



PLANNING PROPOSAL

NAMBUCCA LOCAL ENVIRONMENTAL PLAN 2010

VALLA URBAN GROWTH AREA REZONING

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Preliminary

This planning proposal has been drafted in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, and 'Local Environmental Plan Making Guideline' (DoP, 2021) for amendment to the Nambucca Local Environmental Plan 2010 (LEP). A gateway determination under Section 3.34 of the Act is requested.

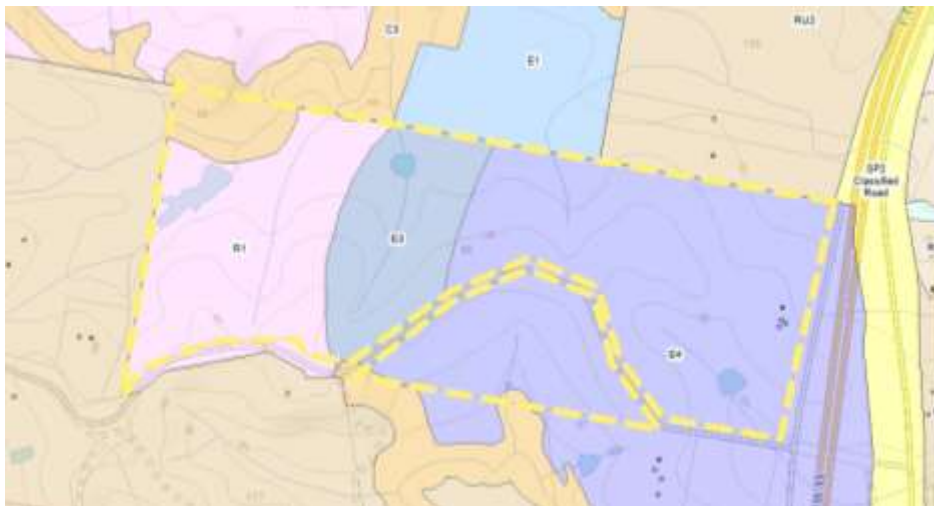
Part 1 Objectives and Intended outcomes

The objectives and intended outcomes of this planning proposal are to implement a minor amendment to zone boundaries within the Valla Urban Growth Area (VUGA) to provide for an improved urban design that will facilitate the practical delivery of employment and residential lands for the region. The zoning amendment will not change the existing land use zones within VUGA, it will just alter the existing zones footprint.

Part 2 Explanation of Provisions

The intended outcomes will be achieved by amending the LEP by way of realigning the existing R1 General Residential, E3 Productivity Support and E4 General Industrial zones on Lot 2 DP 1173066 - 80 Red Ash Road, Valla (the land).

The existing zoning of the land is shown below. The land is outlined yellow.



It is proposed to realign the boundaries of the three affected zones as illustrated below so the residential zone is consistent with the low density residential area in the VUGA masterplan.



The below table illustrates the change in area of each zone on the land relating from the planning proposal.

	Existing Zone Area	Proposed Zone Area	Difference
R1 General Residential	13.6ha	17.2ha	3.6ha
E3 Productivity Support	8.5ha	6.5ha	-2ha
E4 General Industrial	29.9ha	28.3ha	-1.6ha

It is also intended to extend the 450m² minimum lot size applicable the existing residential zoned land to the proposed residential land. It is not intended to alter any other development standards.

Part 3 Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Nambucca Valley Councils Local Strategic Planning Statement (LSPS) was developed in 2020. As part of the preparation of the LSPS the unpractical zoning of VUGA was identified. It was acknowledged that the current zoning implemented in 2012 was not based off a detailed masterplan which considered the future urban design of the area or the viability and practical delivery of the site to support the regions employment and housing needs.

In 2018 Council undertook the detailed master planning for VUGA which achieves the practical delivery of the land. This masterplan was implemented into the Nambucca Development Control Plan in 2018 to facilitate the approval of an industrial subdivision of stage 1 of VUGA as required by clause 6.2 of the LEP.

The above resulted in Action 3.8 being included within the LSPS which requires a review of the LEP and DCP provisions for VUGA so that the zoning is consistent with the masterplan. Council has been actively planning for the delivery of infrastructure to VUGA as required by Action 4.2 of the LSPS. However, precinct planning of VUGA as required by Actions 3.4 and 4.1 are awaiting the rectification of the discrepancy between the existing zoning of the land and the VUGA masterplan contained on page 55 of the LSPS. An extract of the masterplan contained within the LSPS is shown below.



From a place making point of view, one of the primary functions provided by the masterplan was the provision of a collector road that leads to the commercial area (town centre), with separate access roads leading to the industrial areas at the roundabout on Red Ash Road. This would minimise potential for industrial vehicles to conflict with the commercial and residential areas of VUGA.

In addition to this, the collector road was aligned to come down the north facing ridge from the existing Boggy Creek Road into the town centre, with residential and commercial land uses to provide a more visually appealing entrance into VUGA than what it would be entering the growth area through industrial land. It should be noted that due to the topography of the land and design of the collector road, the industrial land will be predominantly screened from the collector road.

Trying to achieve the intent of the above using the existing zoning results in an increased length of the collector road and a substantial amount of earthworks due to a significant change in topography. Not only does this adversely impact the viability of being able to deliver the housing and commercial areas of VUGA, but it results in an E3 Productivity Support zone remaining on a significantly constraining slope at the entrance to VUGA. Any effort to deliver lots on this constrained section of the land would require substantial earthworks to facilitate land for market needs.

The above masterplan extends the existing residential zone to the west towards the collector road. By doing this it makes the most practical use of the steep slopes while making the entrance to the area more visually appealing. It is noted that there are steep slopes to the south of Boggy Creek Road and a change in level from the collector road to the employment and industrial land to the east of approximately 5m. This along with the width of road reserves, landscape buffer implementation and built form design considerations will mitigate any potential land use conflict.

