



# **PLANNING PROPOSAL**

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## **CITY OF COFFS HARBOUR**

**Reduce Minimum Lot Size**  
**Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee**

**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	Version 1 – Pre-Exhibition 8 August 2024
Referred to DPIE s3.34(1) Version 1 - Pre_Exhibition	Version 1 – Pre-Exhibition 14 August 2024
Gateway Determination s3.34(2) Version 1 - Pre_Exhibition	Version 1 – Pre-Exhibition 2 September 2024
Amendments Required:	No
Public Exhibition – Schedule 1 Clause 4 Version 2 - Exhibition	Version 2 - Exhibition
Reported to Council – Initiate Revised PP s3.33 Version x - Re_Exhibition	
Revised PP Sent to the Minister - s3.35(1) Version x - Re_Exhibition	
Altered Gateway Determination s3.34(2) Version x - Re_Exhibition	
Public Exhibition – Schedule 1 Clause 4 Version x - Re_Exhibition	
Reported to Council – Endorsement (or Making of LEP if delegated) s3.36 Version x - Post Exhibition	
Endorsed by Council for Submission to Minister for Notification (or Making where not delegated) s3.36(2) Version x – Post Exhibition	

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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 this Planning Proposal is to amend the Lot Size Map Sheet LSZ\_006B of Coffs Harbour LEP 2013, as it relates to R5 Large Lot Residential zoned land at Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee from 1 hectare to 4000 m<sup>2</sup>.

### ***Public Exhibition***

This planning proposal is 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's Have Your Say Page <https://haveyoursay.coffsharbour.nsw.gov.au/> for the duration of the exhibition period.

All interested persons are 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:**  
Joseph Kirwood on (02) 6648 4628  
or email [joseph.kirwood@chcc.nsw.gov.au](mailto:joseph.kirwood@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

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Proposal	Reduced Minimum Lot Size
Property Details	Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee
Current Land Use Zone(s)	R5 Large Lot Residential, C2 Environmental Conservation
Proponent	Keiley Hunter Town Planning
Landowner	Mr T.K Wear & Ms G.M Hourigan
Location	Figure 1: Location Map is included below

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

This planning proposal explains the intended effects of a proposed amendment to Coffs Harbour LEP 2013 to enable amendment of the Lot Size Map from 1 hectare to 4000 m<sup>2</sup> for the area of Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee that is zoned R5 Large Lot Residential. The amendment will allow a development application to be made for subdivision of the site to create a single additional lot as shown in Figure 2.

### ***The Site***

The site is located along 191 Ayrshire Park Drive, Boambee and within a wider area largely developed for large lot residential purposes.

The site contains a dwelling house and is largely cleared of native vegetation with some remaining patches scattered throughout the site. The site is partially mapped as containing Biodiversity Values, within the portion that is zoned C2 Environmental Conservation.

The site has an area of 1.150 hectares and is zoned R5 Large Lot Residential and C2 Environmental Conservation under LEP 2013. The current minimum lot size for this area is 1 hectare as shown in Part 4: Mapping – Figure 3.

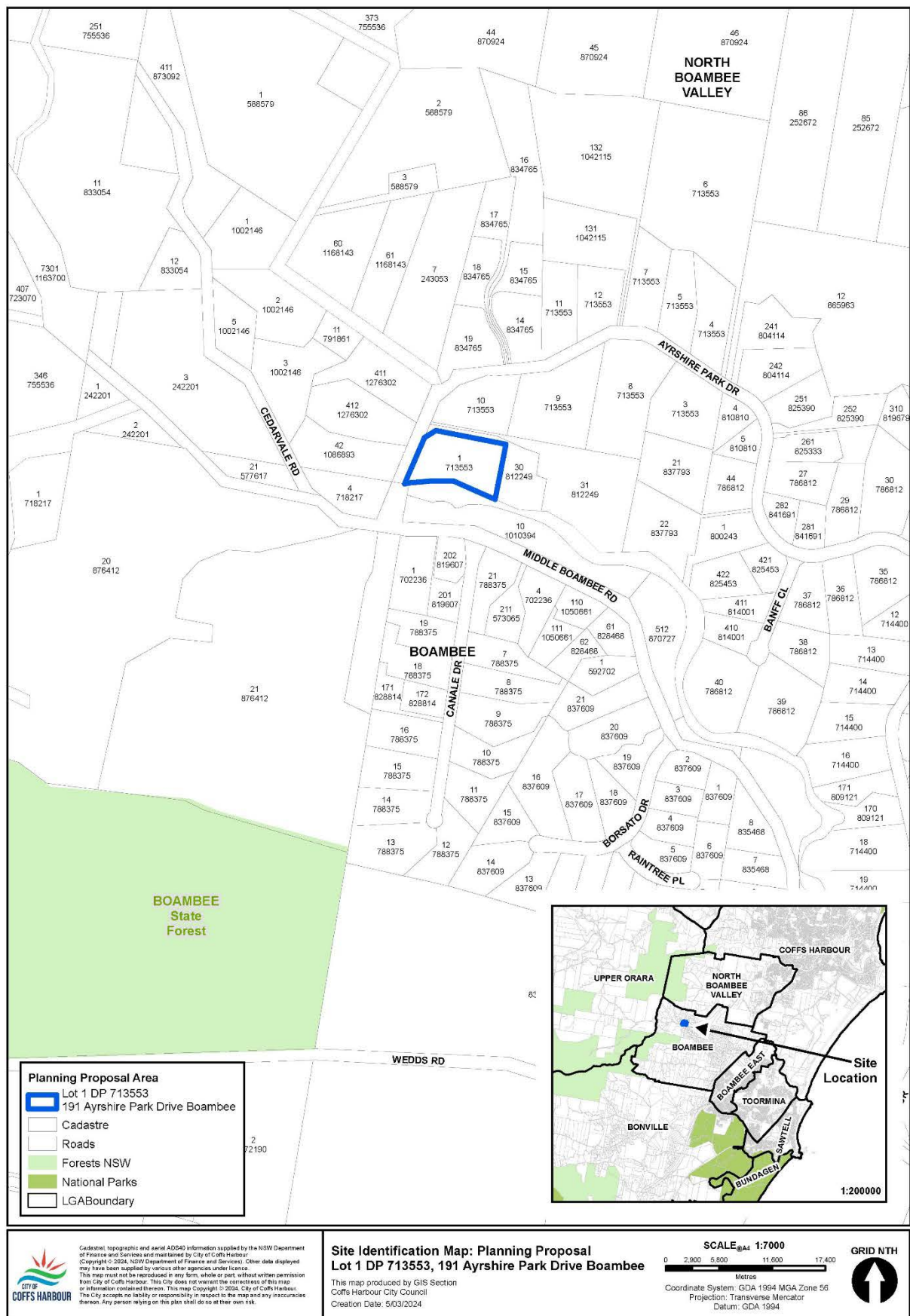


Figure 1: Location Map

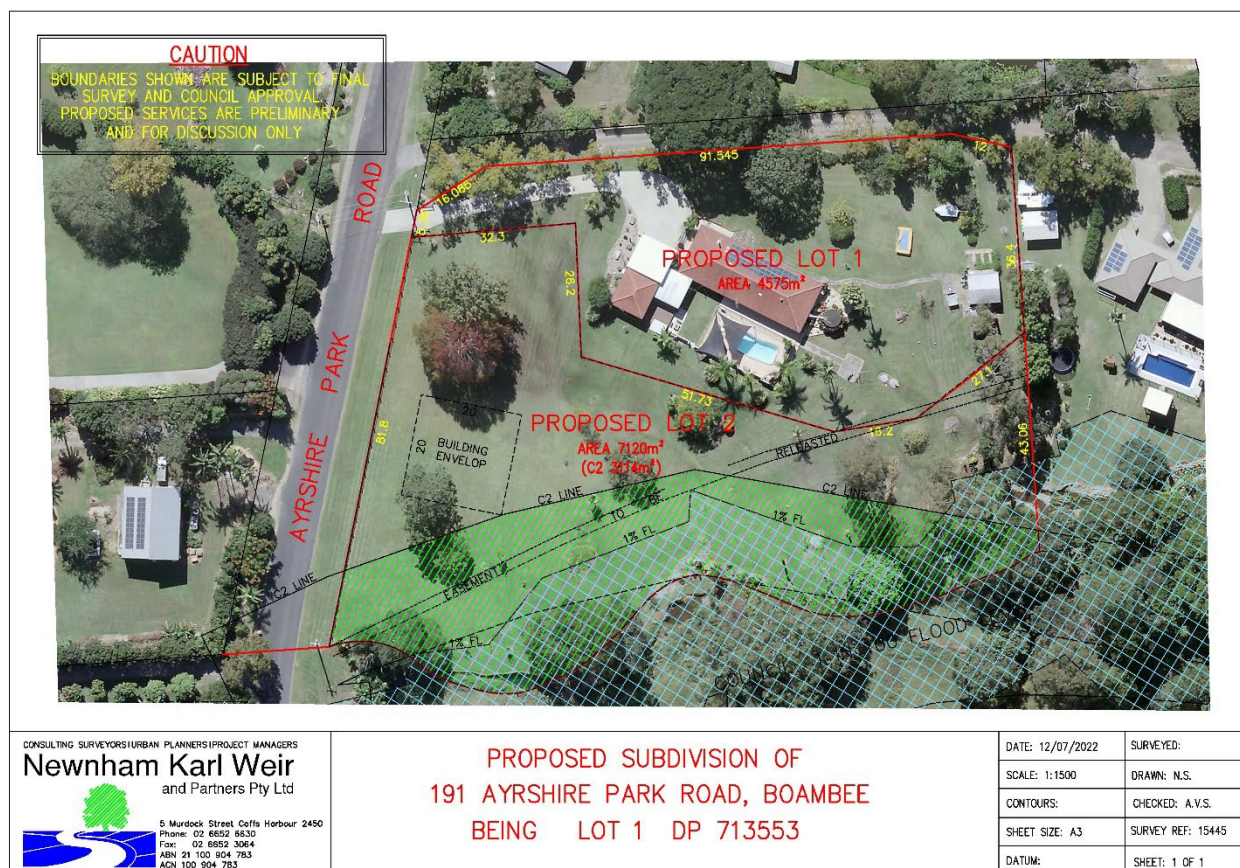


Figure 2: Concept Subdivision Layout

*Note: In preparing this planning proposal, Council has not endorsed the proposed plan of subdivision, as this is subject to the development application process.*

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

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The objective of this planning proposal is to amend the Lot Size Map (Sheet LSZ\_006B) of Coffs Harbour LEP 2013 to reduce the minimum lot size of the R5 Large Lot Residential zoned area of the site from 1 hectare to 4,000m<sup>2</sup>.

## PART 2 – EXPLANATION OF PROVISIONS

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The LEP amendment will reduce the minimum lot size of the R5 Large Lot Residential zoned area applying to Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee from 1 hectare to 4,000m<sup>2</sup>. This is to be achieved through the amendment of Sheet LSZ\_006B (Lot Size Map) of LEP 2013.

## 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. The site is included in an existing R5 Large Lot Residential zone and the City's Local Growth Management Strategy (LGMS) 2020, Chapter 6 – Large Lot Residential allows for the potential reduction of minimum lot size in the R5 zone, where sufficiently justified.

Coffs Harbour has a range of lot sizes in its large lot (rural residential) areas, which reflect varying minimum lot size standards that have changed over time. These varied lot sizes are apparent within the Boambee large lot area, and in close proximity to the site. A reduction in minimum lot size for the site would be consistent with the surrounding neighbourhood and its character, as smaller sized lots are already present.

The proposed minimum lot size of 4,000m<sup>2</sup> will be sufficient to ensure that future lots might achieve a practical and efficient layout to meet their intended (rural residential) use. In this regard, the indicative layout in Figure 2 is demonstrative of this; achieving a practical and efficient layout in a rural residential context.

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

Yes. The planning proposal is considered the best way to achieve the intended outcome and is consistent with the approach set out in the LGMS, which is set out above. It is also consistent with the manner in which Council has dealt with similar planning proposals.

### 3. Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to planning proposals that promote significant increased residential areas or densities, or significant increased employment areas or the like. This planning proposal does not relate to ensuring growth within existing centres and minimising dispersed trip generating development; nor does it relate to promoting significant increased residential areas or densities, or significant increased employment areas or the like. 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 considered to be 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 strategy. As per Coffs Harbour Local Growth Management Strategy 2020, reduction of minimum lot size of land in Zone R5 Large Lot Residential is permitted where a land capability assessment supports a smaller lot size. The proposed amendment applies to land contained within Zone R5 and is therefore consistent.*
- Action 1          Establish the North Coast urban housing monitoring program.
- The proposed LEP amendment is not consistent with this action.*
- 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.*
- 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. The proposed amendment is supported by a Minimum Lot Size Analysis in Appendix 5, 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.
- The proposed LEP amendment is not inconsistent with this strategy.*
- 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.



As per Coffs Harbour Local Growth Management Strategy 2020, reduction of minimum lot size of land in Zone R5 Large Lot Residential is permitted where a land capability assessment supports a smaller lot size. The proposed amendment is contained within an existing R5 Large Lot Residential Zone and shall only result in the potential for a single additional allotment. As such, the proposed amendment is consistent with this strategy.

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.*

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

*The proposed LEP amendment is not inconsistent with this action.*

• **Objective 2 – Provide for more affordable and low cost housing**

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

*The proposed LEP amendment is not inconsistent with this action.*

• **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 is not affecting the existing C2 Environmental Conservation Zone which includes Biodiversity Key Fish Habitat.*

Strategy 3.2 In preparing local and strategic plans Councils should:

- embed climate change knowledge and adaptation actions; and
- consider the needs of climate refugia 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 the planning proposal is not affecting the existing C2 Environmental Conservation Zone which includes Biodiversity Key Fish Habitat.*

- **Objective 4 – Understand, celebrate and integrate Aboriginal culture**

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

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

- identifying industries and locations that would be negatively impacted by climate change and natural hazards and preparing strategies to mitigate negative impacts and identify new paths for growth;
- preparing, reviewing and implementing updated natural hazard management plans and Coastal Management Programs to improve community and environmental resilience which can be incorporated into planning processes early for future development;
- identifying any coastal vulnerability areas;
- updating flood studies and flood risk management plans after a major flood event incorporating new data and lessons learnt; and
- communicating natural hazard risk through updated flood studies and strategic plans.

*The proposed LEP amendment is not inconsistent with this strategy. The proposed amendment shall be referred to NSW Rural Fire Service for further consideration, as the site is identified as Bushfire Prone Land (Vegetation Category 3).*

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.*

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. The proposed amendment is not located within proximity to any important farmland identified in the North Coast Regional Plan 2041.*

- **Objective 9 – Sustainably manage and conserve water resources**

Strategy 9.1 Strategic planning and local plans should consider:

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

- opportunities to align local plans with any certified Coastal Management Programs.

*The proposed LEP amendment is not inconsistent with this strategy.*

Strategy 9.2 Protect marine parks, coastal lakes and estuaries by implementing the NSW Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, with sensitive marine parks, coastal lakes and estuaries prioritised.

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

- **Objective 10 – Sustainably manage the productivity of our natural resources**

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

## **GOAL 2 – PRODUCTIVE AND CONNECTED**

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

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

- retain, manage and safeguard significant employment lands
- respond to characteristics of the resident workforce and those working in the LGA and neighbouring LGAs
- identify local and subregional specialisations
- address freight, service and delivery considerations
- identify future employment lands and align infrastructure to support these lands

- provide flexibility in local planning controls
- are responsive to future changes in industry to allow a transition to new opportunities
- provide flexibility and facilitate a broad range of commercial, business and retail uses within centres
- focus future commercial and retail activity in existing commercial centres, unless there is no other suitable site within existing centres, there is a demonstrated need, or there is positive social and economic benefit to locate activity elsewhere
- are supported by infrastructure servicing plans for new employment lands to demonstrate feasibility prior to rezoning.

*The proposed LEP amendment is not inconsistent with this strategy. The proposed amendment does not intend to remove, add or otherwise impact employment land.*

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

*The proposed LEP amendment is not inconsistent with this strategy. The proposed 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.

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

Strategy 13.5 Councils should establish a formal and transparent relationship with local recognised Aboriginal organisations and community, such as an advisory committee.

*The proposed LEP amendment is not inconsistent with this strategy.*

Action 5 The Department of Planning, Housing and Infrastructure will work with LALCs, Native Title holders and councils by:

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

*The proposed LEP amendment is not inconsistent with this action.*

• **Objective 14 – Deliver new industries of the future**

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

*The proposed LEP amendment is not inconsistent with this strategy. The proposed amendment relates to rural 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.*

• **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, place-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
- prioritising increased infill housing in appropriate locations to support local walkability and the feasibility of public transport stops

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

- **Objective 17 – Utilise new transport technology**

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

*The proposed LEP amendment is not inconsistent with this strategy.*

Collaboration Activity 6:

Investigate public transport improvements including on-demand services.

Lead Agency: Transport for NSW

*The proposed LEP amendment is not inconsistent with this activity.*

### **GOAL 3 – GROWTH CHANGE AND OPPORTUNITY**

- **Objective 18 – Plan for sustainable communities**

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

*The proposed LEP amendment is not inconsistent with this action.*

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

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

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

*The proposed LEP amendment is not inconsistent with this strategy.*

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

- the role or potential role of the land within the open space network;
- how the reclassification is strategically supported by local strategies such as open space or asset rationalisation strategies;
- where land sales are proposed, details of how sale of land proceeds will be managed; and
- the net benefit or net gain to open space.

*The proposed LEP amendment is not inconsistent with this strategy. The proposed amendment shall 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.

*The proposed LEP amendment is not inconsistent with this strategy.*

Strategy 20.2 Celebrate buildings of local heritage significance by:

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

*The proposed LEP amendment is not inconsistent with this strategy.*

## **Coffs Harbour Narrative**

### *Regional Priorities*

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

### *Livable and Resilient*

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

### *Productive and Connected*

- Develop health, education and aviation precincts at the South Coffs Harbour Enterprise Area and Coffs Harbour Airport Enterprise Park, and new employment land at Woolgoolga and Bonville.

- Promote the sustainable use of important farmland areas through encouraging initiatives to support the development of the agricultural sector and agribusiness.
- Identify opportunities to expand nature based, adventure and cultural tourism assets including Solitary Islands Marine Park and other coastal, hinterland, and heritage assets, which will support the local ecotourism industry.

#### *Housing and Place*

- Enable ‘better places’ through placemaking initiatives, active transport, urban design specific to the North Coast, and facilitation of the ‘20 minute neighbourhood’.
- Deliver housing at Woolgoolga, North Boambee Valley and Bonville, and address the temporary worker housing needs associated with the Coffs Harbour Bypass.
- Enhance the variety of housing options available by promoting a compact urban form in and around the Coffs Harbour city centre and Park Beach.

