



PLANNING PROPOSAL

CITY OF COFFS HARBOUR

PP-2026-19 – Smiths Road, Emerald Beach
Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach

July 2026
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 28 May 2026
Referred to DPHI s3.34(1) Version 1 - Pre_Exhibition	Version 1 28 May 2026
Gateway Determination s3.34(2) Version 1 - Pre_Exhibition	Version 1 26 June 2026
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Public Exhibition – Schedule 1 Clause 4 Version 2 - Exhibition	Version 2 20 July 2026 – 28 August 2026
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

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_005E of Coffs Harbour LEP 2013, as it relates to Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach from 1 hectare to 5,000m².

Public Exhibition

This planning proposal will be placed on public exhibition in accordance with the Gateway Determination issued by NSW Department of Planning, Housing and Infrastructure. Copies of the planning proposal and supportive information can be viewed on the City of Coffs Harbour's Have Your Say Page <https://haveyoursay.coffsharbour.nsw.gov.au/> for the duration of the exhibition period.

All interested persons will be invited to view and make a submission on the planning proposal during the exhibition period. Issues raised by submissions will be reported to Council for a final decision. Submissions can be made online, or in writing by email or post to:

The General Manager
City of Coffs Harbour
Locked Bag 155
COFFS HARBOUR NSW 2450
Email: coffs.council@chcc.nsw.gov.au

Any questions, contact:
Romina Velarde on 6648 4651
or email romina.velarde@chcc.nsw.gov.au

Note: The City is committed to openness and transparency in its decision making processes. The Government Information (Public Access) Act 2009 requires the City to provide public access to information held unless there are overriding public interest considerations against disclosure. Any submissions received will be made publicly available unless the writer can demonstrate that the release of part or all of the information would not be in the public interest. However, the City would be obliged to release information as required by court order or other specific law.

Written submissions must be accompanied, where relevant, by a "Disclosure Statement of Political Donations and Gifts" in accordance with the provisions of the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 No. 44 Disclosure forms are available from the City's Customer Service Section or on the City's website www.coffsharbour.nsw.gov.au/disclosurestatement.

BACKGROUND

Proposal	82 Smiths Road Emerald Beach
Property Details	Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach
Current Land Use Zone(s)	R5 Large Lot Residential
Proponent	Keiley Hunter
Landowner	Y Jeong
Location	A location map is included in Figure 1

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

This planning proposal explains the intended effects of a proposed amendment to Coffs Harbour LEP 2013 to enable amendment of the Lot Size Map from 1 hectare to 5,000m² for Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach. The amendment will enable a development application to be made for subdivision of the site to create one additional lot as shown in Figure 2.

The Site

The site is located on the corner of Hammond Road and Smiths Road and is situated on the northern side of the road. The subject land is within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013.

The site has an area of 1.010 hectare and is accessible via a gravel driveway from Smiths Road. The site contains a single storey dwelling house with three ancillary water tanks and a dam, which is to be removed as per Appendix 4 – Land Capability Assessment.

The current minimum lot size for the land is 1 hectare as shown in Part 4: Mapping – Figure 3.

Proposed Lot 2 is to be accessed via a driveway off Hammond Road. A concept subdivision layout is shown in Figure 2 below (and Appendix 3 – Concept Subdivision Layout) and shows one additional lot proposed (2 lots total) for the subject site.

The site is largely cleared of native vegetation and consists of Dry Sclerophyll Forests along the entirety of the western boundary of the site along with a section on the northern and eastern boundary.