It is acknowledged that the planning proposal is not fully compliant with the masterplan included in the LSPS. While full compliance would be desirable, a previous planning proposal seeking to achieve this was not supported by the Minister.

This planning proposal is seeking partial compliance with the masterplan provided for in the LSPS as outlined above to facilitate the efficient provision of infrastructure, most practical use of the land and a more desirable urban form. This in turn will increase the likelihood of the establishment of VUGA being realised which will provide crucial housing and employment lands for the region.

The proposed rezoning is not only consistent with the masterplan, but it will also facilitate residential development of the land in a manner which will not impact the delivery of the existing employment zoned land within VUGA. This will enable Council to either amend the masterplan to reflect the existing zoning of VUGA or undertake further zoning amendments to enable the masterplan to be implemented in its current form.

It is Council's preference to implement the masterplan in its current form. However, finalising this prior to proceeding with the LEP amendment is not considered relevant as the proposal will provide the most suitable outcome for this section of VUGA without impacting the delivery of the remaining areas of VUGA.

Pursuing a planning proposal for the remainder of the VUGA master plan is something Council will need to consider at a later date. At this stage the proposal is to make best use of the land by altering to the residential zone and delivering infrastructure so both industrial and residential lands can be delivered sooner and in a more feasible manner.

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

Yes, it is considered that the proposed amendment to the LEP is the best means of achieving the intended outcomes as they cannot be achieved without the planning proposal.

Section B –Relationship to strategic planning framework.

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

It is not considered that the proposed amendments to the LEP will be contrary to the North Coast Regional Plan 2041. The following is provided with regards to the objectives of the North Coast Regional Plan 2041:

Objective 1: Provide well located homes to meet demand

The proposed rezoning provides an opportunity for increased residential supply in an area that will be a convenient and well serviced location. The proposal provides the best use of the steeply constrained

section of the land which is unpractical for the commercial market and will facilitate a more attractive entrance to the urban area.

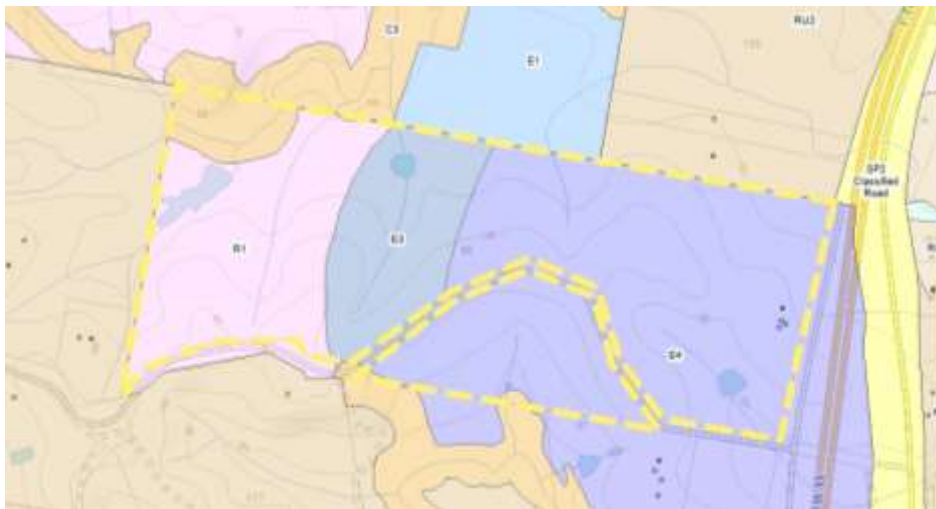
It is noted that the Nambucca Development Control Plan 2010 maps a section of the land proposed to be rezoned residential to be at risk of instability. This section of land has a maximum slope of 11 degrees. While this is relatively steep, it is capable of being used for residential construction with appropriately engineered designed buildings. This view is consistent with the other residential zoned areas of VUGA which have slopes exceeding 11 degrees. It is considered that there would be a lower risk of instability through the development of this area of VUGA with residential buildings than it would for commercial buildings with typically larger footprints.

With regards to potential land use conflict between the proposed residential zone and surrounding land zoned E3 Productivity Support and E4 General Industrial; it is considered that the proposal will not result in any greater potential than what could already occur.

At present the following land uses are permissible within the E3 Productivity Support zone:

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.

The above land uses have the potential to have significant conflict with residential uses in the same manner permissible uses in the E4 General Industrial zone may have. As can be seen below in the current land zoning map, the existing R1 General Residential land adjoins the E3 Productivity Support zone for the full width of the site.



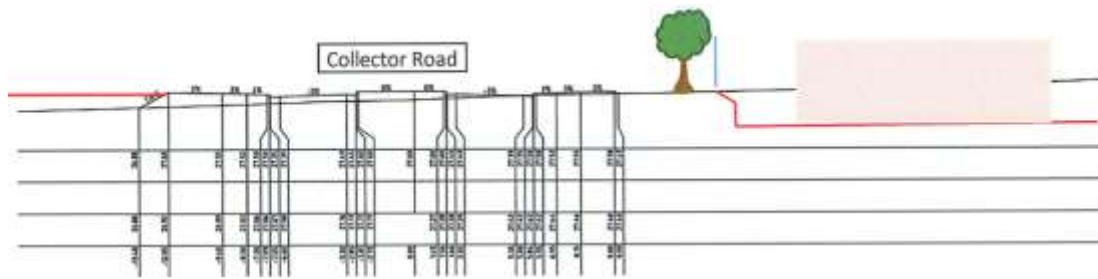
The only ability to mitigate the existing potential land use conflicts will be through appropriate design at subdivision stage and the subsequent design and establishment of buildings on future lots. This would include the use of roads, landform and vegetation as buffers, orientating buildings which generate noise away from dwellings, and the implementation of operational requirements where necessary.

