) that would be significantly impacted by urban development.</p> <p>The Chief Judge of the Court determined that not developing the part of the land which is zoned RU2 Rural Landscape could not be considered as an 'avoid' mechanism that would allow urban</p>

Objective / Strategy	Comment
footprint at planning proposal stage through site investigations <ul style="list-style-type: none"> applying appropriate mechanisms to protect HEV land within a rezoning footprint 	development within the part zoned R2 Low Density Residential. Based on the evidence, therefore, it is apparent that any urban development of the land would significantly impact the existing HEV land. It follows, therefore, that the existing urban zoning of the land is not suitable and a C2 Environment al Conservation zone is consistent with the draft Strategy.

Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Ballina Shire Council Community Strategic Plan 2017-2027

The PP is consistent with the Healthy Environment theme contained within Council's Community Strategic Plan 2017 – 2027. Specifically, it is consistent with outcome HE3.2: *Minimise negative impacts on the natural environment.*

Ballina Local Strategic Planning Statement 2020

The PP is consistent with a key theme within the LSPS of healthy environment.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The PP is consistent with applicable State Environmental Planning Policies (SEPPs). Table 3 provides discussion on relevant SEPPs that are particularly significant to this proposal

Table 3: Assessment of SEPPs

SEPP	Comments
SEPP Biodiversity and Conservation 2021	Chapter 2: Vegetation in non-rural areas This chapter aims to protect the biodiversity values of vegetation in non-rural areas. This PP is supported by the detailed biodiversity assessment undertaken for the Land & Environment Court proceedings, which demonstrated the significant biodiversity values of the land.
SEPP (Exempt and Complying Development Codes) 2008	The SEPP includes Complying Development controls which are standard across NSW in relation to aspects such as building height, boundary setbacks, landscaped area, site coverage and bulk, car parking, etc. This SEPP does not contain provisions applicable to PPs, however, the application of the SEPP influences development outcomes for land zoned R2 Low Density Residential. Based on the L&E Court judgement, some of the applicable exempt and complying development

SEPP	Comments
	types would have the potential to seriously impact biodiversity values of the site.
SEPP (Resilience and Hazards) 2021	<p>Chapter 2: Coastal Management</p> <p>This chapter seeks to promote an integrated and coordinated approach to land use planning in coastal areas, including protecting environmental assets, and establishing a framework for land use planning to guide decision making.</p> <p>The site contains a significant area mapped under the SEPP as Coastal Wetland. The PP will result in a strengthening of protection for that land.</p>

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. Some section 9.1 directions are relevant to the planning proposal. A section 9.1 checklist is provided at Appendix 4.

Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs is applicable. The relevant criteria within the *Northern Councils E Zone Review Final Recommendations* are addressed in Table 1 (above), demonstrating that the proposed rezoning is consistent with this Direction.

Direction 4.2 Coastal Management includes consideration of (among other things) the NSW Coastal Design Guidelines.

A draft update of the Guidelines was on exhibition at the time this planning proposal was drafted. The proposed mandatory provisions relating to Planning Proposals in the Coastal Zone (Chapter 3) within the draft provide a useful overview of contemporary issues for consideration for future coastal land use.

Appendix 6 contains an assessment of the proposed rezoning of Lot 1 against the draft Mandatory measures. That assessment further demonstrates the merits of protecting the biodiversity values of this site.

Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal is likely to result in benefits for threatened ecological communities through the implementation of the C2 Environmental Conservation zoning over the land.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The intention of this planning proposal is to avoid potential adverse environmental impacts that would be likely from urban development on the land.

Q9 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered likely to achieve positive social effects through the protection of important biodiversity values for the region. It is likely to have a

negative economic impact for the landowner, who has held expectations of urban development of a significant scale.

Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create any additional demand on public infrastructure.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant agencies will be consulted in accordance with the Gateway determination.

Part 4 – Mapping

The following map tiles of the BLEP 2012 are proposed to be amended as outlined in response to Part 2, as part of this PP:

- Land Zoning Map – Sheet LZN_006A
- Lot Size Map – Sheet LSZ_006A
- Floor Space Ratio Map – Sheet FSR_006A

It is proposed that these maps be prepared post-Gateway.

Part 5 – Community Consultation

This planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

Part 6 – Project Timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Revised Gateway Determination	February 2023
Completion of Technical Information	Completed
Government Agency Consultation	March 2023
Public Exhibition Period	March 2023
Public Hearing	N/A
Submissions Assessment	April 2023
Local Plan Making Authority (LPMA) Assessment of Planning Proposal and Exhibition Outcomes	May 2023
LPMA Decision to Make the LEP Amendment (if delegated)	June 2023

Appendices (provided under separate cover)

Appendix 1 – Land & Environment Court Judgement

Appendix 2 – Joint Ecologists Report

Appendix 3 – Council Reports

Appendix 4 – Gateway Determination

Appendix 5 – Response to s9.1 Directions

Appendix 6 – Assessment Checklist – Draft Coastal Design Guidelines 2022

Appendix 1 – Land & Environment Court Judgement

PROVIDED UNDER SPERATE COVER

Appendix 2 – Joint Ecologists Report

PROVIDED UNDER SPERATE COVER

Appendix 3 – Council Reports

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Appendix 4 – Gateway Determination

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Appendix 5 – Section 9.1 Directions Checklist

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Appendix 6 – Assessment Checklist – Draft Coastal Design Guidelines 2022

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