Figure 1: Location Map

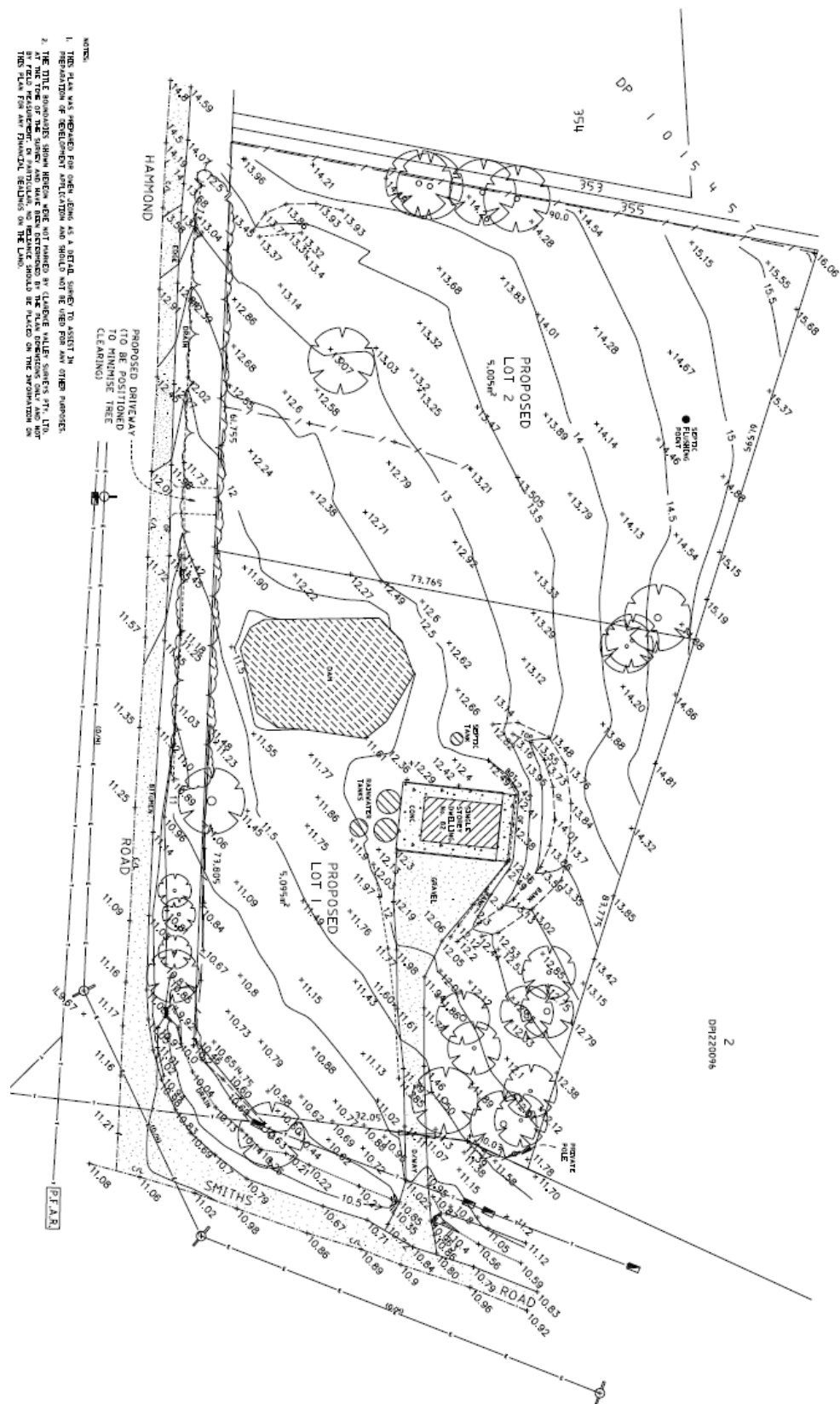


Figure 2: Concept Subdivision Layout

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

The objective of this planning proposal is to amend the Lot Size Map (Sheet LSZ_005E) of Coffs Harbour LEP 2013 to reduce the minimum lot size on the site from 1 hectare to 5,000m² to enable an application to be made for subdivision of the site.

PART 2 – EXPLANATION OF PROVISIONS

The intended outcome of the proposed LEP amendment is to reduce the minimum lot size of 1 hectare to 5,000m² for Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach. This will be achieved through the amendment of Sheet LSZ_005E (Lot Size Map) of LEP 2013.

The map amendments to Coffs Harbour LEP 2013 are shown in Part 4 (mapping) of this planning proposal.

PART 3 – JUSTIFICATION & SITE-SPECIFIC MERIT

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

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact

Section A – Need for the planning proposal

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

Yes. 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 Emerald Beach large lot area on the western side of the Pacific Highway, 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 size lots are already present.

The proposed minimum lot size of 5,000m² 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 inconsistent 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 given that it seeks to facilitate additional housing in a suitable location.*
- Strategy 1.3 Undertake infrastructure service planning to establish land can be feasibly serviced prior to rezoning
- The proposed LEP amendment is not inconsistent with this strategy. The proposed amendment is supported by a Land Capability Assessment in Appendix 4, 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 given that it seeks to facilitate an additional large lot residential housing choice in a suitable location.*
- 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 one additional lot. 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. The attached Biodiversity Assessment Report (Appendix 7) notes that the site does not contain areas of HEV and there are no areas within the subject land that meet the criteria for biodiversity or prescribed vegetation mapping.

The planning proposal and associated concept subdivision proposal does not necessitate land use intensification on adjoining reserved lands or lands subject to a conservation agreement.

The site contains Tallowood Eucalyptus microcorys trees on the northern perimeter which is listed as a preferred Koala feed tree in the North Coast Koala Management area (DECC, 2008).

The subject site drains naturally to two nearby man made dams. The proposed subdivision will occur on land that is not identified with high biodiversity value on the NSW Biodiversity Values Map. The land is not mapped as an Endangered Ecological Community or an over cleared vegetation type. The site is also not mapped by the City's mapping as prescribed vegetation, primary or secondary koala habitat and there is no Biodiversity Corridor mapped through the site.