The proposed extension of the R1 General Residential zone as seen in the below map will utilise the existing methods of mitigating land use conflict. However, the collector road and Boggy Creek Road will provide opportunity for an increased buffer width and greater landform transitions between the residential and employment zones than what is currently available with the existing zone boundary alignment.

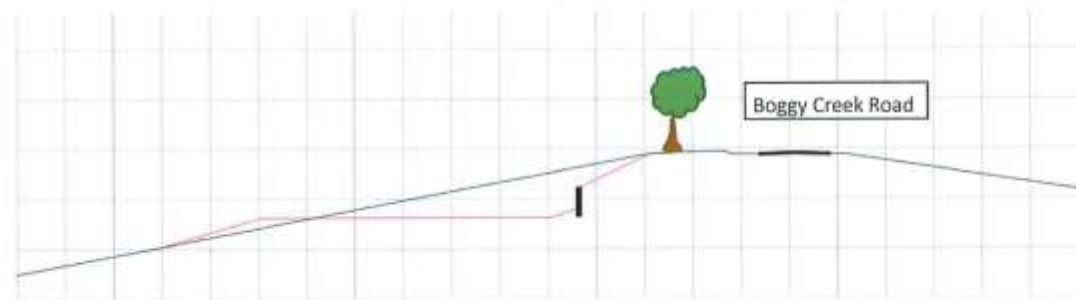


The below plans illustrate an indicative landform for future development in the E4 General Industrial zone which adjoin the proposed residential zone.





SECTION A - A



SECTION B - B

Section A-A above shows an approximate 5m high landform transition between the collector road and the future industrial lots, while section B-B illustrates an approximate 7m ridgeline between the proposed residential land and the industrial land on the southern side of Boggy Creek Road. This design also facilitates industrial buildings to be orientated away from the residential zones as there will be no direct access onto the collector road or Boggy Creek Road.

It is considered that the ability for increased land use conflict mitigation measures which the planning proposal affords to future development of the land compared to the existing zone boundary alignment, will ensure that the proposal will not result in any greater potential for land use conflict.

A condition of the gateway determination for this planning proposal required:

“an acoustic assessment which takes into account the conclusions and recommendations of the Valla Urban Growth Area Stage 1 Acoustic Investigation (SLR Global Environmental Solutions, 22 July 2011) is to be prepared to support and confirm the suitability of the proposal.”

Attached to this planning proposal is an acoustic assessment prepared by Matrix Thornton, dated 23 June 2025. This acoustic assessment takes into account the conclusions and recommendations of the above mentioned SLR Global Environmental Solutions report and confirms the suitability of the proposal.

The primary source of noise the focus of both acoustic assessments is noise from the Pacific Highway and from industrial sources. Both assessments rely on appropriate land use and noise control measures to be employed to mitigate noise from industrial developments on sensitive receivers such as dwellings.

This planning proposal is the first step in this process. This is because it will provide opportunity for an increased buffer width and greater landform transitions between the residential and employment zones than what is currently available with the existing zone boundary alignment. It should be noted that the SLR assessment provided for worst case scenarios in its modelling and did not consider the extent of noise which can come from industrial noise sources from permissible uses within the E3 Productivity Support zone.

With regards to noise from the Pacific Highway, the proposal will result in the closest part of the residential zone being 600m from the motorway. This will be 170m further from the motorway than other existing residential areas of VUGA. It will also be significantly further from the motorway than other residential areas in Valla and Valla Beach, which contain residential dwellings constructed to meet accepted noise levels from road and rail.

Road noise impacts from the motorway on dwellings within the residential zone will remain insignificant due to this distance, the landform, and the ability for buildings to be designed to mitigate any road noise to acceptable levels.

The acoustic report recommends that an acoustic assessment for future dwellings on the proposed residential zoned area be undertaken to determine construction standards for buildings to meet the requirements of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (the SEPP). It is noted that the SEPP will not apply to development applications for residential development in VUGA due to the daily volume of traffic on the Pacific Highway and adjoining Boggy Creek Road being less than 20,000 vehicles.

However, compliance with the maximum noise levels specified in the SEPP is considered appropriate when assessing the suitability of development applications for residential development under section 4.15 of the Environmental Planning and Assessment Act 1979. As such, as part of any development application for residential development on the land, an acoustic report will be required which specifies construction standards for dwellings to meet the maximum levels.

The acoustic report also advised that traffic counts and noise measurements along Boggy Creek Road may be required for future residential development. These will be incorporated into the acoustic assessment for future residential development on the land, as would be the case for the existing residential zoned areas of VUGA.

In conclusion, the acoustic report states:

“The proposed rezoning does not create any greater potential for acoustic land use conflict between residential and industrial uses due to the provision of reasonable buffers between the two zones. The proposed residential zone will be able to accommodate dwellings which meet the road noise requirements of the Infrastructure SEPP. The construction standards for future dwellings can be determined at the development stage where more accurate construction standards can be set.”

Council is committed to implement the recommendations of the report to ensure the potential for land use conflict is mitigated and future growth in VUGA is not compromised.

Objective 2: Provide for more affordable and low-cost housing

The R1 General Residential zone permits a diverse range of housing types including attached dwellings, boarding houses, co-living housing, dual occupancies, dwelling houses, group homes, hostels, multi dwelling housing, residential flat buildings, secondary dwellings, semi-detached dwellings, seniors housing, and shop top housing. The proposed amendment will provide opportunity for quality housing with a north facing aspect that is suitably located to planned services and commercial areas, while being protected from potential land use conflict.