#### *Smart, Connected and Accessible (Infrastructure)*

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

*The proposed LEP amendment is not inconsistent with this narrative given that it shall only result in a minor increase for large lot residential land. The reduction in minimum lot size will enable more efficient use of rural residential land and shall not negatively impact any biodiversity values. The proposed amendment is in keeping with the neighbourhood character, where other similarly sized lots can be found.*

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

Council adopted its Local Strategic Planning Statement (LSPS) on 25 June 2020 for the whole of the Coffs Harbour LGA. The proposed LEP amendment accords with the vision and planning priorities within the Coffs Harbour LSPS, in particular:

Planning Priority	Action
5. Deliver greater housing supply, choice and diversity	A5.1 - Review and amend Council's local planning controls relating to housing supply, choice and diversity as outlined in the Local Growth Management Strategy
	A5.5 - Implement remaining actions from the Local Growth Management Strategy as funding allows

#### ***MyCoffs Community Strategic Plan 2032***

The City’s 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 a number of 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.

Theme	Objective	Outcome
A Place for Community: <i>Liveable neighbourhoods with a defined identity</i>	We create liveable places that are beautiful and appealing	<ul style="list-style-type: none"> <li>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</li> <li>Our neighbourhoods are people friendly and liveable environments</li> </ul>
	We undertake development that is environmentally socially and economically responsible	<ul style="list-style-type: none"> <li>Population is focused within the existing developed footprint</li> </ul>

### **Coffs Harbour Local Growth Management Strategy**

The Planning Proposal is consistent with the Coffs Harbour Local Growth Management Strategy.

The site is included in an existing R5 Large Lot Residential zone, and the LGMS (Chapter 6 – Large Lot Residential Lands) 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.”*

The planning proposal is supported by Appendix 4 – Bushfire Assessment Report and Appendix 5 – Minimum Lot Size Analysis, which indicate that the reduction of the minimum lot size is appropriate.

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

### **Coffs Harbour Regional City Action Plan 2036**

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

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



**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?**

Yes. The Concept Subdivision Layout, as shown in Figure 2, demonstrates that the lot can be subdivided in accordance with the proposed minimum lot size whilst avoiding the creek line and land identified on the NSW Biodiversity Values Map. The Ecological Assessment Report (Appendix 6) demonstrates that the impacts of the proposal are manageable.

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

Yes. The following matters have been identified as considerations for the planning proposal and any resulting development application.

**Bushfire Risk**

Bushfire risk has been addressed in a Bushfire Assessment Report (Appendix 4).

The report demonstrates that the planning proposal (and eventual two-lot large lot residential subdivision of the site) complies with relevant objectives (for the development type) and performance criteria within Planning for Bushfire Protection 2019.

**Flooding**

The subject site is partially within the 1% (1 in 100) AEP flood extent and flood planning area.

A large portion of the land on this lot is located outside of the flood planning area, with most of the flood prone land within the C2 zoned area. There is sufficient land for a future subdivision and dwelling located on the R5 Large Lot Residential zoned area of the subject site to meet councils LEP and DCP requirements. Future development must accord with the controls outlined in Part E4 Flooding of the Coffs Harbour Development Control Plan 2015.

**Wastewater Capability Assessment**

The Minimum Lot Size Analysis (Appendix 5) demonstrates that a minimum lot size of 4,000 m<sup>2</sup> is suitable to accommodate the sustainable application of wastewater (on-site) for future development, taking into account the intended future subdivision of the site for large lot purposes.

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

Yes. The planning proposal is not likely to result in any adverse social or economic effects. Social benefits include a likely minor increase in housing stock in the Boambee locality, which may have flow on benefits to local community activities. Economic benefits are limited to the likely construction of a further dwelling on the site, and minor flow on benefits to local businesses.

**Section D – State and Commonwealth interests**

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

Yes; the planning proposal is unlikely to create significant additional demand on existing public infrastructure. The proposed LEP amendment will enable the creation of one additional lot, which shall be serviced by on-site water collection and a waste-water treatment system, as there are no available City water and sewer mains. Vehicular access to the additional lot can be achieved from Ayrshire Park Drive.

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

The Department of Planning, Housing and Infrastructure issued a Gateway Determination for the planning proposal on 2 September 2024 (Appendix 7). The Gateway Determination requires consultation on the planning proposal with the following Government Agencies:

- NSW Rural Fire Service
- Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Services
- Department of Primary Industries and Regional Development – Fisheries
- Natural Resources Access Regulator

*Note: Following Exhibition this section of the planning proposal will be updated to include details of the community consultation.*

## **PART 4 – MAPS**

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Proposed maps amendments to Coffs Harbour LEP 2013, as described in Part 2 of this planning proposal, are shown below.

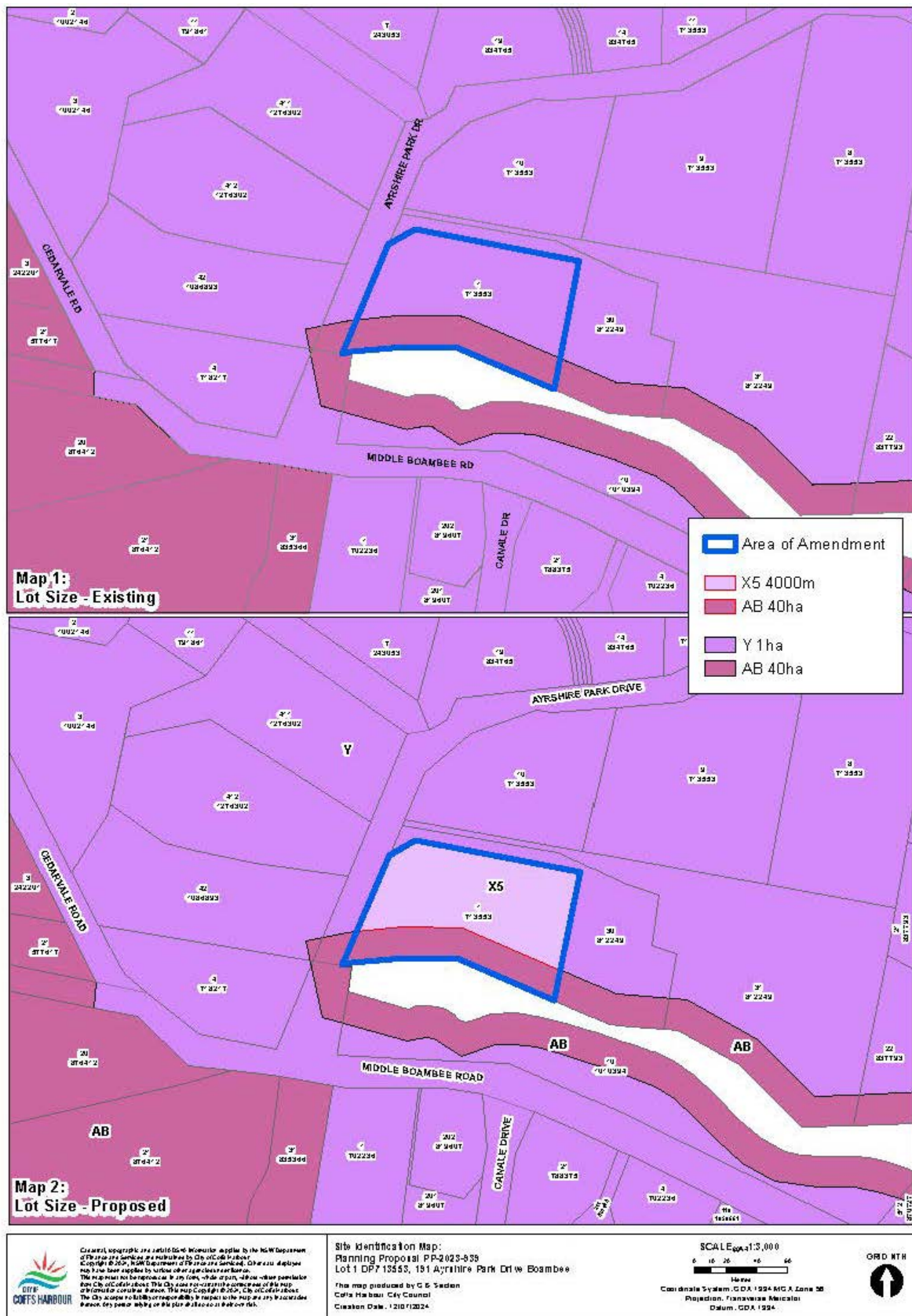


Figure 3: Existing and Proposed Amendments to the Minimum Lot Size Map (Sheet LSZ\_006B)

#### Technical Notes:

- The amended map will be created and supplied to NSW Department of Planning, Housing and Infrastructure in a digital format, 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 will specify the community consultation requirements that must be undertaken for the planning proposal. The City considers that the planning proposal should be exhibited for 28 days, given that it is not a principal LEP and does not seek to reclassify public land.

Public Exhibition of the planning proposal will include the following:

### **Advertisement**

Placement of an online advertisement in the Coffs Newsroom.

### **Consultation with affected owners and adjoining landowners**

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

### **Website**

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

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

## PART 6 –PROJECT TIMELINE

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A project timeline is yet to be determined however the anticipated timeframes are provided below in Table 1, 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.

*Table 1: Anticipated Timeline*

Milestone	Anticipated Timeframe
Consideration by Council	August 2024
Commencement (date of Gateway determination)	September 2024
Pre-exhibition & agency consultation	September 2024
Consideration of submissions	November 2024
Post-Exhibition review and additional studies	November 2024
Reporting to Council for consideration	December 2024
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	January 2025
Gazettal of LEP Amendment	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 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	No	N/A	<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>
	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>The proposed LEP amendment applies to a site that does not include, or adjoin Koala Habitat that is either Primary, Secondary or Tertiary. As such, the proposed LEP amendment is consistent with the Koala Plan of Management that applies to the local growth management area.</p>

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
	Chapter 6 – Water Catchments	No	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 at this point in time.
	Chapter 13 – Strategic Conservation Planning	No	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 at this point in time.
SEPP (Exempt and Complying Development Codes) 2008	N/A – this is a standalone State Environmental Planning Policy	No	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 carried out in accordance with a complying development certificate as defined in the Act, and</li> <li>d) enabling the progressive extension of the types of development in this Policy, and</li> <li>e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</li> </ul> <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	No	N/A	<p>The principles of this Policy are:</p> <ul style="list-style-type: none"> <li>a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>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,</li> <li>c) ensuring new housing development provides residents with a reasonable level of amenity, promoting the</li> </ul>



State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>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 Employment) 2021	Chapter 3 - Advertising and Signage	No	N/A	<p>This aims of this chapter of the Policy are:</p> <p>a) to ensure that signage (including advertising):</p> <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	Chapter 2 -State and Regional Development	No	N/A	<p>The aims of this chapter of the Policy are:</p> <p>a) to identify development that is State significant development,</p>

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
(Planning Systems) 2021.				b) to identify development that is State significant infrastructure and critical State significant infrastructure, c) to identify development that is regionally significant development. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 3 - Aboriginal Land	No	N/A	The aims of this Chapter of the Policy are: 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 b) to declare specified development carried out on land owned by Aboriginal Land Councils to be regionally significant development. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 4 - Concurrences and Consents	No	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	No	N/A	The aims of this chapter of the Policy are to: 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, 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. The proposed LEP amendment does not contain provisions that contradict or

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Chapter 2 -State Significant Precincts	No	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 (Primary Production) 2021	Chapter 2 - Primary Production and Rural Development	No	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 orderly economic use and development of lands for primary production,</li> <li>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,</li> <li>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,</li> <li>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,</li> <li>e) to encourage sustainable agriculture, including sustainable aquaculture,</li> <li>f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</li> </ul>

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<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> <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 (Resilience and Hazards) 2021	Chapter 2 - Coastal Management	No	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 does not contain provisions that contradict or hinder the application of this chapter of the SEPP.</p>
	Chapter 3 – Hazardous and Offensive Development	No	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 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</li> </ul>

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>proposed to be employed to reduce the impact of the development are taken into account, 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	No	N/A	<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 in particular, and</p> <p>c) by requiring that a remediation work meet certain standards and notification requirements.</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 (Resources and Energy) 2021	Chapter 2 - Mining, Petroleum Production and Extractive Industries	No	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> <p>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</p> <p>b) to facilitate the orderly and economic use and development of land</p>

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>containing mineral, petroleum and extractive material resources, and</p> <p>b1) to promote the development of significant mineral resources, and</p> <p>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</p> <p>d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:</p> <p>(i) to recognise the importance of agricultural resources, and</p> <p>(ii) to ensure protection of strategic agricultural land and water resources, and</p> <p>(iii) to ensure a balanced use of land by potentially competing industries, and</p> <p>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</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 (Sustainable Buildings) 2022	Chapter 2 - Standards for residential development - BASIX	No	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	No	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>

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 - Infrastructure	No	N/A	<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 Child Care Facilities	No	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>

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	No	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> <p>(i) to allow the ongoing use and development of the land until it is</p>



State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				<p>needed for the future infrastructure corridor,  (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

S9.1 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 North Coast Regional Plan 2041 (NCRP) applies to the Coffs Harbour LGA. The NCRP includes strategies and actions on environmental, economic and social (community) opportunities, as well as maintaining character and housing.</p> <p>Specific responses to relevant strategies and the associated actions and activities contained within the NCRP are provided in Part 3, Section B (4) above.</p> <p>It is considered that the planning proposal complies with the NCRP.</p>
1.2 Development of Aboriginal Land Council land	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
1.3 Approval and Referral Requirements	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act, and</p>	Yes	The planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. It also does not identify development as designated development.

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 in order to allow particular 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	The planning proposal does not allow a particular development to be carried out, it shall only reduce the minimum lot size to enable subdivision.
<b>Focus area 1: Planning Systems – Place Based</b>			
Directions 1.5 – 1.22 do not apply to the Coffs Harbour LGA.			

S9.1 Direction	Applicable	Consistent	Comment
<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. gives consideration to 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 gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	Yes	<p>The subject site includes an area zoned as C2 Environmental Conservation under Coffs Harbour Local Environmental Plan 2013. This area is also identified on Biodiversity Values Map maintained by the Department of Climate Change, Energy, the Environment and Water.</p> <p>The ecological assessment report (Appendix 6) has concluded that a future lot, created in accordance with the proposed reduction in minimum lot size, can be designed to protect these areas from development.</p> <p>The planning proposal does not seek to amend the minimum lot size of the C2 Environmental Conservation zoned portion of the site. In addition, the planning proposal is supported in principle by the Coffs Harbour Local Growth Management Strategy 2020 (endorsed by the Department) as it relates to an existing R5 Large Lot Residential zone.</p>

S9.1 Direction	Applicable	Consistent	Comment
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> <ul style="list-style-type: none"> <li>(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,</li> <li>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</li> <li>(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.</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:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</li> </ul>	Yes	<p><i>European Heritage</i></p> <p>The site does not contain any items listed as Heritage Items in Schedule 5 of Coffs Harbour LEP 2013 or the State Heritage Register. There are no European Heritage issues that would prevent a reduction in minimum lot size applying to the land.</p> <p><i>Aboriginal Cultural Heritage</i></p> <p>The site does not contain any mapped known or predictive Aboriginal Cultural Heritage (ACH), and an AHIMS search has not revealed any ACH sites on or near the site. The planning proposal is accompanied by an Aboriginal Cultural Heritage Assessment (Appendix 3) that supports these findings.</p>
3.3 Sydney Drinking Water Catchments	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
3.5 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation	Yes	The planning proposal does not enable land to be developed for

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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> <p>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>i. the provisions of the guidelines entitled <i>Guidelines for the Selection, Establishment and Maintenance of Recreation Vehicle Areas</i>, Soil Conservation Service of NSW, September 1985, and</p> <p>ii. the provisions of the guidelines entitled <i>Recreation Vehicles Act 1983, Guidelines for Selection, Design and Operation of Recreation Vehicle Areas</i>, 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. gives consideration to the objective of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		<p>the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).</p>

Sg.1 Direction	Applicable	Consistent	Comment
3.6 Strategic Conservation Planning	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
3.7 Public Bushland	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
3.8 Willandra Lakes Region	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
3.9 Sydney Harbour Foreshores and Waterways Area	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
3.10 Water Catchment Protection	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
<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> </ul>	Yes	<p>The subject site is partially within the 1% (1 in 100) AEP flood extent and flood planning area.</p> <p>A large portion of the land on this lot is located outside of the flood planning area, with most of the flood prone land within the C2 zoned area. There is sufficient land for a future subdivision and dwelling located on the R5 Large Lot Residential zoned area of the subject site to meet councils LEP and DCP requirements.</p> <p>The planning proposal is consistent with the local planning direction in that; No development would be permitted in the high hazard area or a floodway.</p> <p>The planning proposal shall not result in impacts on other properties. The potential building envelope for the additional lot is outside of the flood planning area, so there is no significant increase in dwelling density in the flood planning area.</p>

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <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>		



S9.1 Direction	Applicable	Consistent	Comment
	<p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p> <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>	N/A	<p>The site is not 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 or coastal use area – and as identified by <i>State Environmental Planning Policy</i></p>

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</li> <li>(b) the NSW Coastal Management Manual and associated Toolkit;</li> <li>(c) NSW Coastal Design Guidelines 2003; and</li> <li>(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.</li> </ul> <p>(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <ul style="list-style-type: none"> <li>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; or</li> <li>(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: <ul style="list-style-type: none"> <li>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</li> <li>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</li> </ul> </li> </ul> <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> <ul style="list-style-type: none"> <li>(a) Coastal wetlands and littoral rainforests area map;</li> <li>(b) Coastal vulnerability area map;</li> <li>(c) Coastal environment area map; and</li> <li>(d) Coastal use area map.</li> </ul>		<p>(Biodiversity and Conservation) 2021.</p>

Sg.1 Direction	Applicable	Consistent	Comment
	<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> 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 gives consideration to 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 gives consideration to 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 take into account 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>	No	<p>The site is mapped as bushfire prone land.</p> <p>The Bushfire Assessment Report (Appendix 4) demonstrates that future development of the site by way of subdivision can comply with Planning for Bushfire Protection 2019.</p> <p>Upon receipt of a Gateway Determination, the NSW Rural Fire Service shall be consulted to determine if the LEP amendment is justifiably inconsistent to this direction.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <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>	N/A	<p>A review of the City's records does not identify any past activities on the site that would suggest potential land contamination.</p> <p>The site is not:</p> <ul style="list-style-type: none"> <li>land that is within an investigation area within the meaning of the <i>Contaminated Land</i></li> </ul>

Sg.1 Direction	Applicable	Consistent	Comment
	<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> <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>In order 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><i>Management Act 1997, or</i></p> <p>land on which development for a purpose referred to in Table 1 of the contaminated land planning guidelines is being, or is known to have been, carried out.</p>
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</p>	N/A	<p>The site does not contain the probability of containing acid sulphate soils.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>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 contain provisions consistent with 2(a) and 2(b).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a study prepared in support of the planning proposal which gives</p>		

Sg.1 Direction	Applicable	Consistent	Comment
	consideration to the objective of this direction, or (b) of minor significance.		
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> <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>	N/A	<p>The planning proposal does not apply to land that:</p> <ul style="list-style-type: none"> <li>is within a declared mine subsidence district, or</li> <li>has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of a public authority or by or on behalf of a public authority and provided to the relevant planning authority.</li> </ul>

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(a) justified by a strategy approved by the Planning Secretary which:</p> <p>i. gives consideration to the objective of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
<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> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <p>i. gives consideration to the objective of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p>	Yes	<p>The proposal shall alter a provision relating to land zoned for residential, by reducing the applicable minimum lot size.</p> <p>The proposal is consistent with the Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>The proposal is deemed to be of minor significance as it accords with the City's Local Growth Management Strategy and will not result in a substantial increase of movement due to the potential of a single additional lot.</p>



Sg.1 Direction	Applicable	Consistent	Comment
	<p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
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> <p>(a) reserve the land in accordance with the request, and</p> <p>(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</p> <p>(c) identify the relevant acquiring authority for the land.</p> <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> <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</p>	N/A	The planning proposal does not create, alter or reduce land reserved for a public purpose.