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.

• **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 located within 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.

• **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. The proposed amendment is located approximately 550 metres from RU2 Rural Landscape zoned land in the locality. A large man-made dam is located within this distance. As the proposed amendment results in a minor increase (one additional lot) land use conflict is deemed to be unlikely.

• **Objective 15 – Improve state and regional connectivity**

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

The proposed LEP amendment is not inconsistent with this strategy.

Collaboration Activity 4:

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

Lead Agency: Transport for NSW

The proposed LEP amendment is not inconsistent with this activity.

- **Objective 16 – Increase active and public transport usage**

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

- providing a legible, connected and accessible network of pedestrian and cycling facilities
- delivering accessible transit stops and increasing convenience at interchanges to serve an ageing customer
- incorporating emerging anchors and commuting catchments in bus contract renewals
- ensuring new buildings and development include end of trip facilities
- integrating the active transport network with public transport facilities
- 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 and

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 given that it seeks to reduce the minimum lot size of the land zoned R5 Large Lot Residential to facilitate future rural residential subdivision of the land in a manner that is consistent with the surrounding neighbourhood and its character, as smaller sized rural residential lots are already present.

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. There are no buildings of local heritage significance on the site.

Coffs Harbour Narrative

Regional Priorities

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

Liveable and Resilient

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

Productive and Connected

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

Housing and Place

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

Smart, Connected and Accessible (Infrastructure)

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

The proposed LEP amendment is not inconsistent with this narrative given that it will 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 will not negatively impact on 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 2035

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 initiatives 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	Initiatives	Outcome
A Place for Community: <i>Liveable neighbourhoods with a defined identity</i>	We create liveable spaces that are beautiful and appealing	- The Coffs Harbour area is a place we are proud to call home. Our neighbourhoods have a strong sense of identity and are actively shaped by the local community - Our neighbourhoods are people-friendly and liveable environments
	We undertake development that is environmentally, socially and economically responsible	Population growth is focused within the existing developed footprint

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 – Land Capability Assessment and Appendix 8 – Bushfire Assessment Report, 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?

No; there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal. The site is largely cleared, has been developed for rural residential purposes and does not contain any threatened species habitat.

The Biodiversity Assessment Report (Appendix 7) offers the following details in regard to the sites ecological values:

“No threatened flora species listed under the BC Act or EPBC Act were detected within the study area. There were 8 threatened ecological communities identified within the locality. Swamp Sclerophyll Forest was noted in close proximity but not evident on site.

BioNet search results identified records of 61 threatened fauna species listed under the BC Act (including 18 species also listed in the EPBC Act) within the search area. PMST search results identified habitat for 40 threatened fauna species within the search area. Migratory species identified in the search results are not assessed as no suitable habitat occurs at the site.”

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 8).

The report demonstrates that the planning proposal (an eventual two-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 flood planning area and the 1% (1 in 100) AEP flood extent. The planning proposal seeks to reduce the minimum lot size for the area of land that is already zoned R5 Large Lot Residential, for rural residential purposes.

The planning proposal indicates that any future lot will be outside of high hazard or floodway areas, including in the Probable Maximum Flood. Adequate measures at subdivision stage can reduce any risk of flooding. Future development must satisfy the provisions of Clause 5.21 Flood planning and 5.22 Special flood considerations of Coffs Harbour LEP 2013 and accord with the controls outlined in Part E4 Flooding of the Coffs Harbour Development Control Plan 2015.

Wastewater Capability Assessment

A Land Capability Assessment and Minimum Lot Size Analysis (Appendix 4) demonstrates that a minimum lot size of 4,500 m² 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.

Biodiversity

The subject site is largely cleared, with limited vegetation along the site's perimeter and surrounding the existing dam. The Biodiversity Assessment Report (Appendix 7) notes the following:

“The site contains Tallowwood (Eucalyptus microcorys) on the northern perimeter. Tallowwood is listed as a preferred Koala feed tree in the North Coast Koala Management area (DECC,2008). Given that the subdivision does not require the removal of any trees, the proposed works will not impact any potential foraging and temporary refuge habitat which may be utilised by Koalas in the locality on an opportunistic basis.”

There is no high environmental value (HEV) vegetation within the subject land. The proposed subdivision and associated works can be undertaken without removal of native trees or vegetation. Therefore, it is unlikely that habitat quality or connectivity will be impacted within the local landscape.

The Biodiversity Assessment Report (Appendix 7) also notes the following:

“Based on indicative layout, the building envelope is anticipated to be approximately 2,000 m². This extent is below the 5,000 m² BoS threshold and, in isolation, would not trigger the Biodiversity Offset Scheme threshold under the area-based clearing criteria.”