A key part of providing affordable housing is supply of land. Council has recently committed an additional \$17 million on top of the existing funding for the delivery of the first stage of the industrial section of VUGA. The intent of this funding is to not only ensure the first stage of the industrial section is delivered, but to also provide the necessary infrastructure required to commence the delivery of the residential zones of VUGA. These works have now commenced.

The proposal will enable the delivery of VUGA to be more viable and enable the residential areas to commence sooner. Council as land owner has intent to not only fast track an increase housing supply within the area, but to utilise the residential area for the establishment of affordable housing. The proposed amendment will result in the Council owned section of VUGA having 17.2ha of residential zoned land. This will be the largest piece of residential zoned land owned by a public authority in the Nambucca Valley and the only piece of publicly owned land on which a public authority has expressed interest in developing affordable housing to assist ease housing affordability within the region.

Objective 3: Protect regional biodiversity and areas of high environmental value

None of the proposed amendments will result in any additional impacts on regional biodiversity and areas of high environmental value.

Objective 4: Understand, celebrate and integrate Aboriginal culture

The proposed amendments will not impact the conservation of Aboriginal culture.

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

The proposed amendments will not result in any increase in housing supply within areas exposed to significant threats from bushfire, floods or coastal hazards.

Objective 6: Create a circular economy

This objective is not considered relevant to the proposal.

Objective 7: Promote renewable energy opportunities

This objective is not considered relevant to the proposal.

Objective 8: Support the productivity of agricultural land

This objective is not considered relevant to the proposal.

Objective 9: Sustainably manage and conserve water resources

The proposed amendments will not result in any adverse impacts on water resource conservation.

Objective 10: Sustainably manage the productivity of our natural resources

The proposed amendments will not result in any adverse impacts on the productivity of our natural resources.

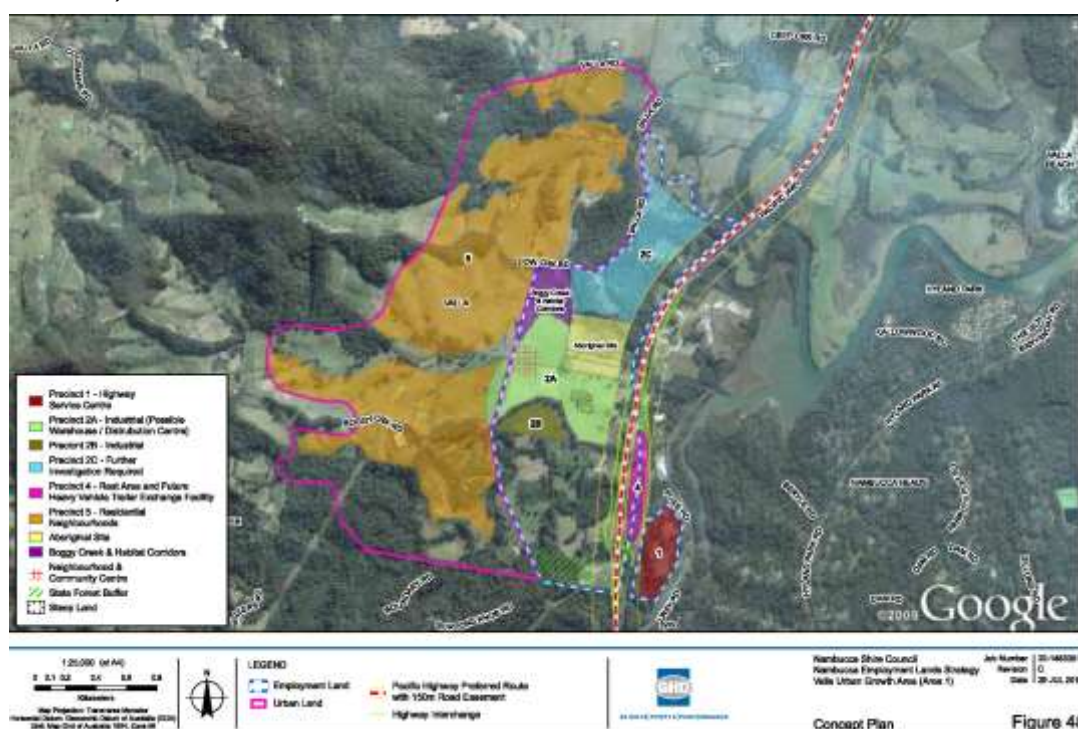
Objective 11: Support cities and centres and coordinate the supply of well-located employment land

The proposed amendments will not alter the existing E1 Local Centre zone within VUGA. Councils LSPS identifies the appropriate supply of employment land within VUGA. It is the intent of this planning proposal to amend the current zoning of the land to be consistent with what has been identified in the LSPS.

It is noted that the North Coast Employment Lands Audit undertaken by HillPDA identified VUGA as important employment lands for the region. The audit identifies VUGA as having 40ha of industrial land as well as residential and commercial land and acknowledges Councils DCP which contains the VUGA masterplan.

The proposed amendment will result in the zoning of VUGA being consistent with the masterplan and in turn the HillPDA audit and the LSPS by retaining 40.6ha of industrial land. The proposed amendments will result in residential land being located on a more appropriate part of the land which will assist support the proposed local centre and employment lands.

It is acknowledged that the proposed amendment to the land zoning map is a variation to the below concept plan for VUGA as outlined in Councils Growth Management Strategy Employment Lands (November 2010).



However, for the above reasons it is considered that the proposed amendment will result in a more appropriate urban design without having any adverse impact on the supply of industrial land. It is also noted that the existing zoning of the land is contrary to the Growth Management Strategy due to the E3 Productivity Support zone being located within the '2A – Industrial' zone outlined on the above concept plan. This supports Councils position that the above plan is just a concept to guide the appropriate land use zones for VUGA and is not intended to be strictly adhered to when there are suitably justified alternative zones as outlined in this planning proposal and other strategic documents applicable to the site.