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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>		
<p>5.3 Development Near Regulated Airports and Defence Airfields</p>	<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 near a core regulated airport, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</p> <p>(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.</p>	<p>N/A</p>	<p>The planning proposal does not create, alter or remove a zone or a provision relating to land near a regulated airport including a defence airfield.</p>

Sg.1 Direction	Applicable	Consistent	Comment
	<p>(c) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(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.</p> <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> <p>(a) consult with the Department of Defence if:</p> <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> <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield.</p> <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> <ul style="list-style-type: none"> <li>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</li> <li>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</li> <li>(c) for commercial or industrial purposes where the ANEF is above 30.</li> </ul> <p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20</p>		

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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. gives consideration to 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 gives consideration to 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 gives consideration to 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> <li>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</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> <p>(a) justified by a strategy approved by the Planning Secretary, which:</p>	N/A	The planning proposal does not create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.

S9.1 Direction	Applicable	Consistent	Comment
	<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) justified by a study prepared in support of the planning proposal which gives consideration to 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> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(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</p> <p>(b) not contain provisions which will reduce the permissible residential density of 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>	Yes	<p>The planning proposal will enable the creation of one additional lot on the site. The potential for an additional lot will broaden the locality for further housing development.</p> <p>The planning proposal relates to land that has infrastructure and services available to it that are suitable for rural residential purposes.</p> <p>Appropriate planning controls are also contained within Coffs Harbour DCP 2015 to ensure that future development is of good design.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<p>(a) justified by a strategy approved by the Planning Secretary which:</p> <ul style="list-style-type: none"> <li>i. gives consideration to 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 gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
6.2 Caravan Parks and Manufactured Home Estates	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>This direction does not apply to Crown land reserved or dedicated for any purposes under the <i>Crown Land Management Act 2016</i>, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>(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.</li> </ul> <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) take into account the categories of land set out in Schedule 6 of <i>State Environmental Planning Policy (Housing)</i> as to where MHEs should not be located,</li> </ul>	Yes	The planning proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates.

S9.1 Direction	Applicable	Consistent	Comment
	<p>(b) take into account the principles listed in clause 9 Schedule 5 of <i>State Environmental Planning Policy (Housing)</i>(which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <ul style="list-style-type: none"> <li>i. gives consideration to 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 gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
<b>Focus area 7: Industry and Employment</b>			
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> </ul>	N/A	The planning proposal will not affect land within an existing or proposed employment zone (including the alteration of any employment zone boundary).

S9.1 Direction	Applicable	Consistent	Comment
	<p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</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. gives consideration to 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 gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>		
7.2 Reduction in non-hosted short-term rental accommodation period	This direction does not currently apply to the Coffs Harbour LGA.	N/A	
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> <ul style="list-style-type: none"> <li>(a) new commercial or retail development must be concentrated within district centres rather than spread along the Highway;</li> </ul>	N/A	The site is not located in the vicinity of the existing and/or proposed alignment of the Pacific Highway.



S9.1 Direction	Applicable	Consistent	Comment
	<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 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 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> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or</p>	N/A	The planning proposal will not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive

Sg.1 Direction	Applicable	Consistent	Comment
	<p>winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> <p>(1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>(a) consult the Secretary of the Department of Primary Industries (DPI) to identify any:</p> <p>i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</p> <p>ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</p> <p>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</p> <p>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:</p> <p>i. development of resources identified under (1)(a)(i), or</p> <p>ii. existing development identified under (1)(a)(ii).</p> <p>(2) Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</p>		<p>materials; or restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance (by permitting a land use that is likely to be incompatible with such development).</p>

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.		
<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>i. gives consideration to 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> </ol> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	N/A	<p>The planning proposal will not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.</p> <p>The planning proposal does not include provisions that will increase the permissible density of land within a rural zone.</p>
9.2 Rural Lands	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:	Yes	<p>The planning proposal is in relation to a site that is partially zoned R5 Large Lot Residential and partially zoned C2 Environmental Conservation.</p> <p>The planning proposal shall only amend the minimum lot size of</p>

S9.1 Direction	Applicable	Consistent	Comment
	<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 Production) 2021</i> for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises,</p>		<p>the R5 Large Lot Residential zoned area.</p> <p>The planning proposal is consistent with the North Coast Regional Plan and Coffs Harbour Local Growth Management Strategy, and is supported with an Ecological Assessment Report (Appendix 6) which supports the proposal. As such, the planning proposal is deemed to be consistent with this direction.</p>

Sg.1 Direction	Applicable	Consistent	Comment
	<p>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> <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>	N/A	<p>This direction only applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>.</p>

S9.1 Direction	Applicable	Consistent	Comment
	<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> <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>		
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	



## Appendix 3 Aboriginal Cultural Heritage Assessment

Tim Hill (BA. Hons, Archaeology)  
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6 January 2023

C/O Factor X Solutions  
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Dear Stephen,

### **191 AYSHIRE PARK DRIVE BOAMBEE ABORIGINAL CULTURAL HERITAGE (DUE DILIGENCE) ASSESSMENT**

Please see below advice outlining the outcomes of the Aboriginal cultural heritage (Due Diligence) assessment at 191 Ayrshire Park Drive, Boambee (Lot 1 DP713553) (the Study Area) which is provided to support the proposed amendment of the Coffs Harbour Local Environment Plan (LEP) to provide for future subdivision for an additional dwelling which would reasonably include the removal of topsoils and subsoils for the construction of a dwelling, sheds, a pool, driveway and services including onsite waste management system. The Due Diligence assessment is provided to comply with the requirements of Coffs Harbour City Council as specified in the minutes of the pre-lodgement meeting:

“There is no identified cultural heritage on the land. It is expected that the applicant undertake the due diligence process at a minimum.”

### **DATABASE SEARCH RESULTS**

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 13 December 2022 for the area “Lat. Long To:-30.3447, 153.0214 - Lat, Long To: -30.3077, 153.0832.” and returned 7 previously recorded Aboriginal sites (see **Table 1**). The recorded sites include artefact scatters, isolated artefacts and a ‘Potential Archaeological Deposit’. The Aboriginal sites identified in this search include sites recorded for the Pacific Highway Upgrade at Boambee and south Coffs Harbour (Coffs Harbour Bypass) and a recent site recorded on Perkins Road by Coffs Harbour City Council for the Coffs Harbour Aboriginal Cultural Heritage Management Plan. The search results are consistent with other studies which typically record open campsites and stone artefact scatters on low rises and crests near the lower and middle estuary away from the rainforests and swamps of the upper coastal creek catchments. None of the sites have been recorded within Ayrshire Park or the upper valley of Boambee Creek.

**Table 1:** Results of the AHIMS database search (#740366)

<b>Site ID</b>	<b>Site name</b>	<b>Easting</b>	<b>Northing</b>	<b>Site features</b>
22-1-0341	South Boambee PAD 1	506333	6642836	Potential Archaeological Deposit (PAD) 1
22-1-0615	CHB AFT 9	507860	6645818	Artefact
22-1-0609	CHB IF 3	507910	6645872	Artefact
22-1-0560	Perkins Road Saddle	504951	6644013	Artefact
22-1-0608	CHB IF 4	507869	6646534	Artefact
22-1-0063	Middle Bombee Creek 1	507050	6643750	Artefact
22-1-0626	CHB AFT 1	507833	6646441	Artefact



## LANDFORM ASSESSMENT

**Distance from water-** The Study Area is located on the northern bank of Boambee Creek (**Figure 2**). Distance from water is a primary consideration of the Due Diligence Code of Practice to determine the likelihood that an activity will impact on Aboriginal sites. Along the subcoastal areas of the Coffs Harbour coast the upper coastal creek catchments typically comprise small freshwater streams and creeks which flood out into small swamps and lagoons which form in palaeo-channels. As such, water availability is not a significant environmental constraint and there is not the strong correlation between water and occupation sites that occurs in semi-arid and arid landscapes. Further, as water is typically considered a sacred element, particularly for women, large occupation or archaeological sites are rarely identified on the banks of creeks as these areas were typically avoided by men. As such the location of the Study Area on the banks of Boambee Creek does not increase the likelihood that any ground disturbing works would impact on Aboriginal archaeological sites.

**Topography-** The Study Area is located between 25 – 35 metres above sea level on a relatively straight portion of Boambee Creek (**Figure 2**). While the flat alluvial creek banks are suitable for occupation sites, these tend to be located on more elevated ridge crests and spurs which are above the low-lying rainforests and swamps that provide access to sunlight and winds. In the Boambee Valley the elevated ridge that connects Sawtell to the Orara Valley (Friday Creek) between Boambee Head and Little Boambee is the most significant topographic feature in the area and likely has the most potential for Aboriginal archaeological sites as it provides access between the coast and sub-coastal valley and has numerous flat and exposed areas suitable for campsites.

**Vegetation-** The following vegetation model is provided for the Moonee soil landscape (Milford 1999:94 see also **Figure 3**):

Extensively cleared, tall closed-forest and tall open-forest generally replaced by native and improved pastures. In the southern parts, the tall closed-forest was dominated by species from both subtropical and warm temperate rainforest, including black booyong (*Argyrodendron actinophyllum*), coachwood (*Ceratopetalum apetalum*) and crabapple (*Schizomeria ovata*) [Forest Type 5/11], various *Ficus* species, giant stinging tree (*Dendrocnide excelsa*) and various species of myrtle [Forest Type 6/23].

Towards the northern parts, tall open-forest (wet sclerophyll forest) species become more dominant, including Sydney bluegum (*Eucalyptus saligna*), tallowwood (*E. microcorys*) [Forest Type 47], and narrow-leaved white mahogany (*E. acmenoides*), red mahogany (*E. resinifera*), grey ironbark (*E. paniculata*) and small-fruited grey gym (*E. propinqua*) [Forest Type 60].

Rainforests and wet forests are not typically preferred environments for large occupation sites as they retain ground and surface water and have a thick understory. The rainforests are typically managed as landscapes for hunting and gathering and comprised a network of narrow pedestrian pathways and tracks connecting more permanent campsites in elevated areas.

**Previous Disturbance-** The Study Area has been subject to a range of land management activities which would have impacted any Aboriginal archaeological sites located within the topsoils including:

- Removal of the original rainforests
- Dairying and conversion to improved pasturing including tilling and cropping, and
- Construction of the existing dwelling and maintenance of open space as gardens/ lawns etc.

The 1963 aerial photos show that the Study Area comprised agricultural land prior to the residential subdivision (**Figure 4**).





An additional consideration is that the low-lying alluvial creek flats have accumulated significant layers of soils following the removal of rainforests and hardwood forests in the mid 1800's and then again with the expansion of dairying in the early 1900's. Soils from the steep upper catchments (Little and Big Boambee) became highly mobile after logging and were re-deposited on top of the original valley floor. This geomorphological change has significantly affected the potential for the identification of Aboriginal archaeological sites which have been reworked and redeposited on the highly mobile creek flats.

**Geology-** The Coffs Harbour Coastal Quaternary Geological Map (1:50,000 and 1:25,000) maps the Study Area as "Pleistocene terrace: silt, clay, fluvial sand and gravel" (Figure 5). Quaternary alluvial deposits do not contain stone resources suitable for tool production and the presence of the quaternary soils does not increase the potential that future ground disturbing works will impact on Aboriginal archaeological sites.

#### **ETHNOHISTORIC AND ARCHAEOLOGICAL INFORMATION.**

The Study Area is located within the Gumbayngirr nation/language area which is broadly known to include the lands north of Nambucca Heads, south of the Clarence River and west up to the Great Dividing Range (Thomas 2013:1). Given the problematic nature of population estimates at the time of first European settlement, the latter and more 'general' observations of Mathews (1898) for the Northern NSW coastline is relevant to the study:

"In the well-watered coastal districts of New South Wales, where fish and game are abundant, their hunting grounds would be comparatively small," (Mathews 1898:66).

Radcliffe Brown (in Lane 1970:V.8) concludes for the coastal areas that population densities would be in the order of 'one person to every three square miles'. Estimates of tribal groups in the order of 200 individuals are relatively common amongst ethnohistoric and anthropological literature (i.e. Lane 1970 for the Nambucca River district immediately south). An additional element to this discussion of population density is the differentiation between the coastal and sub-coastal areas where the latter is generally accepted to have had lower and much more mobile Aboriginal populations. For the larger river systems (Nambucca, Clarence and Macleay) the concept of more intensive use of the coast as compared to the up-river and escarpment is generally accepted (i.e. McBryde 1974, Godwin 1990).

A unique quality of the Coffs Harbour area is the proximity of the Great Dividing Range to the Coast. No other 'district' on the North Coast has such a narrow coastal zone or such a short distance between the very different environments of coast and elevated/cold forests. The extent to which this affected land-use is not known, however the absence of historic information about the Coffs Harbour hinterland indicates that this narrow intermediate zone was not as intensively used, or was secondary, to occupation of the coastal and estuarine areas. There is however great potential for identification of pathways and routes between the coast and escarpment/hinterland through the Boambee Valley.

The 'contact' experience of Gumbayngirr people of the study area is somewhat different to other groups resident on the larger river systems of the North Coast. There are no historical accounts of 'massacres' within the Coffs Harbour area, although that is not to say they didn't happen along the coastal zone, such as the documented massacre at Red Rock (Goulding 2001:63). Unlike the larger properties and permanent building of European settlers, most Aboriginal living areas from the contact period tended to be very small shacks made from remnant and scavenged materials located usually on Crown Land. Historic living areas tended also to be seasonal; for seasonal bush resources such as fish runs or for seasonal work within the horticulture industry.



Camps located inland, such as those near the Coffs Harbour central business district, tended to be on public land and nearby to small townships where there was access to water either naturally occurring or at a public tap. The main camping areas identified by Goulding (2001:64-65) are Corindi Lake (inland from Arrawarra), Nana Glen (junction of Orara River and Bucca Bucca Creek), Happy Valley in Coffs Harbour, Coffs Creek/Fitzroy Oval, Wongala Estate and Yellow Rock. In general terms, the historical (post-European contact) experiences of Aboriginal people had been one of exclusion up until the 1960's (Calley 1956:201). The nature of historic Aboriginal camps and economy within the historic period is such that it is unlikely these types of 'sites' will be present in the historic record of the study area.

**Coffs Harbour Urunga Forestry Management Areas archaeological study-** Davies (1993) undertook an environmental impact assessment of the Coffs Harbour/Urunga Forestry Management Areas, which focused on the coastal foothill environments. Using similar methods to Hall and Lomax further north, Davies identified land systems within the study area and undertook sample surveys in each. Davies recorded 21 sites during this study and found a strong trend towards artefact scatters being located on the crest of spurs, with the ground surface being relatively flat to gently sloping with eroding, sandy soil (Davies 1993:58). One key outcome of this study was that site density increased with distance from the marine/ coastal environments.

**Lakes Estate, North Boambee Valley-** A series of archaeological investigations have been undertaken for the 'Lakes Estate' project (Bonhomme Craib and Associates 2011). This study identified stone artefact scatters within the surrounding areas including a site which contained a total of 410 artefacts recovered from 39 test pits (58.5 m<sup>2</sup>). The study of concluded:

The landform types investigated during the sub-surface testing were the ridge crest and upper slope. The stone artefacts were either coarse or fine-grained siliceous material referred to locally as 'greywacke'. Stone artefact types were limited and consisted of five (5) cores, one (1) tool(s), with the remainder being debitage (98%) consisting of complete flakes, broken flakes, flaked pieces. One complete flake had evidence of retouch and is considered a tool.

The density of artefacts across the south hill slope indicates that Aboriginal activity resulting in physical evidence (i.e. the presence of stone tools, hearths or other features or items) was low. The area may have been accessed regularly to procure resources but there is only a low-level physical expression of these activities. The artefact clusters suggest that while artefacts were found there are two locations with material that suggests intense knapping was occurring (Bonhomme Craib & Associates 2011:24).

Collins (2008) completed archaeological investigations (excavations) on a series of ridge crests within the proposed Lakes Estate nearby to the Bonhomme Craib investigations. This study confirmed the presence of open campsites/ stone artefact scatters (LE- 1 and LE- 2) within the topsoil layer of two ridge crests. The study (Collins 2008:3) concluded:

The test excavations revealed Aboriginal stone artefacts within the topsoil on both LE- PAD 1 and LE- PAD 2. With the exception of a discrete artefact cluster identified on the LE- PAD 2 spur saddle, the artefact distributions are of a low-density nature only, and are believed to have been discarded on an itinerant basis during transit along the descending spurs between the Roberts Hill ridge and alluvial valley flat ecosystems rich in rainforest and swamp resources.

The LE- PAD 1 and 2 artefacts have been substantially disturbed by historic/recent land-uses, including tree clearing, ploughing, and/or activities connected with banana cultivation. Such is the level of disturbance that it is uncertain whether any of the topsoil remains intact. Of the



33 test pits dug during the investigations, more than half provided unequivocal evidence for topsoil disturbance by way of plough tine marks at the topsoil/basal clay interface, mixed topsoil/basal clay sediments or the inclusion of modern materials (gravel, glass, concrete, bricks, plastic) in stratigraphic association with or below the artefacts.