The concept proposal does not necessitate a Biodiversity Development Assessment Report (BDAR) and is consistent with relevant environmental planning provisions and preserves the ecological values of the site and surrounding environment.

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 Emerald Beach locality, which may have flow on benefits to local community activities. Economic benefits are limited to the likely construction of at least one additional 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 is proposed off Hammond Road.

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

The NSW Department of Planning, Housing and Infrastructure issued a Gateway Determination for the planning proposal on 26 June 2026 (Appendix 9). The Gateway Determination requires consultation on the planning proposal with the following agencies:

- Development Coordination Authority – Environment, Biodiversity and Heritage Advisory (biodiversity)
- Development Coordination Authority – Hazards and Resources Advisory (bushfire)
- Department of Climate Change, Energy, the Environment and Water (flooding)

These agencies shall be consulted during the public exhibition.

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

PART 4 – MAPS

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

Technical Notes:

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

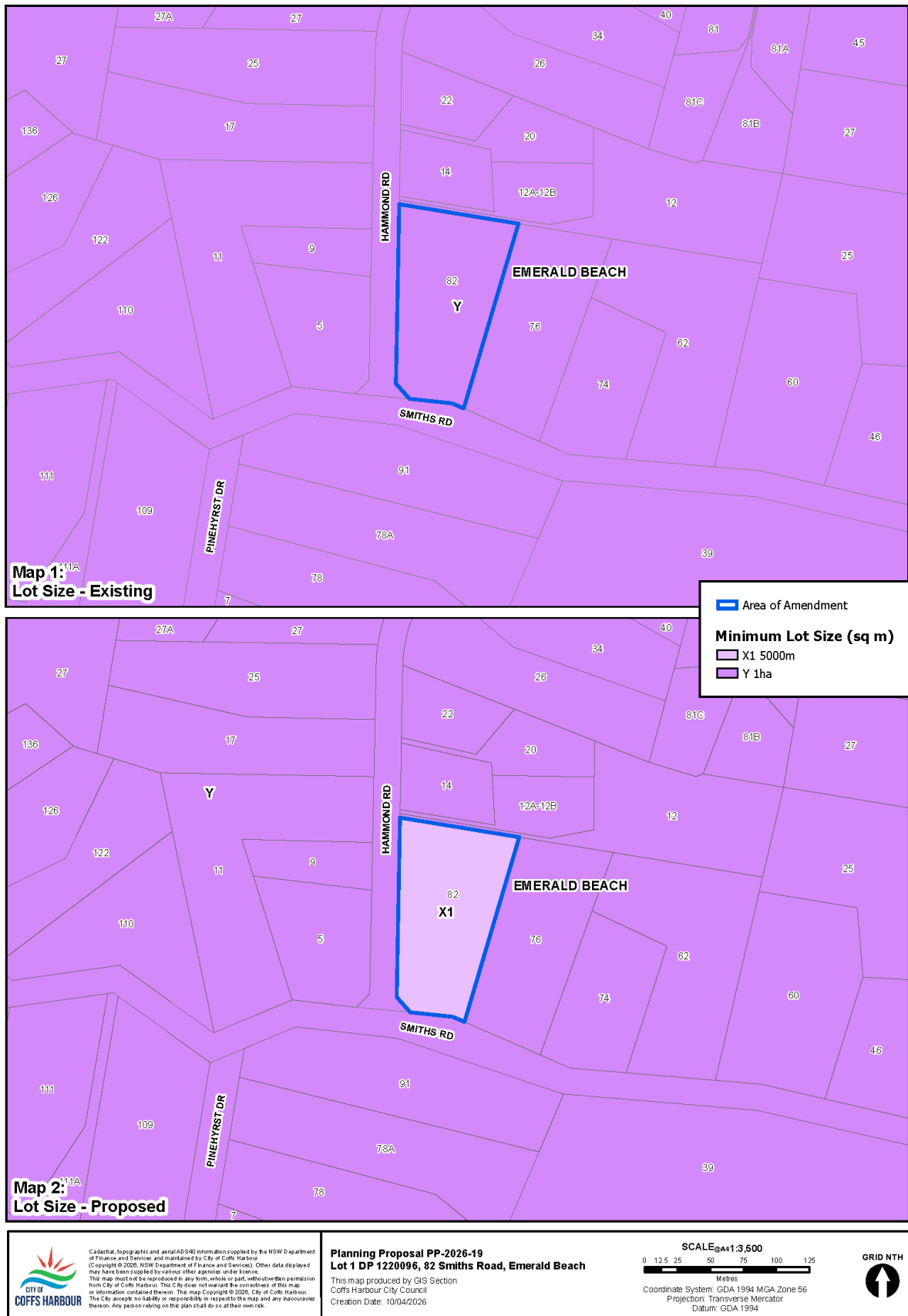


Figure 3: Existing and Proposed Amendments to (LSZ_005E)

PART 5 – COMMUNITY CONSULTATION

The Gateway determination issued by the NSW Department of Planning, Housing and Infrastructure on 26 June 2026 (Appendix 9) specifies the community consultation requirements that must be undertaken for the planning proposal. The City considers that the planning proposal should be exhibited for 30 working 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

The Gateway Determination issued by the NSW Department of Planning, Housing and Infrastructure requires the planning proposal to be completed by 26 March 2027. Based on this, the anticipated timeframes for the planning proposal are provided in Table 1, noting that there can be unexpected delays in the process.