Objective 12: Create a diverse visitor economy

The proposed amendment aligns with the VUGA masterplan which has been prepared to enhance the amenity of VUGA and in turn its vibrancy and safety.

Objective 13: Champion Aboriginal self-determination

This objective is not considered relevant to the proposal.

Objective 14: Deliver new industries of the future

It is not considered the proposal will impact the delivery of new industries in the future.

Objective 15: Improve state and regional connectivity

This objective is not considered relevant to the proposal.

Objective 16: Increase active and public transport usage

This objective is not considered relevant to the proposal.

Objective 17: Utilise new transport technology

This objective is not considered relevant to the proposal.

Objective 18: Plan for sustainable communities

This objective is not considered relevant to the proposal.

Objective 19: Public spaces and green infrastructure support connected and healthy communities

The proposed rezoning allows for additional housing in proximity to the dedicated active and passive open space, potentially allowing for better accessibility and utilisation of the space.

Objective 20: Celebrate local character

The proposed amendments will improve the local character of VUGA due to the improved urban design which will result from the proposed amendment, which will include a reduction in potential land use conflict.

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

As outlined above, this planning proposal is seeking partial compliance with the masterplan provided for in the LSPS to facilitate the efficient provision of infrastructure, most practical use of the land adjacent to Boggy Creek Road and a more desirable urban form. This in turn will increase the likelihood of the establishment of VUGA being realised which will provide crucial housing and employment lands for the region.

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant state or regional studies or strategies relevant to the planning proposal.

6 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP's)?

The proposed amendments are assessed against the State Environmental Planning Policies which apply to the Nambucca LGA in the below table:

SEPP	Complies	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	The proposed amendments will not result in the clearing of any native vegetation or impact any koala habitat.
State Environmental Planning	N/A	

Policy (Building Sustainability Index: BASIX) 2004		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	
State Environmental Planning Policy (Housing) 2021	Yes	The rezoning will facilitate residential accommodation permitted under this SEPP to be undertaken in a manner which is consistent with the surrounding area.
State Environmental Planning Policy (Industry and Employment) 2021	N/A	
State Environmental Planning Policy (Planning Systems) 2021	N/A	
State Environmental Planning Policy (Primary Production) 2021	Yes	The proposed amendments will not decrease the amount of land available for primary production land uses.
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	The proposed amendments will not result in any adverse impacts within the coastal zone or promote development on land not suitable or capable of being made suitable for permitted uses. Attached is the contamination assessment prepared by Coffey Geotechnics which demonstrates that the land is suitable for the proposed zone boundary adjustments.
State Environmental Planning Policy (Resources and Energy) 2021	N/A	
State Environmental Planning Policy (Sustainable Buildings) 2022	N/A	
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	The proposed amendments will not facilitate any development which is contrary to this policy.

7 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 that are applicable to this planning proposal are addressed as follows:

Direction 1.1 - Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

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.

Direction:

1. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

Comment: As outlined earlier, this planning proposal is not considered to be contrary to any provision of the North Coast Regional Plan 2041.

Direction 1.3 - Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal to which this direction applies must:

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (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:
 - i. the appropriate Minister or public authority, and
 - 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&A Act, and
- (c) not identify development as designated development unless the relevant planning authority:
 - 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
 - ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

Comment: This planning proposal does not include provisions which are contrary to the above direction.

Direction 3.1 – Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
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”.

Comment: This planning proposal does not impact any land within environmentally sensitive areas or conservation zones.

Direction 3.2 – Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal must contain provisions that facilitate the conservation of:
 - (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,
 - (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
 - (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.

Comment: This planning proposal will not impact the existing provision in the LEP which protects the conservation of the above.

Direction 3.5 – Recreation Vehicle Areas

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

This direction applies when Council prepares a planning proposal. Manufactured home estates are not permissible on land zoned RE1 Public Recreation pursuant to schedule 6 of the SEPP (Housing) 2021.

Direction:

1. The planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):
 - (a) where the land is within an environmental protection zone,
 - (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,
 - (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:
 - (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985*, and
 - (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985*.

Comment: This planning proposal is not contrary to this direction as it does not enable land to be developed for the purpose of a recreation vehicle area.

Direction 4.1 Flooding

The objectives of this direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

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.

Direction:

- (1) A planning proposal must include provisions that give effect to and are consistent with:
 - (a) the NSW Flood Prone Land Policy,
 - (b) the principles of the Floodplain Development Manual 2005,
 - (c) the Considering flooding in land use planning guideline 2021, and
 - (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
- (2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.
- (3) A planning proposal must not contain provisions that apply to the flood planning area which:
 - (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit development for the purposes of residential accommodation in high hazard areas,
 - (d) permit a significant increase in the development and/or dwelling density of that land,
 - (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
 - (g) are likely to result in a significantly increased requirement for government spending on emergency management 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
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
- (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:
- (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit a significant increase in the dwelling density of that land,
 - (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,
 - (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
 - (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.
- (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.

Comment: A small section of the land this planning proposal seeks to change to a residential zone is mapped as being below the Flood Planning Level (FPL) as can be seen in the below image. FPL is also known as the 1 in 100 year flood level.



The figure below shows the polygons and contours used in the flood model for this section of the land.



As can be seen in the contours shown in the above figure, this section of land is steeply sloped. It serves as a drainage line into the creek to the north and rises 15m from the level of the creek (13m AHD) to the top of the drainage line (28m AHD). The area of the catchment serving the drainage line is 7ha.

During a flood event this drainage line is not inundated by flood waters from the creek below. Note that the creek's FPL is 10.39m AHD. The drainage line only contains stormwater flows from its catchment. These stormwater flows are between 80-150mm in depth and decrease with a drop in rainfall intensity.