**Bonville Pacific Highway Duplication-** Navin and Officer (1998) undertook the Aboriginal Cultural Heritage Assessment for the Pacific Highway Duplication at Bonville between Pine Creek and Bonville, immediately south of the Study Area. The study identified a Isolated Artefact at Pine Creek and concluded that the overall archaeological potential of the area was 'Low'. The study made the following statements regarding the potential for archaeological sites in the northern portion of the assessment area:

In the northern section of the corridor (Pine Creek Fish Hatchery- Lyons Road), archaeological potential was also generally considered to be low due to previous landscape disturbance and the low-lying nature of much of the ground traversed by the corridor. In most cases ridge and spurline crests have been significantly impacted by track and road construction. None of the elevated landforms adjacent to drainage lines within the study area represented significant potential for the survival of artefactual material. This was primarily due to the level of historic ground disturbance, and the presence of greater potential on more likely landforms and adjacent areas (Navin and Officer 1998:10-1).

#### **CONSIDERATION OF THE DUE DILIGENCE CODE OF PRACTICE.**

The ACHA has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DEECW 2010A). The purpose of this Due Diligence Code of Practice is to establish a defence against prosecution in the event that Aboriginal objects may be inadvertently harmed during an activity (DEECW 2010A: 1 & 2). The Due Diligence Code of Practice:

...sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

1. identify whether or not Aboriginal objects are, or are likely to be, present in an area
2. determine whether or not their activities are likely to harm Aboriginal objects (if present)
3. determine whether an AHIP application is required (DEECW 2010A:2).

The Due Diligence Code of Practice makes the following statement on the requirement for an AHIP (DEECW 2010A:2):

If Aboriginal objects are present or likely to be present and an activity will harm those objects, then an AHIP application will be required.

However, the practical application of the Due Diligence Code of Practice is that it is a process of establishing whether additional archaeological assessment is required. In the event that the Due Diligence assessment concludes that harm to Aboriginal objects is likely, additional archaeological investigation, including Aboriginal community consultation, in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (DEECW 2010 B) (CoPAI) is required.

A key limitation of the Due Diligence Code of Practice and the CoPAI is that they do not clearly define the thresholds of "likely" or "highly likely". To assist the assessment, the Merriam Webster dictionary definition ([www.merriam-webster.com/dictionary](http://www.merriam-webster.com/dictionary)) of "likely" is:

"Having a high probability of occurring or being true: very probable"



### **DUE DILIGENCE STATEMENT**

The Aboriginal cultural heritage (Due Diligence) assessment has concluded that future development of an additional residential dwelling at 191 Ayrshire Park Drive Boambee will not likely impact on Aboriginal archaeological sites. The below points summarise the outcomes of the assessment:

- no previously recorded Aboriginal sites are located in the surrounding area and there is a general pattern of sites being located closer to the estuary away from the upper creek catchments
- the location on the alluvial creek does not increase the potential that the Study Area contains Aboriginal archaeological sites which tend to be located on elevated spurs and ridges above the rainforests and sub-coastal swamplands, and
- the land has been subject to significant ground disturbance from clearing, agriculture and more recently maintenance of open lawns and gardens.

Based on the outcomes of the assessment additional archaeological investigation or consultation with the Aboriginal community is not required to comply with the Due Diligence Code of Practice and Due Diligence regulations. However, the following standard Unexpected Find Procedure should be applied for all ground disturbing works

### **UNEXPECTED FIND PROCEDURE**

If it is suspected that Aboriginal objects have been uncovered during ground disturbing works:

- work in the surrounding area is to stop immediately and records are made of the finds via project incident reporting procedures
- a temporary fence is to be erected around the site and appropriate controls put in place to ensure that no additional ground disturbance happens in the vicinity of the find
- an appropriately qualified archaeological consultant and a representative of the Coffs Harbour and District Local Aboriginal Land Council are to be engaged to identify the material and provide an initial assessment of the significance of the object and the likely nature and extent of any associated archaeological sites
- if the material is found to be of Aboriginal origin, the find must be reported on the AHIMS database
- In the event that the Aboriginal objects are considered to have been damaged or disturbed, the incident must be reported through the NSW Enviro Hotline, and
- Works may only recommence after advice from Heritage NSW on the requirement for an AHIP or where design, engineer or construction measures are identified to mitigate harm to the Aboriginal site.

Please contact me at [timhill.heritage@gmail.com](mailto:timhill.heritage@gmail.com) or 0473 033 615 if you have any additional questions regarding the above assessment.

Sincerely

Tim Hill (BA Hons)

Heritage Management & Planning Pty Ltd



## APPENDIX 1: MAPS

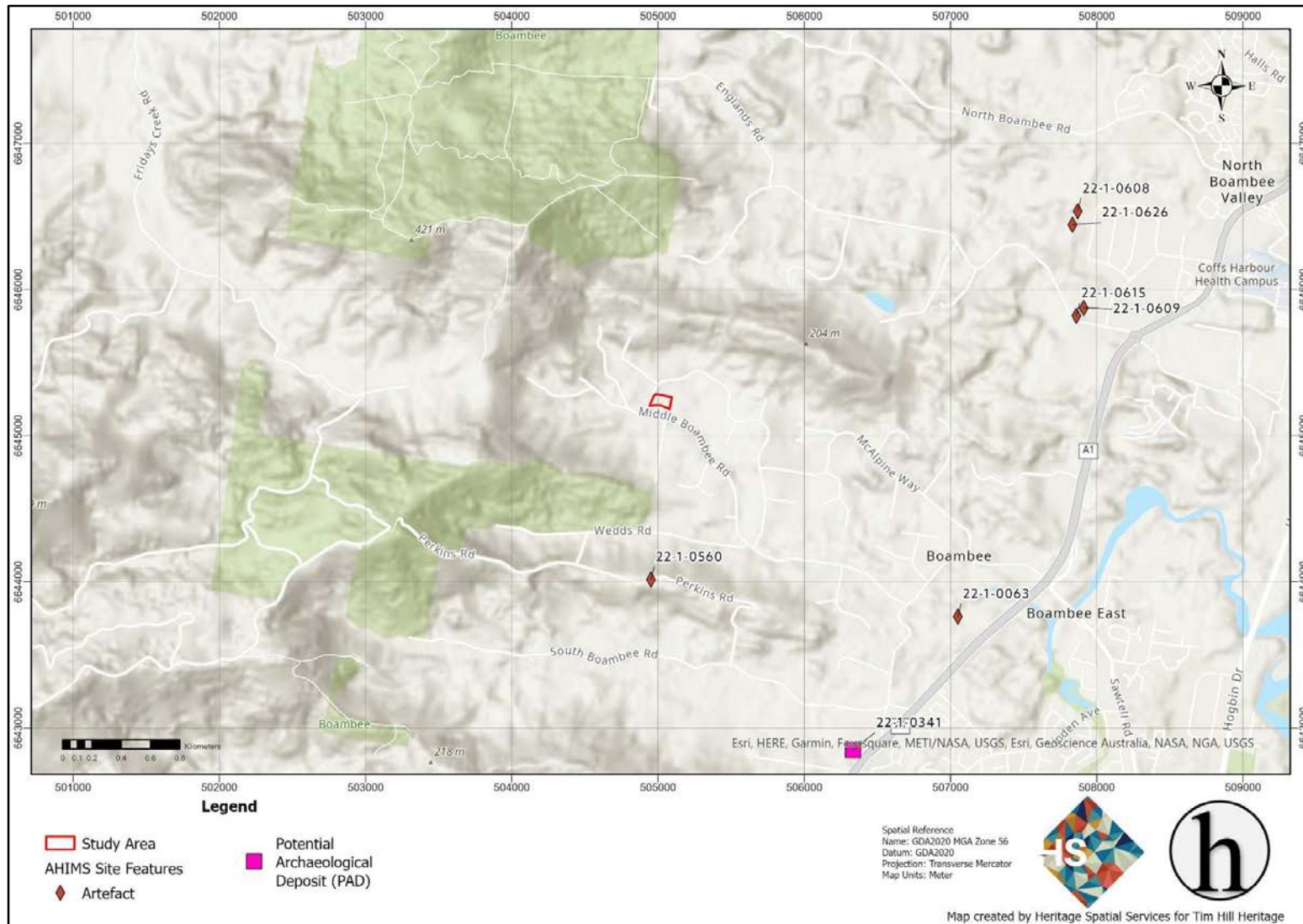


Figure 1: AHIMS database search results (#740366)



h

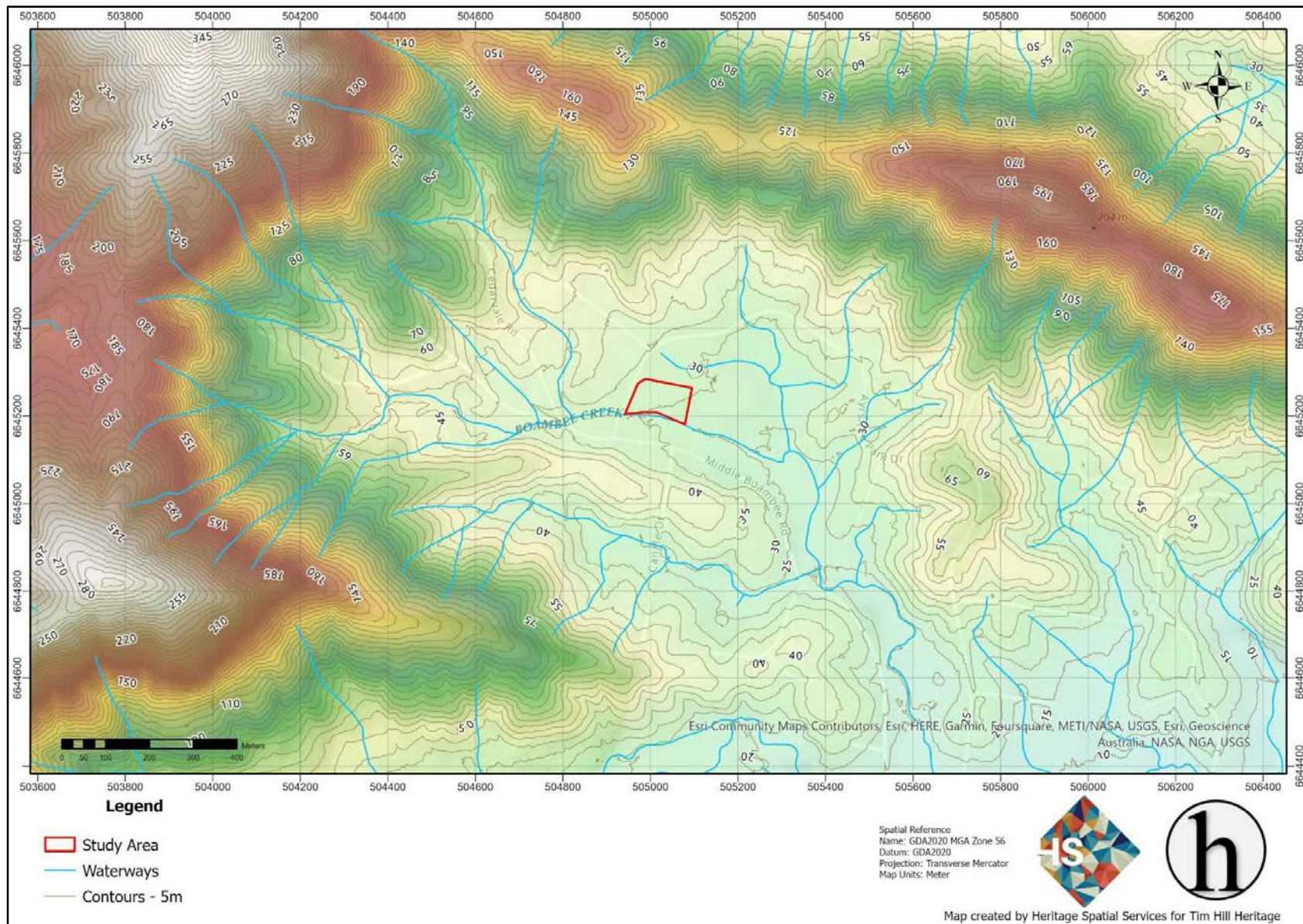
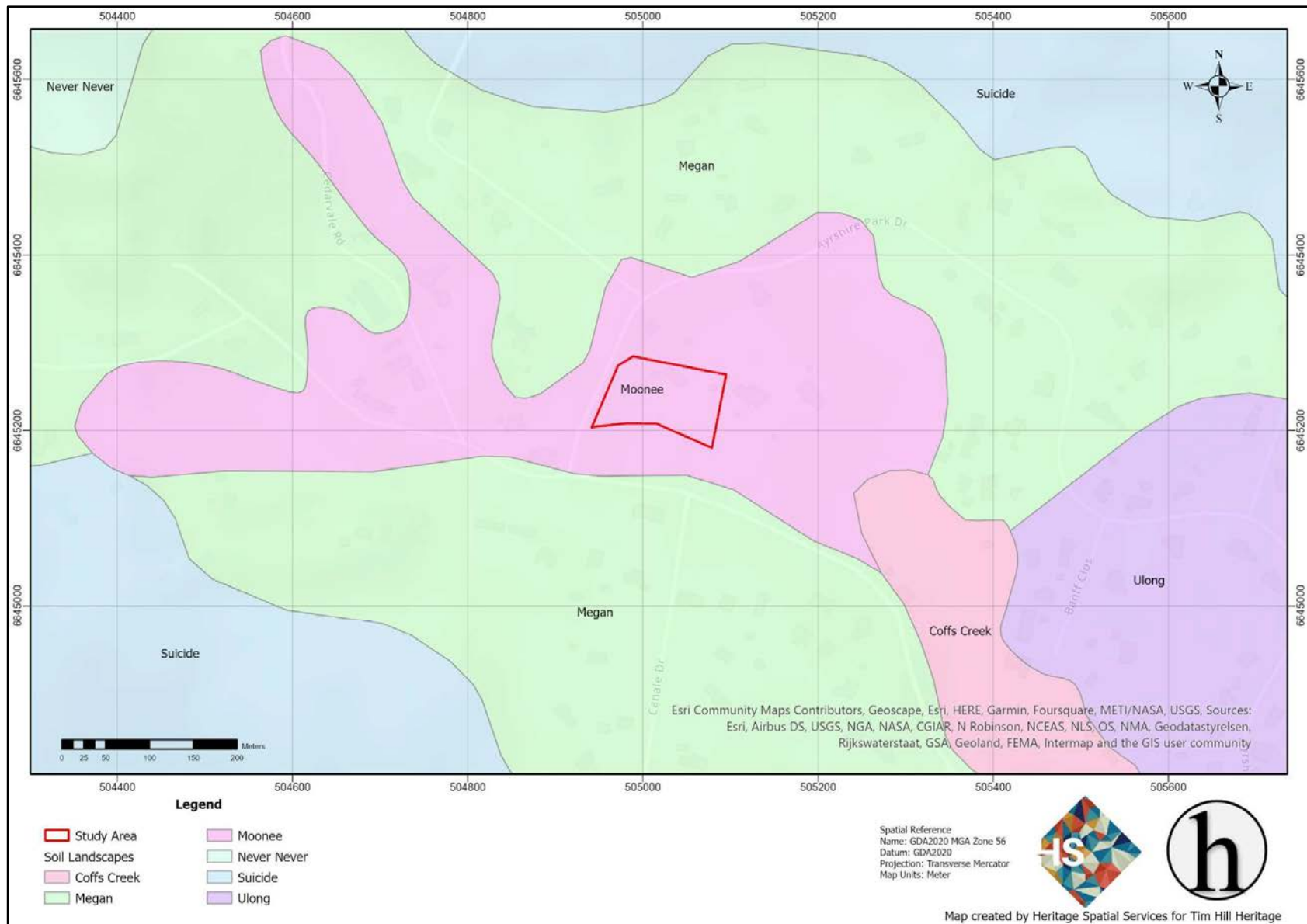


Figure 2: Topography and hydrology of Boambee Creek



**Figure 3:** Soil landscape mapping (Milford 1999)



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**Figure 4:** 1963 aerial photo (NSW Spatial Collaboration Portal)



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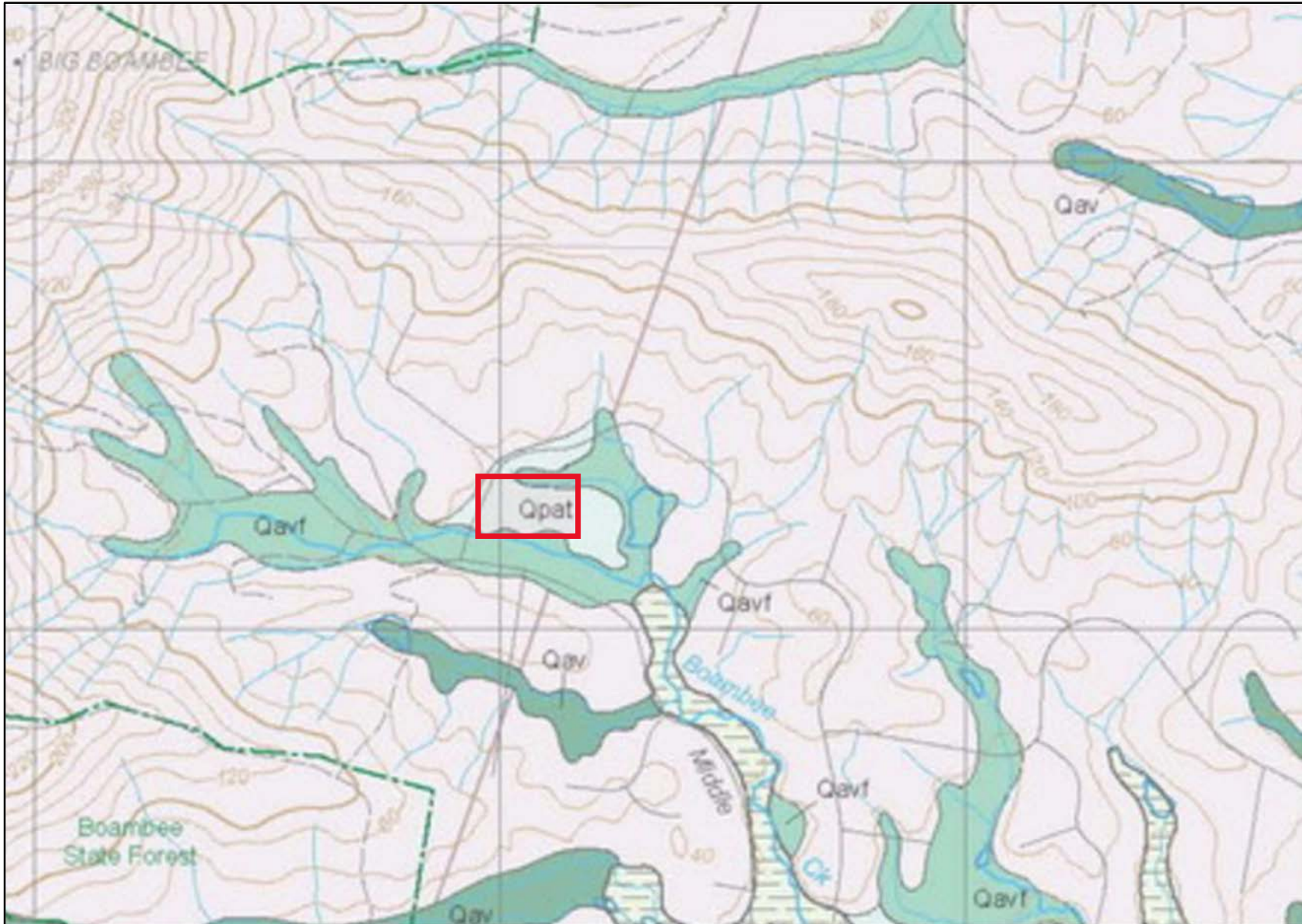


Figure 5: 1:100,000 geological map ([https://digs.geoscience.nsw.gov.au/api/download/ca5be3f2450fe46d1c1cc72f7903b884/Coffs\\_Harbour\\_Part2.jpg](https://digs.geoscience.nsw.gov.au/api/download/ca5be3f2450fe46d1c1cc72f7903b884/Coffs_Harbour_Part2.jpg))

Bushfire Assessment Report  
For  
2 - Lot Subdivision of  
Lot 1 DP713553  
191 Ayrshire Park Drive  
Boambee

Prepared by  
BushfireSafe (Aust) Pty Ltd

January 2023

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## EXECUTIVE SUMMARY

Bushfiresafe (Aust) Pty Ltd has been engaged by Factor X Solutions on behalf of their client to undertake a Bushfire Assessment for a proposed 2-lot subdivision of Lot 1 DP713553, 191 Ayrshire Park Drive, Boambee.