Table 1: Anticipated Timeline

Milestone	Anticipated Timeframe
Consideration by Council	May 2026
Commencement (date of Gateway determination)	June 2026
Pre-exhibition & agency consultation	July – August 2026
Consideration of submissions	September 2026
Post-Exhibition review and additional studies	September 2026
Reporting to Council for consideration	November 2026
Submission to Minister to make the plan (if not delegated) Submission to Minister for notification of the plan (if delegated)	November 2026
Notification of LEP Amendment	January 2027

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	No	N/A	The aims of this chapter of the Policy are: a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 3 - Koala Habitat Protection 2020	No	N/A	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: a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and b) by encouraging the identification of areas of core koala habitat, and c) by encouraging the inclusion of areas of core koala habitat in environment protection zones. Clause 3.14 - Preparation of local environmental studies is a relevant consideration: (1) If, under a planning proposal, a council proposes to zone or rezone land that is a potential koala habitat or a core koala habitat otherwise than as a conservation zone, the Minister may require the council to prepare an environmental study of the land. (2) The council must prepare the environmental study in accordance with the specifications, if any, relating to the form, content and preparation of the study as have been notified to the council by the Minister. (3) The environmental study must be prepared with regard to the matters, relating to the environment of the land, as

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				determined by the council, subject to the specifications. (4) The council must have regard to an environmental study prepared under this section in preparing the proposed instrument to which the planning proposal relates. (5) Subsection (1) does not apply if a council has, before the commencement of the subsection, prepared an environmental study of the land. The proposal does not seek to rezone land that is potential koala habitat or core koala habitat and as such, does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 4 - Koala Habitat Protection 2021	Yes	N/A	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. The provisions of this chapter only relate to development assessment processes and the preparation of koala plans of management. In this regard, the proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 6 – Water Catchments	N/A	N/A	The City of Coffs Harbour is not listed as “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	N/A	N/A	The City of Coffs Harbour is not listed in the “land application map” and thus this chapter of the policy does not apply to the Coffs Harbour LGA 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	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by: a) providing exempt and complying development codes that have State-wide application, and b) identifying, in the exempt development codes, types of

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				development that are of minimal environmental impact that may be carried out without the need for development consent, and 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 d) enabling the progressive extension of the types of development in this Policy, and e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Housing) 2021	N/A – this is a standalone State Environmental Planning Policy	No	N/A	The principles of this Policy are: a) enabling the development of diverse housing types, including purpose-built rental housing, b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, c) ensuring new housing development provides residents with a reasonable level of amenity, promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, d) minimising adverse climate and environmental impacts of new housing development, e) reinforcing the importance of designing housing in a way that reflects and enhances its locality, f) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, g) mitigating the loss of existing affordable rental housing. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this SEPP.

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3 - Advertising and Signage	No	N/A	This aims of this chapter of the Policy are: a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and b) to regulate signage (but not content) under Part 4 of the Act, and c) to provide time-limited consents for the display of certain advertisements, and d) to regulate the display of advertisements in transport corridors, and e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. This Policy does not regulate the content of signage and does not require consent for a change in the content of signage. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Planning Systems) 2021.	Chapter 2 - State and Regional Development	No	N/A	The aims of this chapter of the Policy are: a) to identify development that is State significant development, 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	N/A	N/A	This chapter of the SEPP only applies to the Central Coast LGA at this point in time.
	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,