In order to manage this as part of any development of the land, stormwater drains with similar capacity as the drainage line will need to be provided. Stormwater infrastructure of this nature is common practice as part of any urban development. Engineering designs for the stormwater infrastructure will be prepared at development stage.

During a Probable Maximum Flood (PMF) event the depth of water within the drainage line increases approximately 40mm from a 1 in 100 year event. During the PMF event the drainage line does not get inundated by flood waters from the creek below, it only contains stormwater flows from its catchment. These stormwater flows can also be managed by stormwater infrastructure as part of any future development.

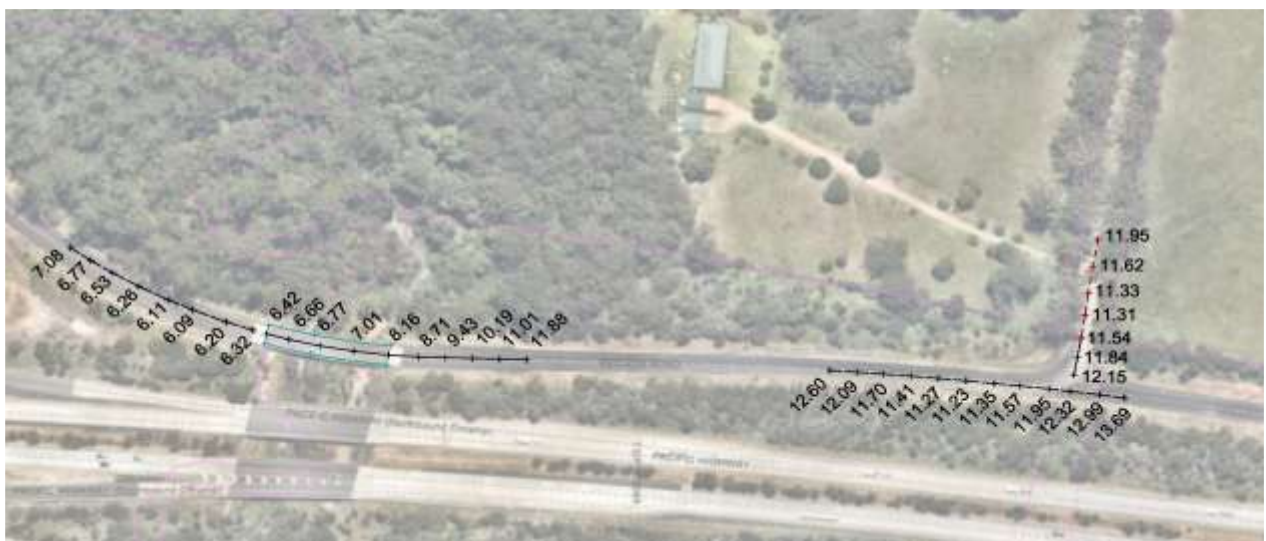
The required stormwater infrastructure will either be implemented on public land or within easements on lots as part of future development. This will ensure that all future residential development will occur above the PMF level.

The below map illustrates the extent of a PMF event on the land and surrounding area.



As can be seen in the above images, sections of the vehicular access from the land the subject of the planning proposal to the Pacific Highway crosses land mapped within a PMF event. The lowest part of this access is the southern approach to the Red Ash Road bridge. At this lowest section of the access route, the PMF level is 6.52m AHD and the FPL is 3.82 m AHD.

As can be seen in the below image, the lowest section of the access route is 6.09m AHD. This means that access to the Pacific Highway will remain a minimum 2.27m above the FPL and will only be impacted during a PMF event by up to 430mm for a distance of 55m. The duration of this inundation would be less than 24 hours.



Having regard to the above the proposal is considered satisfactory with regards to the minor flood constraints of the land and is consistent with the provisions of this direction.

Direction 4.2 – Coastal Management

The objective of this direction is to protect and manage coastal areas of NSW.

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 Coastal Management Act 2016 - 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 State Environmental Planning Policy (Resilience and Hazards) 2021.

Direction:

1. A planning proposal must include provisions that give effect to and are consistent with:
 - (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;
 - (b) the NSW Coastal Management Manual and associated Toolkit;
 - (c) NSW Coastal Design Guidelines 2003; and
 - (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.
2. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:
 - (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or
 - (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:
 - i. by or on behalf of the relevant planning authority and the planning proposal authority, or
 - ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.
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 State Environmental Planning Policy (Biodiversity and Conservation) 2021.
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 State Environmental Planning Policy (Coastal Management) 2018:
 - (a) Coastal wetlands and littoral rainforests area map;
 - (b) Coastal vulnerability area map;
 - (c) Coastal environment area map; and
 - (d) Coastal use area map.

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 Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

Comment: This planning proposal is not contrary to the provisions of this direction as it is not contrary to the Coastal Management Act, management manual, design guidelines, or coastal management program and does not include the amendment to any listed maps. The areas of the land subject to the proposed amended zones are not located within the coastal zone.

Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) encourage sound management of bush fire prone areas.

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.

Direction:

1. 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 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.

2. A planning proposal must:
 - (a) have regard to Planning for Bushfire Protection 2019,
 - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
 - (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
 - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
 - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 - (d) contain provisions for adequate water supply for firefighting purposes,
 - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
 - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Comment: The land is mapped as bush fire prone. The planning proposal will not be contrary to Planning for Bushfire Protection 2019. Furthermore, consultation will occur with the RFS once a gateway determination has been received.

Direction 4.4 – Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

- (a) Land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,
- (b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) The extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Comment: It is not considered that the proposed amendments are contrary to this direction as the land has been investigated for contamination as part of the creation of VUGA which found the land to be suitable to be zoned residential.