### Description of Property

The property is located within the rural settlement of Boambee and is approximately 10kms southwest of the city of Coffs Harbour. Ayrshire Park Drive adjoins the property to the west and developed large lot residential areas adjoin the property to the north and east. Boambee Creek is to the south followed by Middle Boambee Road. The property has a total area of 1.15Ha and is zoned R5 Large Lot Residential with an area of C2 Environmental Conservation along the southern property boundary in the Coffs Harbour Council Local Environment Plan (Coffs Harbour Council, 2013).

There is an existing dwelling located on the property of which shall be retained as part of the development.

### Vegetation Assessment

The property consists of mowed lawns (grasslands) throughout with a small cluster of trees with a maintained understory to the southeast.

### Access

The existing access to the dwelling is directly off Ayrshire Park Drive a council-maintained road. The proposed new access to proposed lot 2 will also be directly off Ayrshire Park Drive.

### Services

Reticulated water and electricity are both currently available to the property, and hydrants are located on Middle Boambee Road.

### Construction Standards

This bushfire assessment undertaken in relation to the proposed 2 lot subdivision concluded the bushfire construction standard in accordance with AS3959-2018 Construction of Buildings in Bushfire Prone Areas (Standards Australia, 2018) can comply with a BAL – 29 for the newly formed lot and will be further addressed in the development application of the future dwelling. The existing dwelling shall be upgraded for ember attack.

## **1.0 Introduction**

Development applications on bushfire prone land must be accompanied by a Bushfire Assessment that demonstrates compliance with the aim and objectives of the Planning for Bush Fire Protection 2019 guidelines. In particular, the following matters must be addressed:

- A statement that the site is bushfire prone land, where applicable;
- The location, extent and vegetation formation of any bushland on or within 100m of the site;
- The slope and aspect of the site and of any bushfire prone land within 100m of the site, which may determine the likely path of any bushfire;
- Any features on or adjoining the site that may mitigate the impact of a high intensity bushfire on the proposed development;
- A statement of the likely environmental impact of any proposed bushfire protection measures.

### **1.1 Period of Operation**

Once approved by the local authority and the NSW Rural Fire Service, this report will have a period of operation for the life of the development.

## **2.0 Background & Proposal**

Bushfiresafe (Aust) Pty Ltd has been engaged by Factor X Solutions on behalf of their client to undertake a Bushfire Assessment for a proposed 2-lot subdivision of Lot 1 DP713553, 191 Ayrshire Park Drive, Boambee. The proposed 2 lots will be subdivided with proposed lot 1 having an area of 4575m<sup>2</sup>, and proposed lot 2 with an area of 7120m<sup>2</sup>. There is an existing dwelling located within proposed lot 1 which shall be retained as part of the proposed subdivision. The proposed access for lot 2 will be directly off Ayrshire Park Drive and will extend approximately 12m in length.

This Bushfire Assessment was conducted in accordance with section 4.46 of the Environmental Planning & Assessment Act (1997), s100B of the Rural Fires Act (1997) and followed the guidelines recommended in Planning for Bush Fire Protection (RFS, 2019).

The assessment has involved the following activities:

- Verifying of effective slope in relation to the assessed bushfire vegetation;
- Identification of the appropriate bushfire protection for any identified environmental assets;
- Determination of the location of adequate water supplies for firefighting purposes;



- Identifying the capacity of public roads to handle increased volumes of traffic in a bushfire situation;
- Identification of adequacies for implementation of fire trails which link to public roads in the vicinity;
- Identification of adequacy of arrangements for access and egress from the development for the purposes of an emergency response;
- Identification of bushfire attack level to be used;
- Appropriate asset protection zones to be applied;
- Identification of additional bushfire protection measures.

## 2.1 Description of Property

The property is located within the rural settlement of Boambee and is approximately 10kms southwest of the city of Coffs Harbour. The property consists of managed lawns throughout with a small cluster of trees with a maintained understory on the southeast corner of the property. The property is adjoined by Ayrshire Park Drive to the west and developed large lot residential dwellings to the north and east. Boambee creek is adjacent to the south. The property occupies a total area of 1.15Ha and is zoned R5 Large Lot Residential with an area of C2 Environmental Conservation along the southern property boundary within the Coffs Harbour Council LEP, 2013.



Figure 1: Aerial photo showing the property in relation to the identified bushfire prone vegetation. Source: CoffsHarbour Public > Planning & Environment (mapimage.net), Jan. 2023.

## 3.0 Vegetation Classification

The vegetation of the property and adjacent properties up to 140m (where practicable) from the proposed development was assessed during a site visit on 14<sup>th</sup> December 2022. The

vegetation formations present were identified and classified as described in Ocean Shores to Desert Dunes, Keith (2004), and Appendix 1 of Planning for Bush Fire Protection 2019.

### **3.1 Vegetation Formations**

#### **North**

Lands to the north of the proposed building envelope located within lot 2 consists of mowed lawns with two single shade trees extending up to the northern property boundary (approx. 45m) and is adjoined by a hard surface access road and managed lands within developed large lot residential dwellings for greater than 140m. North of the existing dwelling consists of mowed lawns up to the northern property boundary, followed by a hard surface access road and managed lands within the adjoining properties.



Figure 2: View to the north from the proposed building envelope within lot 2 showing mowed lawns to the northern property boundary.

#### **East**

Managed lawns extend to the east from the building envelope within proposed lot 2 (approx. 100m) followed by managed lands within developed large lot residential areas. There is a small cluster of trees to the southeast that has a maintained understory and was not considered a bushfire threat due to the small size of the cluster and the lack of fuel in the understory.





Figure 3: View to the east from the designated building envelope within proposed lot 2 showing mowed lawns up to the eastern property boundary.

Lands to the east of the existing dwelling consists of mowed lawns to the eastern property boundary followed by managed lands within the adjoining property extending for greater than 140m.



Figure 4: View to the northeast from the existing dwelling showing managed lands extending to the north and east for greater than 140m.





Figure 5: View to the southeast of the property showing small cluster of trees with maintained understory.

### South

Lands to the south from the building envelope within proposed lot 2 is mowed lawns for approximately 30m and is followed by Boambee Creek and adjoins a strip of maintained grassland followed by Middle Boambee Road.

Lands south of the existing dwelling consists of an inground swimming pool, and mowed lawns up to the southern property boundary, followed by Boambee Creek and Middle Boambee Road.





Figure 6: View to the south of the proposed building envelope within lot 2 showing mowed lawns, followed by Boambee Creek and a strip of managed grasslands adjoined by Middle Boambee Road.

### West

Mowed lawns extend to the western property boundary from the proposed building envelope and the existing dwelling (approx. 8m and 40m respectively) and is followed by Ayrshire Park Drive for 20m and managed lands within developed large lot residential areas for greater than 140m.



Figure 7: View to the west from the building envelope within proposed lot 2 showing mowed lawns up to the western property boundary, adjoined by Ayrshire Park Drive and managed lands.

Table 1: Summary of Vegetation Formations

Aspect	Vegetation Formation
Proposed Lot 1 (Existing Dwelling)	
N	Grassland (Managed lands within developed large lot residential)
E	Grassland (Managed lands within developed large lot residential)
S	Grassland
W	Grassland (Managed lands within developed large lot residential)
Proposed Lot 2	
N	Grassland (Managed lands within developed large lot residential)
E	Grassland (Managed lands within developed large lot residential)
S	Grassland
W	Grassland (Managed lands within developed large lot residential)

#### 4.0 Bushfire Prone Land

As shown below in figure 7 within the Coffs Harbour Council's Bushfire Prone Land Mapping, the property is located within a Category 3 bushfire zone.



Figure 8: Coffs Harbour Council Bushfire Map showing the property.

Source: CoffsHarbour Public > Planning & Environment (mapimage.net), Jan. 2023.

#### 5.0 Landform Assessment

Inspection of published topographic maps online and an on-site assessment using a Nikon Forestry Pro laser finder verified the landforms present and are outlined further below.



## 5.1 Slope Assessed

Planning for Bush Fire Protection (RFS, 2019) recommends that slopes be assessed, over a distance of at least 100m from a development site and the dominant gradient of the land should be determined on the basis of which will most significantly influence the fire behaviour at the site.

Table 2 below summarises the slope assessments for each vegetation community observed and elevation. This information will be used as the basis for determining those aspects of the proposed development that may require provisions for, and implementation of appropriate Asset Protection Zones.

Table 2: Effective Slope Summary

Aspect	Effective Slope
Proposed Lot 1 (Existing Dwelling)	
N	Flat
E	Downslope >0 <5 degrees
S	Flat
W	Flat
Proposed Lot 2	
N	Flat
E	Downslope >0 <5 degrees
S	Flat
W	Flat

## 6.0 Asset Protection Zones

The minimum required Asset Protection Zones (APZs) are determined by referring to Appendix 1 of Planning for Bushfire Protection 2019, specifically Table A1.12.3 which sets out the minimum requirements for Asset Protection Zones (APZs) for subdivision developments in an FFDI 80 areas.

Table 3: Asset Protection Zones

Aspect	Minimum APZ	Vegetation Formation	Effective Slope
Proposed Lot 1 (Existing Dwelling)			
N	10m	Grassland	Flat
E	11m	Grassland	Downslope >0 <5 degrees
S	10m	Grassland	Flat
W	10m (or to the property boundary which ever is lesser).	Grassland	Flat
Proposed Lot 2			
N	10m	Grassland	Flat
E	11m	Grassland	Downslope >0 <5 degrees
S	10m	Grassland	Flat
W	10m	Grassland	Flat

The Asset Protection Zones for all aspects of the development shall be measured from the unmanaged understory and shall be implemented and maintained to the specifications as outlined below.

The Inner Protection Area (IPA) shall be maintained in such a manner that:

- Minimal fire fuel that could be set alight by bushfire (e.g. long grass, leaves, tree branches etc.) is present at ground level.
- Grass is maintained to a height less than 100mm.
- Shrubs are not located directly under trees, clumps of shrubs are not located directly under windows or near doors, and shrubs do not form more than 10% ground cover.
- Vegetation does not provide a path for the transfer of fire to the building.
- Mature trees do not overhang or touch any building.
- Tree canopies are a minimum of 2 - 5 metres away from any building and balconies.
- Bark chips and the like are not present within 2 metres of any building.
- Any trees present have a minimum canopy separation of 2 to 5 metres.
- Any trees present are not species that retain dead material or deposit excessive amounts of ground fuel in a short time.
- Mature tree canopy cover is less than 15% in total area.

## **6.1 Assessed Bushfire Attack Level**

An assessment of the bushfire attack level applicable to the proposed development was carried out using the methodology detailed in Appendix 1 of Planning for Bush Fire Protection (RFS, 2019) and AS3959-2018. The bushfire assessment undertaken in relation to the proposed development is outlined below.

Proposed lot 2 within the subdivision development can achieve asset protection zones to maintain a minimum BAL-29 bushfire attack level and will be readdressed upon the further development of the allotment.

### Existing Dwelling within Proposed Lot 1

The existing dwelling within proposed Lot 1 was constructed prior to the introduction of Planning for Bush Fire Protection 2001 with no apparent construction standard when measured against Australian Standard AS3959-2018 (*Construction of Buildings in Bushfire Prone Areas*), therefore the existing dwelling shall be upgraded to ember attack as outlined below;

- All external open-able windows (including louvers) shall be fitted with corrosive – resistant steel, bronze or aluminium mesh screens with a maximum aperture size of 2.0mm in such a way that the entire opening remains screened when the windows are open.
- External wall breather vents shall be covered with spark guards made from corrosive resistant steel, bronze or aluminium mesh screens with a maximum aperture size of 2.0mm.
- The roof/wall junction shall be sealed either by the use of fascia's and eaves linings, or by sealing the gaps between the rafters with a suitable non-combustible material.
- External side hung hinged doors are to be fitted with draft excluders.
- Areas of the dwelling less than 400m high shall be enclosed to prevent embers from entering.



Figure 9: Existing dwelling to be upgraded to ember attack.

## 6.2 Electricity Supply

Electricity is currently connected to the existing dwelling and will be made available to the proposed lot 2.

## 6.3 Adequacy of Water Supply

Reticulated water is available to the existing dwelling and will be available to proposed lot 2. Hydrants are located along Middle Boambee Road.

## **7.0 Access and Egress**

The hard surface access servicing the existing dwelling extends approximately 60m and is directly off Ayrshire Park Drive. The access to the building envelope within proposed lot 2 will extend approximately 11m directly off Ayrshire Park Drive a council-maintained road. The access roads shall comply with the following requirements as outlined in Planning for Bush Fire Protection (RFS, 2019).

- Access roads are two-wheel drive, all weather.
- A minimum carriageway of 4 metres wide.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches.
- Capacity of road surfaces are sufficient to carry up to 23 tonnes.
- Property access must provide a suitable turning area in accordance with Planning for Bushfire Protection, 2019 Appendix 3.
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The maximum distance between inner and outer curves is 6 metres.
- Provide safe access to and from the public road system for firefighters.

## **8.0 Landscaping**

Effective landscape planning within bushfire prone areas can assist with the deflecting and filtering of embers that may adversely impact a building. Careful consideration of landscape species and their location along with on-going maintenance to readily remove flammable fuels (leaf litter, twigs and debris) is critical to providing for bushfire protection (RFS, 2019).

Landscaping within bushfire prone areas shall comply with 6.8.1 of Planning for Bush Fire Protection 2019 and shall be maintained for the life of the development.

All fencing shall be constructed of hardwood or non-combustible materials only. Fencing within 6m of a building or in areas of a BAL-29 or greater shall be non-combustible materials only.

## References

Coffs Harbour Council, 2023. Coffs Harbour Council Bushfire Prone Lands Map webpage at: CoffsHarbour Public > Planning & Environment (mapimage.net), Jan. 2023.

Coffs Harbour Council, 2023. Coffs Harbour Council Local Environment Plan webpage at: CoffsHarbour Public > Planning & Environment (mapimage.net), Jan. 2023.

Keith, D., 2004. *Ocean Shores to Desert Dunes*. Department of Environment and Conservation, Sydney.

RFS, 2019. *Planning for Bushfire Protection, New South Wales Rural Fire Service*. NSW, Sydney.

Standards Australia, 2018 *Australian Standard 3959-2018 Construction of Buildings in Bushfire-prone Areas*. Standards Australia, Sydney.

## COMMERCIAL IN CONFIDENCE

BushfireSafe (Aust) Pty Ltd, its agents or employees, expressly disclaim any liability for representations, expressed or implied, contained in, or omissions from, this report or any of the written or oral communications transmitted to the client or any third party. Acceptance of this document denotes the acceptance of the terms.

All information in this document is provided in strict commercial confidence. It shall not be disclosed to any third party without the express written consent of Bushfiresafe (Aust) Pty Ltd.

## DISCLAIMER

This report has been provided to make recommendations as outlined within Planning for Bush Fire Protection 2019 and AS3959-2018 to reduce the impacts and risks of a bush fire threat and does not guarantee the elimination of adverse impacts on assets (buildings) in the event of a bush fire. This report does not provide recommendations for building materials in association of the applicable bushfire attack level.



FOR ILLUSTRATION PURPOSES ONLY

General Notes

This drawing was prepared by Bushfiresafe (Aust) P/L to demonstrate the vegetation communities surrounding the property and the required asset protection zones and should not be used for any other purpose.

Note: The lot, building envelope and vegetation were not surveyed at the time of the assessment and has been assumed from data collected on site and a desktop analysis.