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				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 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	The aims of this chapter of the Policy are to: c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Primary Production) 2021	Chapter 2 - Primary Production and Rural Development	No	N/A	The aims of this chapter of the Policy are to: a) to facilitate the orderly economic use and development of lands for primary production, 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, c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				agriculture on that land, having regard to social, economic and environmental considerations, 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, e) to encourage sustainable agriculture, including sustainable aquaculture, f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, 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. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management	No	N/A	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: a) managing development in the coastal zone and protecting the environmental assets of the coast, and b) establishing a framework for land use planning to guide decision-making in the coastal zone, and 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. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 3 – Hazardous and Offensive Development	No	N/A	The aims of this chapter of the Policy are: a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				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 c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and 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 f) to require the advertising of applications to carry out any such development. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 4 – Remediation of Land	No	N/A	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— a) by specifying when consent is required, and when it is not required, for a remediation work, and b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and c) by requiring that a remediation work meet certain standards and notification requirements. 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 (Resources and Energy) 2021	Chapter 2 - Mining, Petroleum Production and Extractive Industries	No	N/A	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: 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 b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and - b1) to promote the development of significant mineral resources, and 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 d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development: (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and (iii) to ensure a balanced use of land by potentially competing industries, and (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 - Standards for residential development - BASIX	No	N/A	The aims of this SEPP are to encourage the design and delivery of sustainable buildings that minimise energy and water use. The proposed LEP amendment does not contain provisions that contradict or hinder the application of Chapter 2 of the SEPP.

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
	Chapter 3 - Standards for non-residential development	No	N/A	The aims of this SEPP are to encourage the design and delivery of sustainable buildings that minimise energy and water use. The proposed LEP amendment does not contain provisions that contradict or hinder the application of Chapter 3 of the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 - Infrastructure	No	N/A	The aim of this chapter of the Policy is to facilitate the effective delivery of infrastructure across the State by: a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and b) providing greater flexibility in the location of infrastructure and service facilities, and c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and g) providing opportunities for infrastructure to demonstrate good design outcomes. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
	Chapter 3 - Educational Establishments and Child Care Facilities	No	N/A	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: a) improving regulatory certainty and efficiency through a consistent

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
				planning regime for educational establishments and early education and care facilities, and b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and 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 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 e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and 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 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. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.

State Environmental Planning Policy	Relevant Chapter	Applicable	Consistent	Comment
	Chapter 4 – Major Infrastructure Corridors	No	N/A	The aims of this chapter of the Policy are: a) to identify land that is intended to be used in the future as an infrastructure corridor, b) to establish appropriate planning controls for the land for the following purposes— (i) to allow the ongoing use and development of the land until it is 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. The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP.

APPENDIX 2 – CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
Focus area 1: Planning Systems			
1.1 Implementation of 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. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces. 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: (a) the extent of inconsistency with the Regional Plan is of minor significance, and (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.	Yes	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. Specific responses to relevant strategies and the associated actions and activities contained within the NCRP are provided in Part 3, Section B (4) above. It is considered that the planning proposal complies with the NCRP.
1.2 Development of Aboriginal Land Council land	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
1.3 Approval and Referral Requirements	This direction applies to all relevant planning authorities when preparing a planning proposal. 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	Yes	The planning proposal does not include provisions that require concurrence, consultation or referral of development applications to a Minister or public authority. It also does not identify development as designated development.

S9.1 Direction	Applicable	Consistent	Comment
	(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. A planning proposal must be substantially consistent with the terms of this direction.		
1.4 Site Specific Provisions	This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out. (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (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 (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. (2) A planning proposal must not contain or refer to drawings that show details of the proposed development. 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.	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.
1.4A Exclusion of Development Standards from Variation	This direction applies when a planning proposal authority prepares a planning proposal that proposes to introduce or alter an existing exclusion to clause 4.6 of a Standard	N/A	The planning proposal will not introduce or alter an existing exclusion to clause 4.6 of Coffs Harbour LEP 2013.

S9.1 Direction	Applicable	Consistent	Comment
	Instrument LEP or an equivalent provision of any other environmental planning instrument.		
Focus area 1: Planning Systems – Place Based			
Directions 1.5 – 1.22 do not apply to the Coffs Harbour LGA.			
Focus area 2: Design and Place			
Directions yet to be included.			
Focus area 3: Biodiversity and Conservation			
3.1 Conservation Zones	This direction applies to all relevant planning authorities when preparing a planning proposal. (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”. 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: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or	Yes	The site does not include any environmentally sensitive areas. The site does not contain land within a conservation zone or land otherwise identified for environment conservation/protection purposes.

S9.1 Direction	Applicable	Consistent	Comment
	(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 (d) is of minor significance.		
3.2 Heritage Conservation	This direction applies to all relevant planning authorities when preparing a planning proposal. 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 <i>National Parks and Wildlife Act 1974</i>, 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. 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: (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 (b) the provisions of the planning proposal that are inconsistent are of minor significance.	Yes	<i>European Heritage</i> 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. <i>Aboriginal Cultural Heritage</i> The site does not contain any mapped known or predictive Aboriginal Cultural Heritage (ACH), and an AHIMS search did not reveal any ACH sites on the site. Appendix 6 to the Planning Proposal provides an Aboriginal Cultural Heritage Due Diligence Assessment, as an AHIMS Search identified 1 previously recorded Aboriginal site in proximity to the subject site, approximately halfway between the driveways of 76 and 82 Smiths Road. As no soil works are proposed within the Smiths Road road reserve or near the recorded site, future development is not likely to result in harm to Aboriginal objects.
3.3 Sydney Drinking Water Catchments	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.