Attached is the contamination assessment prepared by Coffey Geotechnics which demonstrates that the land is suitable for the proposed zone boundary adjustments. This report recommended that more detailed investigations involving sampling and testing would be required due to the potential of contamination resulting from the former use of the land for horticultural activities.

These investigations have commenced as part of the development consent for the first stage of the industrial area. The detailed investigation carried out for that development found that the land was suitable for the proposed use.

The proposed amendment will not alter this existing requirement to have a detailed investigation carried out as part of any development consent on the land.

Direction 4.5 - Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning, Industry and Environment.

Direction:

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.
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:
 - (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or
 - (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.
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.
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).

Comment: The planning proposal is considered to be consistent with this direction because it does not include any changes to the existing provisions within clause 7.1 of the LEP which regulates works in acid sulfate soils or intensification of development on land which has the probability of containing acid sulfate soils that would be contrary to that clause. The areas of the land subject to the proposed amended zones are not located within mapped areas.

Direction 5.1 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

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, employment, village or tourist purposes.

Direction:

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:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Comment: The minor changes to zone boundaries will not have any negative impact existing access to transport and services provided for in VUGA.

Direction 5.2 - Reserving Land for Public Purposes

The objectives of this direction are to:

- (a) facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

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).
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:
 - (a) reserve the land in accordance with the request, and
 - (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
 - (c) identify the relevant acquiring authority for the land.
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:
 - (a) include the requested provisions, or
 - (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.
4. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Comment: The planning proposal is not contrary to this direction as it does not impact any zonings or reservations for public land.

Direction 6.1 – Residential Zones

The objectives of this direction are to:

- a encourage a variety and choice of housing types to provide for existing and future housing needs,
- b make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c minimise the impact of residential development on the environment and resource lands.

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.

Direction:

1. A planning proposal must include provisions that encourage the provision of housing that will:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - (d) be of good design.
2. A planning proposal must, in relation to land to which this direction applies:
 - (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 - (b) not contain provisions which will reduce the permissible residential density of land.

Comment: The planning proposal is not considered to be contrary to this direction as it will broaden the choice of building types and increase housing supply in VUGA. The proposed change in zone boundaries are aimed at promoting improved urban design and increasing the viability of delivering the housing component of VUGA so that the release of land can be achieved. Existing provisions within the LEP relating to servicing future development will be retained.

Direction 6.2 Caravan Parks and Manufactured Home Estates

The objectives of this direction are to:

- (a) provide for a variety of housing types, and
- (b) provide opportunities for caravan parks and manufactured home estates.

This direction applies to Council when it prepares a planning proposal.

Direction:

1. In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:
 - (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and
 - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.
2. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:
 - (a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,
 - (b) take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing) (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
 - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.

Comment: The planning proposal will not impact the provision of caravan parks or MHEs within the LGA.

Direction 7.1 Employment Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in employment zones, and
- (c) support the viability of identified centres.

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary). For the purpose of this Direction, Employment zones means the following zones

- Employment
- Mixed Use
- W4 Working Waterfront
- SP4 Enterprise
- SP5 Metropolitan Centre

Direction:

A planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of Employment zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones.
- (d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and
- (e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary.

Comment: The planning proposal will result in the reduction of the E3 Productivity Support zone by 2ha and the E4 General Industrial zone by 1.6ha. While this is contrary to the above direction this is considered to be of minor significance for the following reasons:

- The steepness of the slopes of the affected area and its location at the main entrance to VUGA make the area unsuitable for employment land. Not only will it result in an unattractive entrance to the area, the costs associated with delivering this section of land for release to the commercial market impacts the viability of delivering this section of VUGA.
- The change is consistent with the North Coast Employment Lands Audit undertaken by HillPDA. This study identified the 40ha of industrial land as important employment lands for the region. The proposed amendment to the zone boundaries will retain 40.6ha of industrial land in VUGA. This study had regard to the masterplan created to provide for the most appropriate release of land within VUGA.
- The proposed zone boundary changes are consistent with the masterplan of VUGA identified in the LSPS.
- The affected area of the E3 Productivity Support zone (2ha) is not recognised as employment land in Figure 20 of the North Coast Regional Plan 2041.
- The proposed amendments will result in residential land being located on a more appropriate part of the land which will assist support the proposed local centre and employment lands.
- The proposal will support the viability of the commercial area while having a marginal impact on available employment land.

Section C – Environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

It is not considered that the proposal will have any adverse effects on threatened species, populations, communities or their habitats as the proposal involves land already set aside for development.

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

There will be no significant environmental impacts resulting from the planning proposal as the amendments only relate to existing land for development, with any future development capable of mitigating potential environmental impacts through the construction and/or operational phase.

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

The proposed amendment will align the zoning with the VUGA master plan, which will result in positive social and economic outcomes.

Section D – Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not increase the demand on public infrastructure, but it will result in a more efficient delivery of the required infrastructure.