ATTACHMENT 1

ASSET PROTECTION  
ZONES &  
VEGETATION  
COMMUNITIES

Bushfiresafe (Aust) P/L

Mobile: 0428 169 294

CLIENT:

C/o -  
Factor X Solutions Pty Ltd

Project

Bushfire Assessment for  
Proposed 2-Lot Subdivision  
at Lot 1 DP713553  
191 Ayrshire Park Road  
Boambee

Date: January  
2023

Ref#  
22190

Scale: @A3

LEGEND

- Property Boundary
- Proposed New Property Boundary
- Adjoining Boundaries
- Access/Road
- Proposed Building Envelope
- Asset Protection Zone
- Scattered Trees with Maintained Understory
- Grassland Vegetation
- Existing Dwelling

Managed Lands  
Within Large Lot Residential

Managed Lands  
Within Large Lot Residential

Managed Lands  
Within Large Lot Residential

Managed Lands  
Within Large Lot Residential

Managed Lands  
Within Large Lot  
Residential

Boambee Creek

Middle Boambee Road

Middle Boambee Road

Ayrshire Park Drive

Existing Access

Proposed New Lot Boundary

Existing Dwelling

Existing Pool

Proposed Lot 1

Proposed Lot 2

Proposed Bld Env

Cluster of Trees with  
Maintained Understory

Managed  
Grassland  
Vegetation

Managed  
Grassland  
Vegetation

Mowed  
Lawns

Mowed  
Lawns

APZ

APZ

Proposed New Lot Boundary

Proposed Access

10m

10m

11m

11m

10m

# Minimum Lot Size Analysis for 191 Ayrshire Park Drive Middle Boambee



1 May 2023

---

For: Troy Weir  
Authored by: Strider Duerinckx

Ref	Ver	Date	Distribution
2122-197-02	A	23/1/23	Client, Planner
	B	1/5/23	Client, Planner

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## Appendices

Appendix A    Water Balance Calculation

# 1 Introduction

Earth Water Consulting Pty Limited (EWC) were engaged by Troy Weir to undertake a wastewater Minimum Lot Size (MLS) analysis for the proposed subdivision of 191 Ayrshire Park Drive, Middle Boambee (Lot 1 Deposited Plan No:713553 ) (the 'Site'), as shown on Figure 1.

The purpose of the MLS is to confirm that a reduction in the minimum lot size for the zoning would be suitable to allow sustainable wastewater application.

## 2 Proposed Development

Based on plans of the proposed subdivision layout (Ref: Newnham Karl Weir and Partners Pty Ltd, - Proposed Subdivision of 191 Ayrshire Park Road, Boambee. Dated: 12/07/22), it is understood that the Site is proposed to be subdivided from one Lot of 11,695m<sup>2</sup>, into two (2) R5 lots, of 4,575m<sup>2</sup> (Proposed Lot 1) and 7,120m<sup>2</sup> (Proposed Lot 2) (Figure 2). Proposed Lot 2 will be constrained by a large portion of the Lot which is zoned C2 Environmental Conservation, which will comprise 3,114m<sup>2</sup>, and the remaining 4,006m<sup>2</sup> will be available for development.

## 3 Proposed OSMS Combination

The proposed development Wastewater Capability Assessment (WCA) was detailed previously (Ref: TrueWater Australia 2022) and this MLS compliments the WCA. Truewater proposed secondary treatment on each lot, and installation of a Wisconsin sand mound Effluent Management Area (EMA). A combined main EMA and 100% reserve EMA of 250-300m<sup>2</sup> has been allowed for each lot (Figure 2).

## 4 Scope of Work

The MLS was undertaken by Arthur Schultz and Strider Duerinckx of EWC. The study methodology included:

- A desktop review of Site conditions including geology, hydrogeology, soils, and landscape features so as to assess a range of site constraints including landform, slope, aspect, drainage, flooding and proximity to sensitive environments;
- A comparison of nearby properties of a similar target area to confirm the available land for onsite effluent application;
- Provision of this written report, including site plans, describing the results and recommendations from our investigations.

## 5 Minimum Lot Size (MLS) Analysis

### 5.1 Methodology

When considering the suitability for a lot to sustainably manage wastewater on-site, we typically refer to 'available effluent management area'. This broadly refers to available areas (i.e. not built out or used for a conflicting purpose) where OSMS will not be unduly constrained by site and soil characteristics. Available area on a developed a lot is determined by the following factors:

- total building area (including dwellings, sheds, pools etc.) which includes a defined building envelope but may extend beyond with additional improvements to a property, such as driveways and paths (impervious areas), and gardens/vegetated areas unsuitable for effluent reuse;
- dams, intermittent and permanent watercourses running through lots;
- maintenance of appropriate buffer distances from property boundaries, buildings, driveways and paths, dams and watercourses;
- flood prone land;
- excessive slope;
- excessively shallow soils;
- heavy (clay) soils with low permeability;
- excessively poor drainage, shallow groundwater and/or stormwater run-on; and
- excessive shading by vegetation.

The residual areas (areas not otherwise occupied by improvements, buffers, restrictions or conservation vegetation) were then calculated for the selected lots (Figure 4), and the available area compared to the wastewater envelope required.

## 5.2 MLS Buffer Distances

Buffer distances from EMAs are typically enforced to minimise risk to public health, maintain public amenity and protect sensitive environments. Generally, adopted environmental buffers for secondary treated effluent land applied into absorption trenches/ beds based on DLG (1998) are:

- 250m from domestic groundwater bores;
- 100m from permanent watercourses;
- 40m from intermittent watercourses and dams;
- 6m from downslope property boundaries and 3m from upslope property boundaries; and
- 6m from downslope buildings and 3m from upslope buildings.

In addition, ASNZS1547:2012 provides suggested risk assessable buffer distances that include buffers to inground water tanks and swimming pools and cuttings. In the comparative lot assessment by EWC these land uses were also buffered.

## 5.3 MLS Comparative Lots Assessed

Four, nearby R5 zoned, representative lots were selected that have already been subdivided (1) (Figure 3).

**Table 1: Comparative Lots Assessed**

MLS No.	Lot	DP	Address	Lot Area (m <sup>2</sup> )
MLS 1	4	837609	11 Borsato Drive Boambee	3,464
MLS 2	5	837609	9 Raintree Place Boambee	3,558
MLS 3	11	837609	21 Borsato Drive Boambee	4,084

MLS No.	Lot	DP	Address	Lot Area (m <sup>2</sup> )
MLS 4	10	837609	2 Raintree Place Boambee	4,258

The properties typically included a dwelling, garage/shed, landscaped trees, shrubs and gardens, driveways, water tanks, and recreational space. This development style will be similar to that proposed for the Site and therefore minimum lot size and development potential should be consistent.

MLS Assessed Available EMA (Table 2) shows the assessment of available effluent management areas for each of the four lots. As is evident, the variability of lot sizes and on-lot improvements and restrictions of developed lots makes selection of a “typical” lot difficult, however comparison of the four lots with site and soil constraints at the Site indicates that lot size is a greater issue on the comparative lots assessed than at the proposed Lots at the Site.

From the sample selection of lots investigated (Table 2), two of the lots are smaller than the nominated minimum 3,957m<sup>2</sup> available lot space, being 3,464-3558m<sup>2</sup> (MLS 1 and 2) while MLS 3 and 4 are marginally larger than the minimum nominated Lot size, being 4,084-4,258m<sup>2</sup>.

In order to assess the required Effluent Management Area (EMA) footprint, the modelling for secondary treated effluent and subsurface absorption was undertaken and assumed to be utilised on the MLS lots (Appendix A). The modelling suggests that 599m<sup>2</sup> is the required available effluent application areas to accommodate the main EMA and a reserve (backup) area.

**Table 2: Minimum Lot Size Assessment Results**

MLS No.	Lot Area (m <sup>2</sup> )	Total Restricted Area (m <sup>2</sup> )	Available Eff. Application Area (m <sup>2</sup> )	Percent of Lot Available for Eff. Disposal (%)	>599m <sup>2</sup> Area Available for Secondary Treatment and EMA?
1	3,464	2,309	1,155	33	Yes
2	3,558	2,115	1,443	41	Yes
3	4,084	3,068	1,016	24	Yes
4	4,258	2,369	1,889	57	Yes

## 5.4 Discussion

A comparison of nearby properties suggests that:

- Percent of lot area available for effluent disposal is variable depending on site and soil constraints, ranging between 24-57%, equating to about 1,016-1,889m<sup>2</sup> available area for effluent land application;
- The larger lot size proposed on the Site compared to the adjacent lots will significantly increase the percentage of the lot available for effluent disposal;
- The minimum required 599m<sup>2</sup> footprint for application of secondary treated effluent is available on the assessed lots down to about 3,500m<sup>2</sup>;

- The Calculated EMA proposed by Truewater Australia is 250-300m<sup>2</sup> for each proposed lot, and as such the calculated 599m<sup>2</sup> exceeds the minimum calculated requirements; and
- The minimum “available” surface area of 3,957m<sup>2</sup> is considered suitable for the proposed subdivision of the Site.

## 6 Conclusions & Recommendations

Having undertaken a MLS assessment for the proposed subdivision of 191 Ayrshire Park Drive Middle Boambee, EWC consider that there is the opportunity for a reduction in the minimum lot size for the R5 zoning down to 4,000m<sup>2</sup>.

## 7 References

Coffs Harbour City Council (2015) *On-site Sewage Management Strategy 2015*, Coffs Harbour.

Department of Local Government et al. (1998). *Environment & Health Protection Guidelines: On-site Sewage Management for Single Households*.

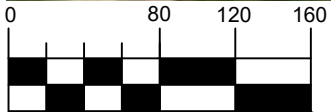
Standards Australia / Standards New Zealand (2012). *AS/NZS 1547:2012 On-site Domestic-wastewater Management*.

TrueWater Australia (2022). Effluent Management Report 191 Ayrshire Park Drive, Boambee, reference CHCC12168, dated August 2022

# FIGURES

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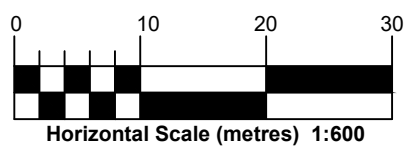
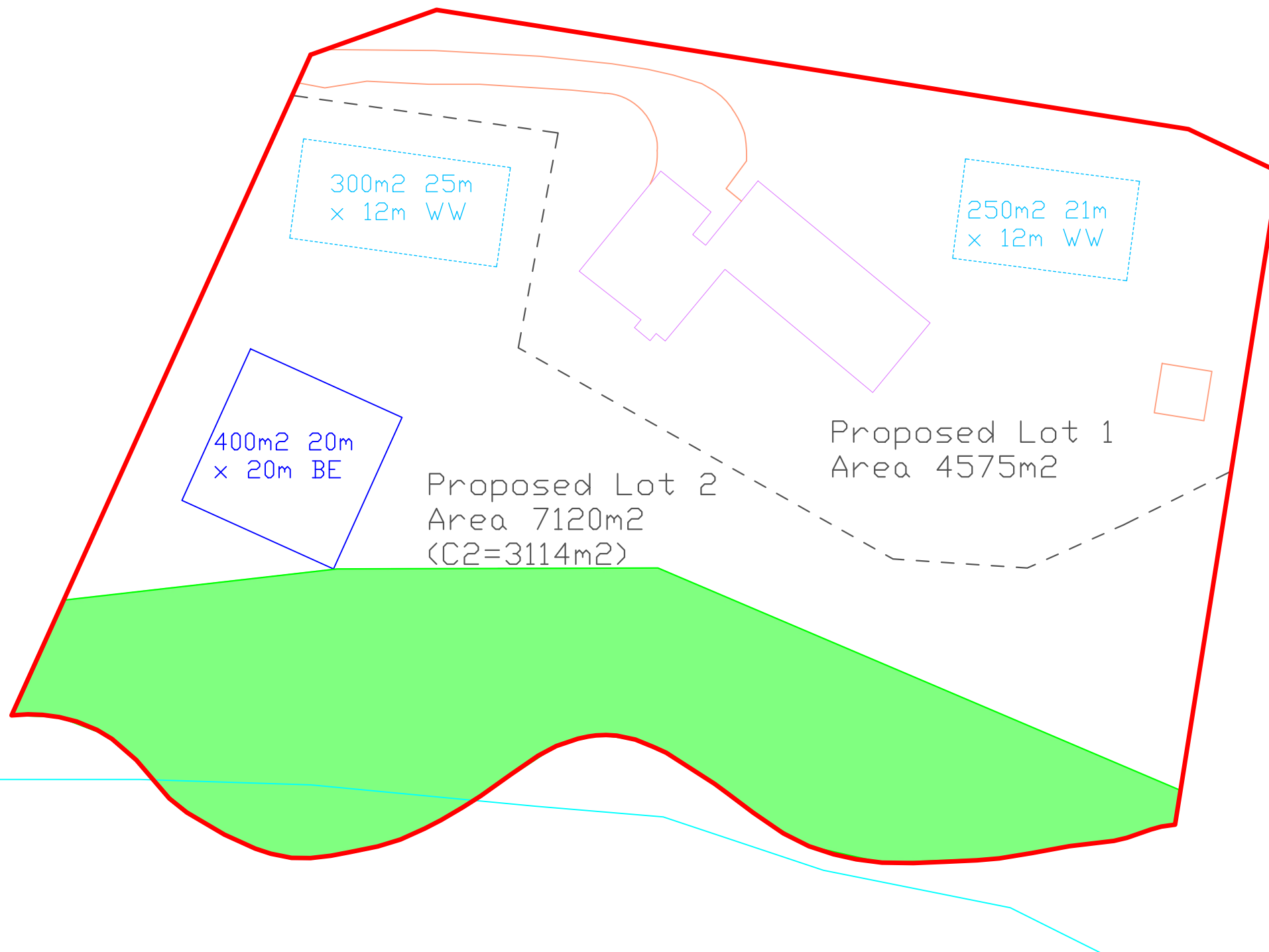
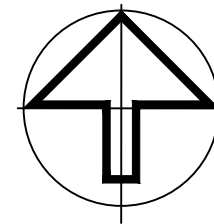
Horizontal Scale (metres) 1:4000



#### LEGEND

- Property Boundary
- Contour (10m)
- Drainage Alignment

TITLE Site Location		PROJECT WCA for 191 Ayrshire Park Drive Boambee			CLIENT Troy Weir
FIGURE Figure 1					
SHEET 1 OF 1	ISSUE A	AUTHOR SD	DATE 23/01/23	SCALE 1:2000	PROJECT 2122-197

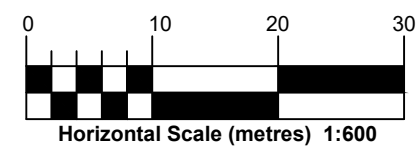


**LEGEND**

- Property Boundary
- Subdivision Boundary
- Proposed Building Envelope
- C2 Line

TITLE Proposed Subdivision Layout			FIGURE Figure 2	
PROJECT WCA for 191 Ayrshire Park Drive Boambee			SHEET 1 OF 1	ISSUE A
			CLIENT Troy Weir	
AUTHOR SD	DATE 23/01/23	SCALE 1:600	PROJECT 2122-197	





#### LEGEND

- Property Boundary
- Subdivision Boundary
- Proposed Building Envelope
- Existing Building



TITLE

Comparative MLS Constraints

FIGURE Figure 3

SHEET 1 OF 1 ISSUE A

PROJECT

WCA for 191 Ayrshire Park Drive  
Boambee

CLIENT

Troy Weir

AUTHOR

SD

DATE

23/01/23

SCALE

1:600

PROJECT

2122-197



# APPENDIX A

---

## Nominated Area Water Balance & Storage Calculations

Site Address: **191 Ayrrshire Park Drive Middle Boamee**

Proj Ref: 2122-197

Notes:



Flow Allowance		150	l/p/d
No. of Bedrooms		5	p
Occupancy		1.5	p/room
Design Wastewater Flow	Q	1125	L/day
Daily DLR		8.0	mm/day
Crop Factor	C	0.6-0.8	unitless
Retained Rainfall Coefficient	RRc	0.9	unitless
Void Space Ratio	V	0.3	unitless
Nominated Land Application Area	N	170	sqm
Trench/Bed wetted thickness	Ww	0.15	m
Rainfall Data	Coffs Harbour Rainfall Data (monthly median)		
Evaporation Data	Coffs Harbour Evap Data (monthly average)		

Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Days in month	D	\	days	31	28	31	30	31	30	31	31	30	31	30	31	365
Median Rainfall	R	\	mm/month	151.2	179	205.1	135.9	117.4	90	54.3	40.7	35.4	74.7	130.4	114.1	1612.2
Average Evaporation	E	\	mm/month	192.2	156.8	148.8	117	86.8	69	77.5	105.4	135	161.2	171	192.2	0
Crop Factor	C			0.80	0.80	0.80	0.70	0.70	0.60	0.60	0.60	0.70	0.70	0.80	0.80	
OUTPUTS																
Evapotranspiration	ET	ExC	mm/month	154	125	119	82	61	41	47	63	95	113	137	154	1189.94
Percolation	B	DLRxD	mm/month	248.0	224	248.0	240.0	248.0	240.0	248.0	248.0	240.0	248.0	240.0	248.0	2920.0
Outputs		ET+B	mm/month	401.8	349.44	367.0	321.9	308.8	281.4	294.5	311.2	334.5	360.8	376.8	401.8	4109.9
INPUTS																
Retained Rainfall	RR	R*RRc	mm/month	136.08	161.1	184.59	122.31	105.66	81	48.87	36.63	31.86	67.23	117.36	102.69	1195.38
Effluent Irrigation	W	(QxD)/L	mm/month	205.1	185.3	205.1	198.5	205.1	198.5	205.1	205.1	198.5	205.1	198.5	205.1	2415.4
Inputs		RR+W	mm/month	341.2	346.4	389.7	320.8	310.8	279.5	254.0	241.8	230.4	272.4	315.9	307.8	3610.8
STORAGE CALCULATION																
Storage remaining from previous month			mm/month		0.0	0.0	75.7	72.1	78.9	72.7	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-201.8	-10.2	75.7	-3.5	6.8	-6.2	-134.9	-231.5	-347.0	-294.9	-203.0	-313.1	-303.9
Cumulative Storage	M		mm	0.0	0.0	75.7	72.1	78.9	72.7	0.0	0.0	0.0	0.0	0.0	0.0	299.4
Maximum Bed Storage Depth for Area	BS		mm	78.95	Is the calculated storage acceptable?			Yes, storage is conservative								
Nominated trench width		0.9														
Total length based on nominated width		188.9														
No. of beds		8														
Individual bed lengths		23.6														
Individual Bed footprints		21.3														
Spacing between beds		1.5														
Width of bed area		17.7														
Total bed area		418														
Nutrient uptake zone		599      2m buffer nutrient uptake allowance														





**ecosure**  
improving ecosystems

**191 AYRSHIRE PARK DRIVE  
DESKTOP ASSESSMENT 2022**

January 2023  
GERALDINE HOURIGAN



## Executive summary

Ecosure Pty Ltd was contracted to undertake an ecological desktop assessment at 191 Ayrshire Park Drive, Boambee, in the Coffs Harbour City Council Local Government Area. The assessment will contribute to a planning proposal to amend the Coffs Harbour Local Environment Plan 2013 zoning to reduce the minimum lot size on the property from 1 ha to 4,000 m<sup>2</sup>, for a one into two lot subdivision.