S9.1 Direction	Applicable	Consistent	Comment
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.5 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>): (a) where the land is within a conservation 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 (a) or (b) unless the relevant planning authority has taken into consideration: 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 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. 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: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives	Yes	The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).

S9.1 Direction	Applicable	Consistent	Comment
	consideration to the objective of this direction, or (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 (d) of minor significance.		
3.6 Strategic Conservation Planning	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.7 Public Bushland	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.8 Willandra Lakes Region	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.9 Sydney Harbour Foreshores and Waterways Area	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
3.10 Water Catchment Protection	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.
Focus Area 4: Resilience and Hazards			
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. (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.	No	The provisions of the planning proposal that are inconsistent are considered of minor significance for the reasons detailed below. The planning proposal seeks to reduce the minimum lot size for the area of land that is already zoned R5 Large Lot Residential purpose, for rural residential purposes. The land is partially mapped within the 1% (1 in 100) AEP flood extent and flood planning area. The planning proposal indicates that any future lot will be outside of high hazard or floodway areas, including in the

S9.1 Direction	Applicable	Consistent	Comment
	(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. (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,		Probable Maximum Flood. Adequate measures at subdivision stage can reduce any risk of flooding. Future development must satisfy the provisions of Clause 5.21 Flood planning and 5.22 Special flood considerations of Coffs Harbour LEP 2013 and accord with the controls outlined in Part E4 Flooding of the Coffs Harbour Development Control Plan 2015.

S9.1 Direction	Applicable	Consistent	Comment
	(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. A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that: (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 (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 (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		

S9.1 Direction	Applicable	Consistent	Comment
	(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.		
4.2 Coastal Management	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>. (1) A planning proposal must include provisions that give effect to and are consistent with: (a) the objects of the <i>Coastal Management Act 2016</i> 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 <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. (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 <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; 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	N/A	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 (Biodiversity and Conservation) 2021</i> .

S9.1 Direction	Applicable	Consistent	Comment
	coastal wetlands and littoral rainforests area identified by chapter 3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation)</i> 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 <i>State Environmental Planning Policy (Resilience and Hazards)</i> 2021: (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 <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>. 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: (a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the EP&A Act by the relevant strategic planning authority, which gives consideration to the objective of this direction, or (c) of minor significance.		
4.3 Planning for Bushfire Protection	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. 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.	No	The site is mapped as bushfire prone land. The Bushfire Assessment Report (Appendix 8) demonstrates that future development of the site by way of subdivision can comply with Planning for Bushfire Protection 2019. Upon receipt of a Gateway Determination, the NSW Rural Fire Service shall be consulted

S9.1 Direction	Applicable	Consistent	Comment
	A planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2019</i>, (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). 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 <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. 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		to determine if the LEP amendment is justifiably inconsistent with this direction.

S9.1 Direction	Applicable	Consistent	Comment
	not object to the progression of the planning proposal.		
4.4 Remediation of Contaminated Land	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 <i>Contaminated Land Management Act 1997</i>, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: 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). (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: (a) the planning proposal authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. 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.	N/A	A review of the City's records does not identify any past activities on the site that would suggest potential land contamination. The site is not: - land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>, or - 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.

S9.1 Direction	Applicable	Consistent	Comment
	(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.		
4.5 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, Housing and Infrastructure. (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	No	The subject site is underlain by Class 5 Acid Sulfate Soils, with a small section of Class 4 ASS on the southmost corner of the site. The planning proposal will intensify the land by enabling the creation of one additional lot within land mapped as Class 5 ASS. The site is approximately 11.5m to 14.5m AHD, and the likelihood of encountering ASS reduces significantly on land with elevation above 5m AHD. All future soil disturbing works and excavations will occur within land above 5m AHD. As such Further consideration and ASS assessment may be required as part of a Development Application for subdivision consistent with the <i>Acid Sulfate Soil Manual 1998</i> and the City's adopted process for 'minor works'. This inconsistency is of minor significance; therefore, the proposal is justifiably inconsistent with this direction.

S9.1 Direction	Applicable	Consistent	Comment
	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). 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: (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance.		
4.6 Mine Subsidence and Unstable Land	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. (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: (a) consult Subsidence Advisory NSW to ascertain: i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and (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 (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	N/A	The planning proposal does not apply to land that is within a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> and is not identified as unstable in a study, strategy or other assessment undertaken by or on behalf of a public authority and provided to the relevant planning authority.