Section E – State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

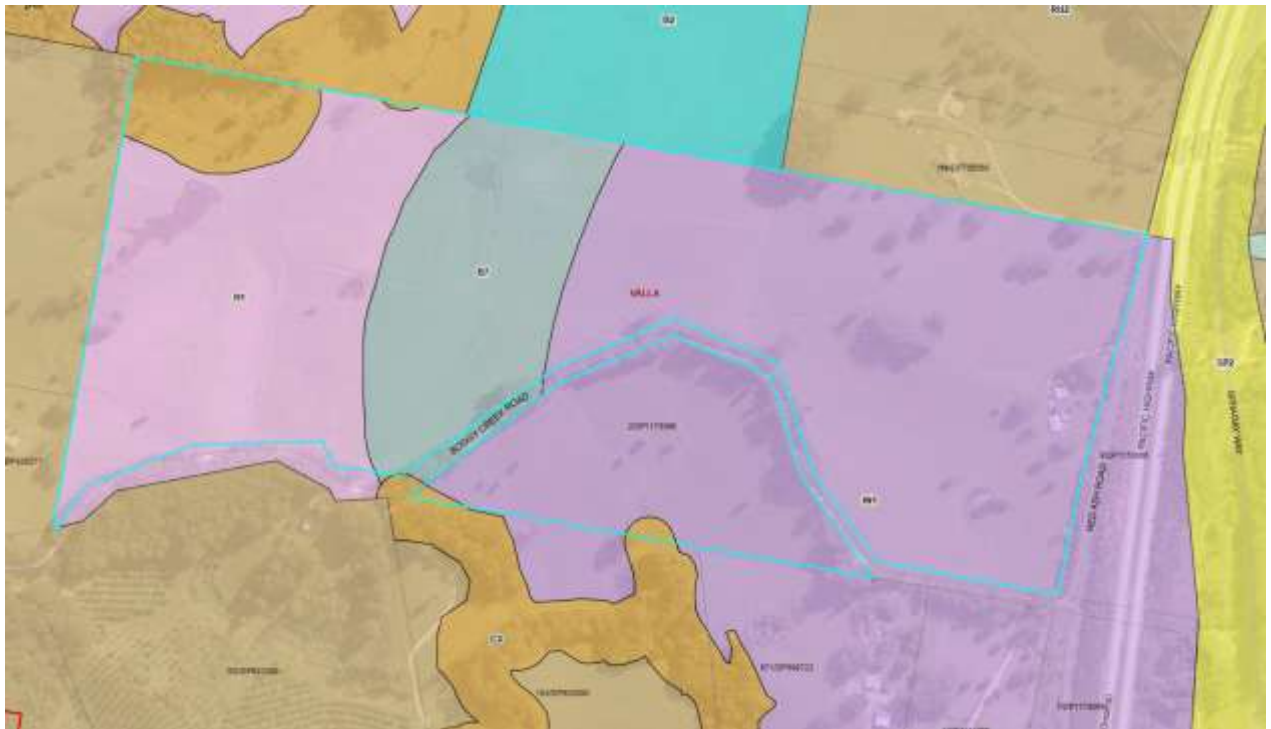
Government authorities have not been formally involved in this planning proposal as it is yet to receive gateway approval. It is considered that the NSW Rural Fire Service is the relevant public authority who should be consulted. Given the proposal aligns with Planning for Bushfire Protection 2019, it is not considered that consultation is warranted prior to gateway determination which is consistent with the ministerial direction.

Part 4 Maps

Location Map



Existing zoning map



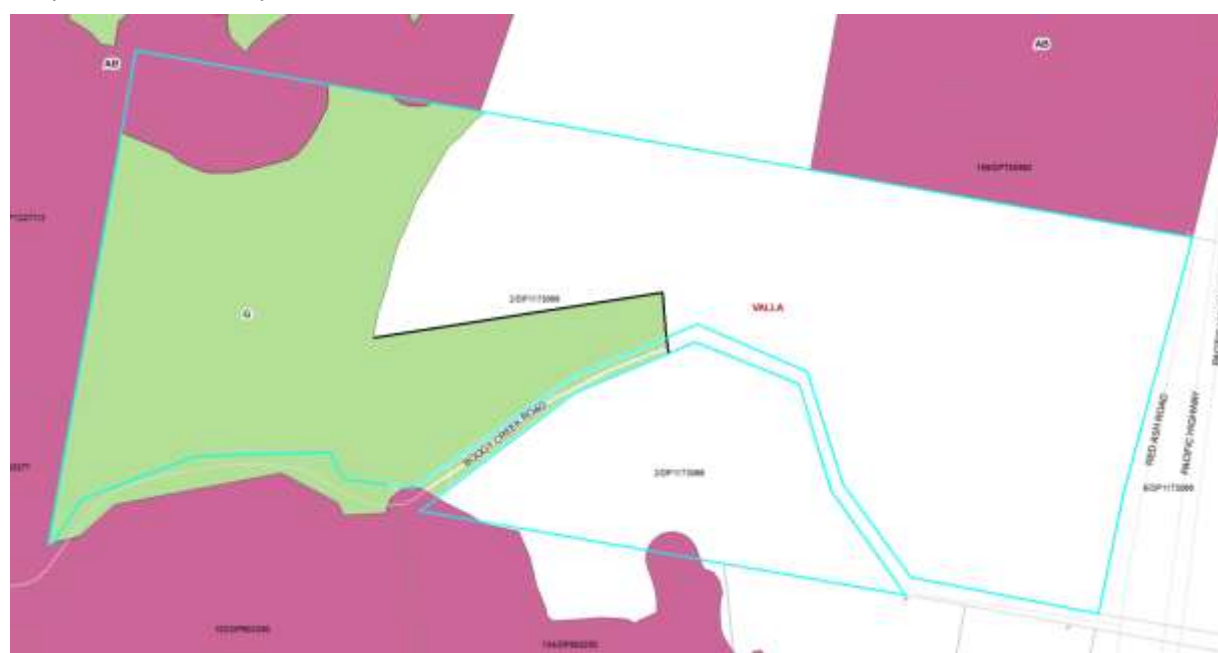
Proposed zoning map



Existing lot size map



Proposed lot size map



Part 5 Community Consultation

It is intended to undertake community consultation by way of an advertisement in the local newspaper, NSW Planning Portal and Councils website. It is intended to advertise the planning proposal for 20 working days.

Part 6 Project Timeline

September 2025	Public exhibition of planning proposal and consultation with government agencies
October 2025	Analysis of public submissions and agency responses Preparation of Council report
November 2025	Endorsed planning proposal submitted to Department of Planning and Environment for finalisation