The desktop assessment identified conservation significant vegetation communities and species mapped or recorded within 1.5 km of the site, but not at the site. The site contains areas mapped as containing Biodiversity Values and Key Fish Habitat, regulated under the Biodiversity Offsets Scheme and *Fisheries Management Act 1994*, respectively. The site is within the Boambee Creek riparian zone which is subject to controls under the *Water Management Act 2000* and Coffs Harbour City Council's Local Environment Plan and Development Control Plan.

A site assessment confirmed the on-ground extent of native vegetation on the property is highly modified and limited to scattered canopy trees and a small sparse area of native understorey which contains numerous introduced species. No features of high-conservation value (i.e. hollow bearing trees) were identified on the site. The area of mapped Key Fish Habitat has been historically cleared of vegetation and is maintained as a domestic garden.

No clearing or other physical on-ground works are expected to occur at this stage of the development. Any potential future works should re-assess the potential for impacts to vegetation, threatened species, BV mapped area, mapped Key Fish Habitat, C2 zone and Boambee Creek riparian zone.

# Acknowledgements

Ecosure acknowledge the Traditional Custodians of the lands and waters where we work. We pay deep respect to Elders past and present who hold the Songlines and Dreaming of this Country. We honour and support the continuation of educational, cultural and spiritual customs of First Nations peoples.





## Glossary, acronyms and abbreviations

BC Act	<i>Biodiversity Conservation Act 2016</i>
BOS	Biodiversity Offsets Scheme
BV	Biodiversity Value
C2 Zone	C2 Environmental Conservation zone
CHCC	Coffs Harbour City Council
DBH	Diameter at breast height
DCP	Development Control Plan
DPI	Department of Primary Industries
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FM Act	<i>Fisheries Management Act 1994</i>
HBT	Hollow-Bearing Trees
LEP	Local Environmental Plan
LGA	Local Government Area
LLS	Local Land Services
MLS	Minimum Lot Size
MNES	Matter of National Environmental Significance
NRAR	Natural Resources Access Regulator
PCT	Plant Community Type
PMST	Protected Matters Search Tool
R5 zone	R5 Large Lot Residential zone
SEPP	State Environmental Planning Policy
TEC	Threatened Ecological Communities
VIS	Vegetation Information System
W2 Zone	W2 Recreational Waterway zone
WM Act	<i>Water Management Act 2000</i>

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# 1 Introduction

Ecosure Pty Ltd (Ecosure) was contracted by Geraldine Hourigan (the proponent) to prepare a desktop assessment report for Lot 1 on DP713553, being 191 Ayrshire Park Drive, Boambee (the site). This assessment will contribute to a planning proposal to Coffs Harbour City Council (CHCC) to amend the minimum lots size (MLS) to allow for subdivision of the lot.

The objective of the desktop assessment report is to identify the potential biodiversity value of the site, as requested by CHCC during a pre-lodgement meeting held in September 2022 (CHCC 2022).

## 1.1 Site description

The site is within the CHCC Local Government Area (LGA). The existing lot boundary (as shown on CHCC mapping) was amended following a boundary survey by Newnham Karl Weir and Partners Pty Ltd in July 2022 (Figure 1, Appendix 1). The site is approximately 1.15 ha and is largely cleared with vegetation restricted to the eastern and southern boundaries. The site is situated in a suburban neighbourhood and is bounded by Ayrshire Park Drive to the west and Boambee Creek to the south, with the wider surroundings comprising neighbouring residential lots.

## 1.2 Planning proposal

The proponent is proposing to lodge a request with CHCC to change the site's MLS from 1 ha to 4,000 m<sup>2</sup> to facilitate a one into two lot subdivision on the site. Design plans, showing the proposed sub-lot boundaries and a proposed lot 2 building envelope are provided in Appendix 1.

There are no physical on-site works planned at this stage, however this report will consider the construction of a dwelling and fence installation permitted on the undeveloped lot.

## 1.3 Project scope

Ecosure was commissioned to undertake the following scope of work:

- preliminary desktop review including:
  - database searches for threatened species or communities likely to occur at the site and within 1.5 km including *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters search tool (PMST), BioNet Atlas and CHCC mapping
  - a review of relevant Local, State and Commonwealth legislation including the *Biodiversity Conservation Act 2016* (BC Act), *NSW Fisheries Management Act 1994* (FM Act) and State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021

- brief site visit to identify any features of high conservation value e.g. Hollow-Bearing Trees (HBT)
- a brief summary report of the biodiversity values of the site including:
  - results of desktop review
  - high conservation value features
  - a list of threatened species recorded on or adjacent to the site
  - recommendations.





**Figure 1: Site location**

Geraldine Hourigan

Ayrshire Park Drive Environmental Assessment 2022

**Site boundary**

 1DP713553

 Proposed subdivision



Job number: PR7703  
Revision: 0  
Author: SR  
Date: 09/12/2022



0 10 20 30 m

GDA 1994 MGA Zone 56  
Projection: Transverse Mercator  
Datum: GDA 1994  
Units: Meter



## 2 Methods

### 2.1 Desktop assessment

#### 2.1.1 Online database search

Table 1 details the databases and mapping tools to inform the biodiversity values desktop assessment.

Table 1 Desktop assessment search tools

Search tool	Aim of search	Search area
EPBC Act PMST	Presence of matters of national significance (MNES) likely to occur.	Site + 1.5 km radius
NSW BioNet Atlas	Presence of NSW threatened species or communities likely to occur (including commonwealth listed species that are also listed in NSW). BioNet data is based on actual records.	Site + 1.5 km radius, 20 years of historical data
CHCC online mapping system	Relevant environmental features including: <ul style="list-style-type: none"> <li>· mapped plant community types</li> <li>· koala habitat</li> <li>· mapped SEPP areas</li> <li>· high value habitats.</li> </ul>	Site only
Biodiversity Values (BV) Map	Areas of high biodiversity value sensitive to impacts from development and clearing.	Site only
Water Management (General) Regulation 2018 hydroline spatial data 1.0	Stream order (Strahler) of Boambee Creek.	Site + full extent of upstream catchment area for Boambee Creek.
Fisheries Spatial Data Portal	Extent of mapped Key Fish Habitat.	Site only
NSW BioNet Vegetation Information System (VIS)	Plant community types.	Site only

#### 2.1.2 Relevant legislation, policies and plans

Relevant legislation, plans and policies were reviewed to determine development constraints. These included:

- EPBC Act
- BC Act
- FM Act
- *Water Management Act 2000* (WM Act)

- State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021
- CHCC Local Environmental Plan (LEP) (CHCC 2013)
- CHCC Development Control Plan (DCP) (CHCC 2015).

## 2.2 Site assessment

The site assessment was undertaken on 10<sup>th</sup> November 2022 by Environmental Scientist, Vanessa Cain. The site was traversed to identify the species and location of native vegetation and HBT. Any incidental observations of fauna on site were recorded. Data was captured under geo-referenced 'survey site' points using the Fulcrum app.



## 3 Results

### 3.1 Desktop assessment

#### 3.1.1 MNES

The PMST report identified MNES known, likely or that may occur within 1.5 km of the project area including five threatened ecological communities (TEC), 54 threatened species and 17 migratory species, excluding marine dependant species (Table 2 and Appendix 2). Threatened species and communities included in the PMST report are based on a combination of actual records and modelled habitat.

Table 2 PMST results for MNES potentially occurring on or within 1.5 km of the site

Matter	Potential to occur on or within 1.5km of the site	Description
World Heritage Properties	No	N/A
National Heritage Places	No	N/A
Wetlands of International Importance	No	N/A
Commonwealth Marine Area	No	N/A
Listed TEC	Yes	<p>Five TECs were identified with potential to occur on site:</p> <ul style="list-style-type: none"> <li>Coastal Swamp Sclerophyll Forest of NSW and South East Queensland (endangered)</li> <li>Lowland Rainforest of Subtropical Australia (critically endangered)</li> <li>Subtropical eucalypt floodplain forest and woodland of the NSW North Coast and South East Queensland bioregions (endangered)</li> <li>Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of NSW and South East Queensland ecological community (endangered)</li> <li>Dunn's white gum (<i>Eucalyptus dunnii</i>) moist forest in north-east NSW and south-east Queensland (endangered).</li> </ul>
Listed threatened species	Yes	<p>54 threatened species including:</p> <ul style="list-style-type: none"> <li>22 plants</li> <li>17 birds</li> <li>9 mammals</li> <li>3 frogs</li> <li>2 insects</li> <li>1 reptile.</li> </ul>
Listed migratory species	Yes	17 migratory bird species

### 3.1.2 NSW BioNet Atlas

The BioNet database search (NSW 2022) reported no records of threatened species on site, with ten threatened species records in a 1.5 km radius (Appendix 3), comprising:

- four birds: wompoo fruit dove (*Ptilinopus magnificus*), powerful owl (*Ninox strenua*), masked owl (*Tyto novaehollandiae*) and sooty owl (*Tyto tenebricosa*)
- three mammals: koala (*Phascolarctos cinereus*), grey headed flying fox (*Pteropus poliocephalus*) and greater broad nosed bat (*Scoteanax rueppellii*)
- three flora species: slender marsdenia (*Marsdenia longiloba*), scrub turpentine (*Rhodamnia rubescens*) and rusty plum (*Niemeyera whitei*).

### 3.1.3 Other relevant mapping

CHCC mapping indicates approximately 0.23 ha of remnant native vegetation occurs along the southern and eastern boundary of the site.

CHCC mapping shows the site is mapped as R5 Large Lot Residential zone (R5 zone), C2 Environmental Conservation zone (C2 zone) and W2 Recreational Waterway zone (W2 zone).

The site contains BV mapping along the southern boundary, namely *biodiverse riparian land*. Boambee Creek runs adjacent to the southern border of the site which at this location is classed as a 4<sup>th</sup> order stream (Strahler) and is mapped as Key Fish Habitat under the FM Act (Figure 2a-b).

VIS shows approximately 39 m<sup>2</sup> of *Northern lowland subtropical rainforest* Plant Community Type (PCT) mapped in the southwest corner of the site (Figure 2a).

### 3.1.4 Relevant legislation, policies and plans

The following regulatory documents are relevant to the planning proposal and are discussed in Section 0

- EPBC Act
- BC Act
- FM Act
- WM Act
- CHCC LEP
- CHCC DCP
- Local Land Services (LLS) North Coast Regional Weed Management Plan (LLS 2021).

## 3.2 Site assessment

The site consists of a single dwelling and a mown lawn. It has been largely cleared of native vegetation with some remaining patches scattered throughout.

The building envelope for the proposed new lot is situated on an area of mown lawn (Survey Site 1, Figure 2 and Plate 1).

Boambee Creek runs along the southern site boundary. It has a rocky substrate and was flowing at the time of the site assessment. The creek is subsurface in some areas of the site, and the landholder reported that the creek is usually dry (Troy Weir pers. com. 10<sup>th</sup> November).

The riparian area has been largely cleared and mowed with two patches of native vegetation species including cheese tree (*Glochidion ferdinandi* var. *ferdinandi*), guioa (*Guioa semiglauc*), Bangalow palm (*Archontophoenix cunninghamiana*), red ash (*Alphitonia excelsa*), acacia (*Acacia* sp.) and basket grass (*Lomandra longifolia*) (Survey Site 2, Figure 2 and Plate 2-3). Evidence of herbicide spraying was present on the creek bank, identified by areas of dead grass. Wetland species were present amongst weeds along the creek line including common knotweed (*Persicaria strigose*), and umbrella sedge (*Cyperus involucratus*).

A stand of mature camphor laurel (*Cinnamomum camphora*) with a weedy understory was recorded along the southern boundary of the site (Survey Site 3, Figure 2 and Plate 4 ). Exotic species includes ochna (*Ochna serrulate*), green cestrum (*Cestrum parqui*), wild tobacco bush (*Solanum mauritianum*) and ground asparagus (*Asparagus aethiopicus*).

On the south side of the creek, in the neighbouring lot, three mature hollow bearing blue gums (*Eucalyptus saligna*) are present (Survey Site 4, Figure 2). Although outside the site boundary, these trees were recorded due to their significance and proximity to the site and include.

- tree 1: 100 cm diameter at breast height (DBH)
- tree 2: 80 cm DBH
- tree 3: 137 cm DBH.





Plate 1 Location of proposed building envelope



Plate 2 Boambee Creek and modified riparian zone



Plate 3 Localised area of native vegetation on creek edge



Plate 4 Stand of mature camphor laurel with weedy understory





**Figure 2a: Desktop assessment results**

Geraldine Hourigan

Ayrshire Park Drive Environmental Assessment 2022

Site boundary	Land zoning
<span style="border: 1px solid red; display: inline-block; width: 10px; height: 10px;"></span> 1DP713553	<span style="background-color: yellow; display: inline-block; width: 10px; height: 10px;"></span> C2
<span style="border: 1px dashed red; display: inline-block; width: 10px; height: 10px;"></span> Proposed subdivision	<span style="background-color: lightblue; display: inline-block; width: 10px; height: 10px;"></span> R5
<span style="color: cyan;">—</span> Boambee creek	<span style="background-color: purple; display: inline-block; width: 10px; height: 10px;"></span> W2







**Figure 2b: Desktop assessment results**

Geraldine Hourigan

Ayrshire Park Drive Environmental Assessment 2022

**Site boundary**

1DP713553

Proposed subdivision

Key fish habitat

Boambee creek

**PCT**

Northern lowland subtropical rainforest

**Biodiversity values**

Biodiverse riparian land









**Figure 3: Site assessment: survey sites**

Geraldine Hourigan

Ayrshire Park Drive Environmental Assessment 2022

**Site boundary**

 1DP713553

 Proposed subdivision

 Survey sites



## 4 Discussion and recommendations

### 4.1 Biodiversity value of the site

A number of threatened species have potential to occur on the site, based on the desktop assessment. Further investigation would be required to determine the likelihood of occurrence of these species. Fauna habitat is restricted to the canopy trees which are likely to provide foraging and refuge opportunities for a range of birds, insects and some mammals, and Boambee Creek which may support aquatic species. No other features of high conservation value (i.e. HBT) were noted on the site. Diagnostic analysis for confirmation of the PCT was outside the scope of this assessment.

The following species which are listed in the LLS North Coast Regional Weed Management Plan were recorded on the site:

- ground asparagus – weed of national significance
- green cestrum - North Coast LLS priority weed
- camphor laurel – species of concern in North Coast LLS area.

The site includes the Boambee Creek riparian zone, however it should be noted that the 'riparian' definition differs between various legislation/regulations/plans, as discussed in Section 4.2.

### 4.2 Legal/policy considerations

Desktop assessment results identified the potential for threatened and migratory species on site, however the proposed change to MLS and the proposed subdivision lot boundary are unlikely to result in any impact to conservation significant vegetation communities or species. The proposal will avoid the BV '*biodiverse riparian land*' mapped area and will not result in vegetation clearance above the Biodiversity Offsets Scheme (BOS) threshold. As such, no further action is required under the EPBC Act or BC Act at this stage of development.

Boambee Creek, and the southern side of the site, is mapped as Key Fish Habitat. Under the FM Act, actions that are likely to result in damage to Key Fish Habitat are not permitted unless authorised by the Department of Primary Industries (DPI). This includes direct and indirect impacts, whether temporary or permanent. Although the proposed sub-division boundary and building envelope is within the Key Fish Habitat mapping, the area has been historically cleared and maintained through mowing and is unlikely to provide important habitat for aquatic species and associated vegetation. As a precautionary measure, liaison with the DPI is recommended prior to installation of infrastructure in the mapped Key Fish Habitat area.

Controlled activities on waterfront land are regulated through the WM Act and administered by the Natural Resources Access Regulator (NRAR). If works are proposed within the riparian zone of a water body, approval may be required by the NRAR (NRAR 2018). The riparian zone of a 4<sup>th</sup> order stream under NRAR is a total of 80 m (40 m either side of the watercourse)



plus the channel width. Activities within the riparian zone (40 m) of Boambee Creek may be considered a controlled action and require approval by the NRAR.

The LEP identifies the objectives of land use zones. The objectives relevant to this site include:

- R2 zone:
  - to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality
  - to ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- C2 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.
- W2 zone:
  - to protect the ecological values of recreational waterways.

The LEP also states the consenting authority must consider any adverse effects of developments to watercourses and all land within 40 m of the top of the watercourse bank.

Sections of the DCP potentially relevant to the site from an environmental perspective include:

- Part C Subdivision Controls, Section C1.5 which stipulates design requirements for R5 zones, including an objective to ensure that subdivisions are responsive to the environmental context of the land
- Part E Environmental Controls, Section E1.1 Preservation of trees and vegetation
- Part E Environmental Controls, E1.3 Riparian zone requirements which states that riparian zones are not to be used for private infrastructure purposes. The riparian zone for Boambee Creek is listed as 50 m under the DCP.

The proposed change to MLS and subdivision are consistent with relevant objectives of both the Coffs Harbour LEP and DCP, however the proposed building envelope (Appendix 1) is approximately 40 m from the northern bank of Boambee Creek, therefore within the Boambee Creek riparian zone under the DCP. Any future development application for construction will require consideration of adverse impacts on Boambee Creek.

## 4.3 Recommendations

Any infrastructure related to the proposed adjustment to MLS and subdivision of the site should avoid areas of high conservation value, that is BV mapped area, mapped Key Fish Habitat, C2 zone and Boambee Creek riparian zone. As a precautionary measure, liaison with the DPI is recommended if works are proposed within the mapped Key Fish Habitat.

If a development application is lodged for additional works in the future, we recommend consideration of:

- any direct or indirect impact to high conservation value areas
- any direct or indirect impact to threatened species likely to use the site (see Section 3.1.1)
- any direct or indirect impacts to HBTs on the neighbouring lot
- management of weed species, recorded on site, in accordance with the North Coast Regional Weed Management Plan which proposes asset protection with regard to ground asparagus and camphor laurel (i.e. preventing the spread of the species), and eradicating green cestrum (i.e. the plant is eradicated from the land and the land is kept free of the plant)
- re-validation of potential impacts, by a suitably experienced ecologist if, after five years, a development application has not been lodged.

## 5 Conclusion

Although the site is largely cleared, it is known to contain small areas of native vegetation and potential for the site to support a number of threatened species. The site also contains areas of BV mapping, Key Fish Habitat, and the Boambee Creek riparian zone, impacts to which may be regulated under the BOS, FM Act, WM Act and CHCC environmental controls.

As no clearing or other physical on-ground works are to occur at this stage, there are no identified ecological constraints to the proposed change to MLS and one-into-two lot subdivision. Further consideration will be required should a development application for building consent be proposed.

## References

Coffs Harbour City Council 2022, Pre-Lodgement Meeting Notes; 191 Ayrshire Park Drive Boambee, Lot 1 DP 713553. Provided by Stephen Sawtell, Factor X Solutions on 12<sup>th</sup> October 2022

Coffs Harbour City Council 2022, *Coffs Harbour Online Mapping System*, viewed 15<sup>th</sup> November 2022,  
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[https://chcc-](https://chcc-icon.saas.t1cloud.com/public/pages/plan/book.aspx?exhibit=chcc_standard_exhibition_dcp_2015)  
[icon.saas.t1cloud.com/public/pages/plan/book.aspx?exhibit=chcc\\_standard\\_exhibition\\_dcp\\_2015](https://chcc-icon.saas.t1cloud.com/public/pages/plan/book.aspx?exhibit=chcc_standard_exhibition_dcp_2015)

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<https://www.legislation.nsw.gov.au/#/view/EPI/2013/564/full>

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[Regional-Weed-Mgmt-Plan-web-002.pdf](https://www.lls.nsw.gov.au/__data/assets/pdf_file/0006/722760/Revised-North-Coast-Regional-Weed-Mgmt-Plan-web-002.pdf)

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[controlled-activities-on-waterfront-land-Riparian-corridors.pdf](https://www.nrar.nsw.gov.au/__data/assets/pdf_file/0003/367392/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf)

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[https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet/about-bionet-vegetation-classification)  
[bionet/about-bionet-vegetation-classification](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet/about-bionet-vegetation-classification)

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[plants/biodiversity/nsw-bionet](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet)

## Appendix 1      Design plans



BOUNDARIES SHOWN ARE SUBJECT TO FINAL  
SURVEY AND COUNCIL APPROVAL  
PROPOSED SERVICES ARE PRELIMINARY  
AND FOR DISCUSSION ONLY



**Newnham Karl Weir**  
and Partners Pty Ltd



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ABN 21 100 904 783  
ACN 100 904 783

PROPOSED SUBDIVISION OF  
191 AYRSHIRE PARK ROAD, BOAMBEE  
BEING LOT 1 DP 713553

DATE: 12/07/2022	SURVEYED:
SCALE: 1:1500	DRAWN: N.S.
CONTOURS:	CHECKED: A.V.S.
SHEET SIZE: A3	SURVEY REF: 15445
DATUM:	SHEET: 1 OF 1



## Appendix 2      PMST results



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

# EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 15-Nov-2022

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

# Summary

## Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Importance (Ramsar</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Listed Threatened Ecological Communities:</a>	5
<a href="#">Listed Threatened Species:</a>	54
<a href="#">Listed Migratory Species:</a>	17

## Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

<a href="#">Commonwealth Lands:</a>	None
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	22
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Australian Marine Parks:</a>	None
<a href="#">Habitat Critical to the Survival of Marine Turtles:</a>	None

## Extra Information

This part of the report provides information that may also be relevant to the area you have

<a href="#">State and Territory Reserves:</a>	1
<a href="#">Regional Forest Agreements:</a>	1
<a href="#">Nationally Important Wetlands:</a>	None
<a href="#">EPBC Act Referrals:</a>	3
<a href="#">Key Ecological Features (Marine):</a>	None
<a href="#">Biologically Important Areas:</a>	None
<a href="#">Bioregional Assessments:</a>	None
<a href="#">Geological and Bioregional Assessments:</a>	None

# Details

## Matters of National Environmental Significance

Listed Threatened Ecological Communities

[ Resource Information ]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community</a>	Endangered	Community likely to occur within area	In feature area
<a href="#">Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland</a>	Endangered	Community likely to occur within area	In feature area
<a href="#">Dunn's white gum (Eucalyptus dunnii) moist forest in north-east New South Wales and south-east Queensland</a>	Endangered	Community may occur within area	In buffer area only
<a href="#">Lowland Rainforest of Subtropical Australia</a>	Critically Endangered	Community likely to occur within area	In feature area
<a href="#">Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions</a>	Endangered	Community likely to occur within area	In feature area

Listed Threatened Species

[ Resource Information ]

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Scientific Name	Threatened Category	Presence Text	Buffer Status
BIRD			
<a href="#">Anthochaera phrygia</a> Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Atrichornis rufescens</a> Rufous Scrub-bird [655]	Endangered	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Botaurus poiciloptilus</a> Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Calyptorhynchus lathami lathami</a> South-eastern Glossy Black-Cockatoo [67036]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Erythroriorchis radiatus</a> Red Goshawk [942]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Falco hypoleucos</a> Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Limosa lapponica baueri</a> Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit [86380]	Vulnerable	Species or species habitat known to occur within area	In buffer area only



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Rostratula australis</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Sternula nereis nereis</a> Australian Fairy Tern [82950]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Turnix melanogaster</a> Black-breasted Button-quail [923]	Vulnerable	Species or species habitat may occur within area	In feature area
FROG			
<a href="#">Litoria aurea</a> Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Mixophyes balbus</a> Stuttering Frog, Southern Barred Frog (in Victoria) [1942]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Mixophyes iteratus</a> Giant Barred Frog, Southern Barred Frog [1944]	Vulnerable	Species or species habitat known to occur within area	In feature area
INSECT			
<a href="#">Argynnis hyperbius inconstans</a> Australian Fritillary [88056]	Critically Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Phyllodes imperialis smithersi</a> Pink Underwing Moth [86084]	Endangered	Species or species habitat may occur within area	In buffer area only
MAMMAL			
<a href="#">Chalinolobus dwyeri</a> Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Dasyurus maculatus maculatus (SE mainland population)</a> Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Notamacropus parma</a> Parma Wallaby [89289]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Petauroides volans</a> Greater Glider (southern and central) [254]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Petaurus australis australis</a> Yellow-bellied Glider (south-eastern) [87600]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</a> Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Potorous tridactylus tridactylus</a> Long-nosed Potoroo (northern) [66645]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Pseudomys novaehollandiae</a> New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Pteropus poliocephalus</a> Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
PLANT			
<a href="#">Acronychia littoralis</a> Scented Acronychia [8582]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Arthraxon hispidus</a> Hairy-joint Grass [9338]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Bertya sp. Clouds Creek (M. Fatemi 4)</a> [84675]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#">Corynocarpus rupestris subsp. rupestris</a> Glenugie Karaka [19303]	Vulnerable	Species or species habitat known to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Cryptostylis hunteriana</a> Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Cynanchum elegans</a> White-flowered Wax Plant [12533]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Haloragis exalata subsp. velutina</a> Tall Velvet Sea-berry [16839]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Hicksbeachia pinnatifolia</a> Monkey Nut, Bopple Nut, Red Bopple, Red Bopple Nut, Red Nut, Beef Nut, Red Apple Nut, Red Boppel Nut, Ivory Silky Oak [21189]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Leichhardtia longiloba listed as Marsdenia longiloba</a> Clear Milkvine [91911]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Macadamia integrifolia</a> Macadamia Nut, Queensland Nut Tree, Smooth-shelled Macadamia, Bush Nut, Nut Oak [7326]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Macadamia tetraphylla</a> Rough-shelled Bush Nut, Macadamia Nut, Rough-shelled Macadamia, Rough-leaved Queensland Nut [6581]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Parsonsia dorrigoensis</a> Milky Silkpod [64684]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Persicaria elatior</a> Knotweed, Tall Knotweed [5831]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Phaius australis</a> Lesser Swamp-orchid [5872]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Plectranthus nitidus</a> Nightcap Plectranthus, Silver Plectranthus [55742]	Endangered	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Rhodamnia rubescens</a> Scrub Turpentine, Brown Malletwood [15763]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Rhodomyrtus psidioides</a> Native Guava [19162]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Samadera sp. Moonee Creek (J.King s.n. Nov. 1949)</a> [86885]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Sarcochilus fitzgeraldii</a> Ravine Orchid [19131]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Thesium australe</a> Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Vincetoxicum woollsii listed as Tylophora woollsii</a> [40080]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Zieria prostrata</a> Headland Zieria [56782]	Endangered	Species or species habitat may occur within area	In feature area

REPTILE			
<a href="#">Coeranoscincus reticulatus</a> Three-toed Snake-tooth Skink [59628]	Vulnerable	Species or species habitat may occur within area	In feature area

Listed Migratory Species		[ <a href="#">Resource Information</a> ]	
Scientific Name	Threatened Category	Presence Text	Buffer Status
Migratory Marine Birds			
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
Migratory Terrestrial Species			
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area	In feature area
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area	In feature area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area	In feature area
<a href="#">Symposiachrus trivirgatus as Monarcha trivirgatus</a> Spectacled Monarch [83946]		Species or species habitat known to occur within area	In feature area
Migratory Wetlands Species			
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area	In feature area
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area	In feature area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Pandion haliaetus</a> Osprey [952]		Breeding known to occur within area	In buffer area only
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat may occur within area	In buffer area only

### Other Matters Protected by the EPBC Act

Listed Marine Species	[ <a href="#">Resource Information</a> ]		
Scientific Name	Threatened Category	Presence Text	Buffer Status
Bird			
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Bubulcus ibis as Ardea ibis</a> Cattle Egret [66521]		Breeding likely to occur within area overfly marine area	In feature area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area	In feature area
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat may occur within area overfly marine area	In feature area



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Haliaeetus leucogaster</a> White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Merops ornatus</a> Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Neophema chrysostoma</a> Blue-winged Parrot [726]		Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Pandion haliaetus</a> Osprey [952]		Breeding known to occur within area	In buffer area only
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Rostratula australis as Rostratula benghalensis (sensu lato)</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Symposiachrus trivirgatus as Monarcha trivirgatus</a> Spectacled Monarch [83946]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat may occur within area overfly marine area	In buffer area only

### Extra Information

State and Territory Reserves			<a href="#">[ Resource Information ]</a>
Protected Area Name	Reserve Type	State	Buffer Status
Yuraala	Flora Reserve	NSW	In feature area

Regional Forest Agreements			<a href="#">[ Resource Information ]</a>
Note that all areas with completed RFAs have been included.			
RFA Name		State	Buffer Status
<a href="#">North East NSW RFA</a>		New South Wales	In feature area

EPBC Act Referrals					<a href="#">[ Resource Information ]</a>
Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status	

Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
Controlled action				
Controlled action				
<a href="#">Clarence Valley and Coffs Harbour Regional Water Supply Project</a>	2005/2191	Controlled Action	Post-Approval	In feature area
<a href="#">Pacific Highway Upgrade - Coffs Harbour Bypass, NSW</a>	2017/8005	Controlled Action	Post-Approval	In buffer area only
Not controlled action				
<a href="#">Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia</a>	2015/7522	Not Controlled Action	Completed	In feature area

# Caveat

## 1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

## 2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data are available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance

## 3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions

## 4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

# Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact us](#) page.

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## Appendix 3      BioNet results

DatasetName	SightingKey	ClassName	FamilyName	ScientificName	CommonName	DateLast	Status	Latitude_GDA94	Longitude_GDA94
State Forests Biodata	SPJIG177792	Aves	Columbidae	Ptilinopus magnificus	Wompoo Fruit-Dove	22/10/2019 10:18	Valid and accepted without modification	-30.33281787	153.0476155
Wildlife Rehab Database	SPJIG5589717	Aves	Columbidae	Ptilinopus magnificus	Wompoo Fruit-Dove	30/11/2014	Valid and accepted without modification	-30.3224814	153.0492201
State Forests Biodata	SPJIG6867668	Aves	Strigidae	Ninox strenua	Powerful Owl	11/09/2021 8:08	Valid and accepted without modification	-30.33	153.05
State Forests Biodata	SPJIG6527755	Aves	Tytonidae	Tyto novaehollandiae	Masked Owl	21/06/2020 11:15	Valid and accepted without modification	-30.33	153.05
State Forests Biodata	SPJIG177791	Aves	Tytonidae	Tyto tenebricosa	Sooty Owl	22/10/2019 10:18	Valid and accepted without modification	-30.33	153.05
DPIE Data from Scientific Licences dataset	SDMPI0997067	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	30/07/2021	Valid and accepted without modification	-30.32733346	153.0665397
DPIE Default Sightings	SKDT17072400	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	4/07/2017	Valid and accepted without modification	-30.31969722	153.0551389
NPA Great Koala Count	SIXRI0106237	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	11/12/2013	Valid and accepted without modification	-30.327573	153.062328
State Forests Biodata	SPJIG4844903	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	30/09/2015 12:05	Valid and accepted without modification	-30.3125568	153.052619
State Forests Biodata	SPJIG6566382	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	16/10/2020 9:11	Valid and accepted without modification	-30.3349388	153.0468466
Wildlife Rehab Database	SPJIG5908147	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	1/06/2017	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5926170	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	14/06/2014	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5926312	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	21/09/2015	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5927528	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	23/09/2016	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG6719048	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	23/10/2014	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG6719068	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	11/11/2014	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG6719469	Mammalia	Phascolarctidae	Phascolarctos cinereus	Koala	29/10/2015	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5583544	Mammalia	Pteropodidae	Pteropus poliocephalus	Grey-headed Flying-fox	31/01/2015	Valid and accepted without modification	-30.3234475	153.04284
Wildlife Rehab Database	SPJIG5630546	Mammalia	Pteropodidae	Pteropus poliocephalus	Grey-headed Flying-fox	12/10/2014	Valid and accepted without modification	-30.3238993	153.0558068
Wildlife Rehab Database	SPJIG5897122	Mammalia	Pteropodidae	Pteropus poliocephalus	Grey-headed Flying-fox	15/11/2013	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5897155	Mammalia	Pteropodidae	Pteropus poliocephalus	Grey-headed Flying-fox	9/07/2013	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5897438	Mammalia	Vespertilionidae	Scoteanax rueppellii	Greater Broad-nosed Bat	17/04/2017	Valid and accepted without modification	-30.33395	153.056
Wildlife Rehab Database	SPJIG5897442	Mammalia	Vespertilionidae	Scoteanax rueppellii	Greater Broad-nosed Bat	17/04/2017	Valid and accepted without modification	-30.33395	153.056
DPIE Data from Scientific Licences dataset	SIXRI1227760	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33112837	153.048863
DPIE Data from Scientific Licences dataset	SIXRI1227761	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33086659	153.0490813
DPIE Data from Scientific Licences dataset	SIXRI1227762	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.3308305	153.0490501
DPIE Data from Scientific Licences dataset	SIXRI1227763	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33019884	153.048977
DPIE Data from Scientific Licences dataset	SIXRI1227764	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33021709	153.0484256
DPIE Data from Scientific Licences dataset	SIXRI1227765	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33030748	153.04802
DPIE Data from Scientific Licences dataset	SIXRI1227766	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.3305782	153.0480305
DPIE Data from Scientific Licences dataset	SIXRI1227767	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33044288	153.047916
DPIE Data from Scientific Licences dataset	SIXRI1227769	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33052424	153.0475207
DPIE Data from Scientific Licences dataset	SIXRI1227772	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33129995	153.0485302
DPIE Data from Scientific Licences dataset	SIXRI1227841	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.32893686	153.0450753
DPIE Data from Scientific Licences dataset	SIXRI1227842	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.32938798	153.0453252
DPIE Data from Scientific Licences dataset	SIXRI1227843	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.32993834	153.0456479
DPIE Data from Scientific Licences dataset	SIXRI1227844	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33010966	153.0460433
DPIE Data from Scientific Licences dataset	SIXRI1227845	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33040709	153.0470941
DPIE Data from Scientific Licences dataset	SIXRI1227848	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33024609	153.0429225
DPIE Data from Scientific Licences dataset	SIXRI1227849	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.3300115	153.042808
DPIE Data from Scientific Licences dataset	SIXRI1227850	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33022814	153.0426
DPIE Data from Scientific Licences dataset	SIXRI1227851	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33020113	153.0424231
DPIE Data from Scientific Licences dataset	SIXRI1227852	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33015597	153.042548
DPIE Data from Scientific Licences dataset	SIXRI1227853	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33029139	153.0423608
DPIE Data from Scientific Licences dataset	SIXRI1227854	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33032746	153.042444
DPIE Data from Scientific Licences dataset	SIXRI1227855	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33032757	153.0421007
DPIE Data from Scientific Licences dataset	SIXRI1227856	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33036358	153.0423608
DPIE Data from Scientific Licences dataset	SIXRI1227857	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.32998531	153.0399992
DPIE Data from Scientific Licences dataset	SIXRI1227858	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.32971471	153.0396037
DPIE Data from Scientific Licences dataset	SIXRI1227859	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.32997641	153.039583
DPIE Data from Scientific Licences dataset	SIXRI1227860	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.3298862	153.0394998
DPIE Data from Scientific Licences dataset	SIXRI1227862	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33088773	153.0399787
DPIE Data from Scientific Licences dataset	SIXRI1227863	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33108615	153.0403637
DPIE Data from Scientific Licences dataset	SIXRI1227864	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33105892	153.0408631
DPIE Data from Scientific Licences dataset	SIXRI1227865	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33090275	153.0488941
DPIE Data from Scientific Licences dataset	SIXRI1227866	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33092077	153.0489877
DPIE Data from Scientific Licences dataset	SIXRI1227867	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33092076	153.0490085
DPIE Data from Scientific Licences dataset	SIXRI1227868	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33095685	153.049019
DPIE Data from Scientific Licences dataset	SIXRI1227869	Flora	Apocynaceae	Marsdenia longiloba	Slender Marsdenia	14/02/2015	Valid and accepted without modification	-30.33095685	153.0490294

[illegible]

## Revision History

Revision No.	Revision date	Details	Prepared by	Reviewed by	Approved by
00	12/12/2022	Ayrshire Park Drive Desktop Assessment 2022	Rachel McBride, Senior Ecologist	Trudy Thompson, Senior Environmental Scientist	Natalie Toon, General Manager
01	10/01/2023	Ayrshire Park Drive Desktop Assessment 2022	Rachel McBride, Senior Ecologist	Trudy Thompson, Senior Environmental Scientist	Natalie Toon, General Manager

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1	10/01/2023	Electronic	Geraldine Hourigan C/O Factor X Solutions Pty Ltd.	Stephen Sawtell
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## Gateway Determination

**Planning proposal (Department Ref: PP-2023-939):** to reduce the minimum lot size of Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee to 4500m<sup>2</sup>.

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Coffs Harbour Local Environmental Plan 2013 to reduce the minimum lot size of Lot 1 DP 713553, 191 Ayrshire Park Drive, Boambee should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 6 months from the Gateway determination date.

### Gateway Conditions

1. Public exhibition is required under section 3.34(2)C and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - NSW Rural Fire Service
  - Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation Services
  - Department of Primary Industries and Regional Development - Fisheries

- Natural Resources Access Regulator

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 2 September 2024

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

**Jeremy Gray**  
**Director, Hunter and Northern Region**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**