S9.1 Direction	Applicable	Consistent	Comment
	consultation in satisfaction of Schedule 1 to the Act. (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. 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: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (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 (d) of minor significance.		
Focus Area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. (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: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). 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	Yes	The proposal is seeking to modify a provision relating to land zoned for residential, by reducing the applicable minimum lot size. 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). 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

S9.1 Direction	Applicable	Consistent	Comment
	nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (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 (d) of minor significance.		the potential of a single additional lot.
5.2 Reserving Land for Public Purposes	This direction applies to all relevant planning authorities when preparing a planning proposal. (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	N/A	The planning proposal does not create, alter or reduce land reserved for a public purpose.

S9.1 Direction	Applicable	Consistent	Comment
	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. 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: (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 (b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.		
5.3 Development Near Regulated Airports and Defence Airfields	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. (1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must: (a) consult with the lessee/operator of that airport; (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport; (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (d) not allow development types that are incompatible with the current and future operation of that airport.	N/A	The planning proposal does not create, alter or remove a zone or provision relating to land near a regular airport including a defence airfield.

S9.1 Direction	Applicable	Consistent	Comment
	(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: (a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport; (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. (c) not allow development types that are incompatible with the current and future operation of that airport. (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&A Act. (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: (a) consult with the Department of Defence if: 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 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. (b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (c) not allow development types that are incompatible with the current and future operation of that airfield. (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		

S9.1 Direction	Applicable	Consistent	Comment
	interior noise levels, if the proposal seeks to rezone land: (a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or (c) for commercial or industrial purposes where the ANEF is above 30. (5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport. 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: (a) justified by a strategy approved by the Planning Secretary, which: i. gives consideration to the objectives of this direction; and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction; or (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.		
5.4 Shooting Ranges	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. (1) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:	N/A	The planning proposal does not create, alter or remove a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.

S9.1 Direction	Applicable	Consistent	Comment
	(a) permitting more intensive land uses than those which are permitted under the existing zone; or (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range. 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: (a) justified by a strategy approved by the Planning Secretary, which: - gives consideration to the objectives of this direction, and - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) is of minor significance.		
Focus area 6: Housing			
6.1 Residential Zones	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. (1) A planning proposal must include provisions that encourage the provision of housing that will: - broaden the choice of building types and locations available in the housing market, and - make more efficient use of existing infrastructure and services, and - reduce the consumption of land for housing and associated urban development on the urban fringe, and - be of good design. (2) A planning proposal must, in relation to land to which this direction applies: - contain a requirement that residential development is not permitted until land	Yes	The planning proposal will enable the creation of one additional lot on the site. The potential for an additional lot will be suitable for housing development. The planning proposal relates to land that has infrastructure and services available to it that are suitable for rural residential purposes. Appropriate planning controls are also contained within Coffs Harbour DCP 2015 to ensure that future development is of good design.

S9.1 Direction	Applicable	Consistent	Comment
	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. 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: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (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 (d) of minor significance.		
6.2 Caravan Parks and Manufactured Home Estates	This direction applies to all relevant planning authorities when preparing a planning proposal. 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>. (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	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
	(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. (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 <i>State Environmental Planning Policy (Housing)</i> as to where MHEs should not be located, (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 (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. 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: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (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 (d) of minor significance.		

S9.1 Direction	Applicable	Consistent	Comment
Focus area 7: Industry and Employment			
7.1 Employment Zones	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). A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary. 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: (a) justified by a strategy approved by the Planning Secretary, which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or (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 (d) of minor significance.	N/A	The planning proposal will not affect land within an existing or proposed employment zone (including the alteration of any existing business or industrial zone boundary).
7.2 Reduction in non-hosted short-term rental	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.

S9.1 Direction	Applicable	Consistent	Comment
accommodation period			
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	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. (1) A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that: (a) new commercial or retail development must be concentrated within district centres rather than spread along the Highway; (b) development with frontage to the Pacific Highway must consider impacts that the development has on the safety and efficiency of the highway; and (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. (2) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that: (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. (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway. (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. (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.	Yes	The site is not located in the vicinity of the existing and/or proposed alignment of the Pacific Highway. The planning proposal does not provide for new commercial or retail development.

S9.1 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.		
Focus area 8: Resources and Energy			
8.1 Mining, Petroleum Production and Extractive Industries	This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. (1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must: (a) consult the Secretary of the Department of Primary Industries (DPI) to identify any: i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and (b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and: i. development of resources identified under (1)(a)(i), or ii. existing development identified under (1)(a)(ii). (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:	Yes	The planning proposal will not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive 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).

S9.1 Direction	Applicable	Consistent	Comment
	(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions, (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 (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. 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.		
Focus area 9: Primary Production			
9.1 Rural Zones	This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. 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: (a) justified by a strategy approved by the Planning Secretary which: - gives consideration to the objectives of this direction, and - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or	N/A	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. The planning proposal does not include provisions that will increase the permissible density of land within a rural zone.

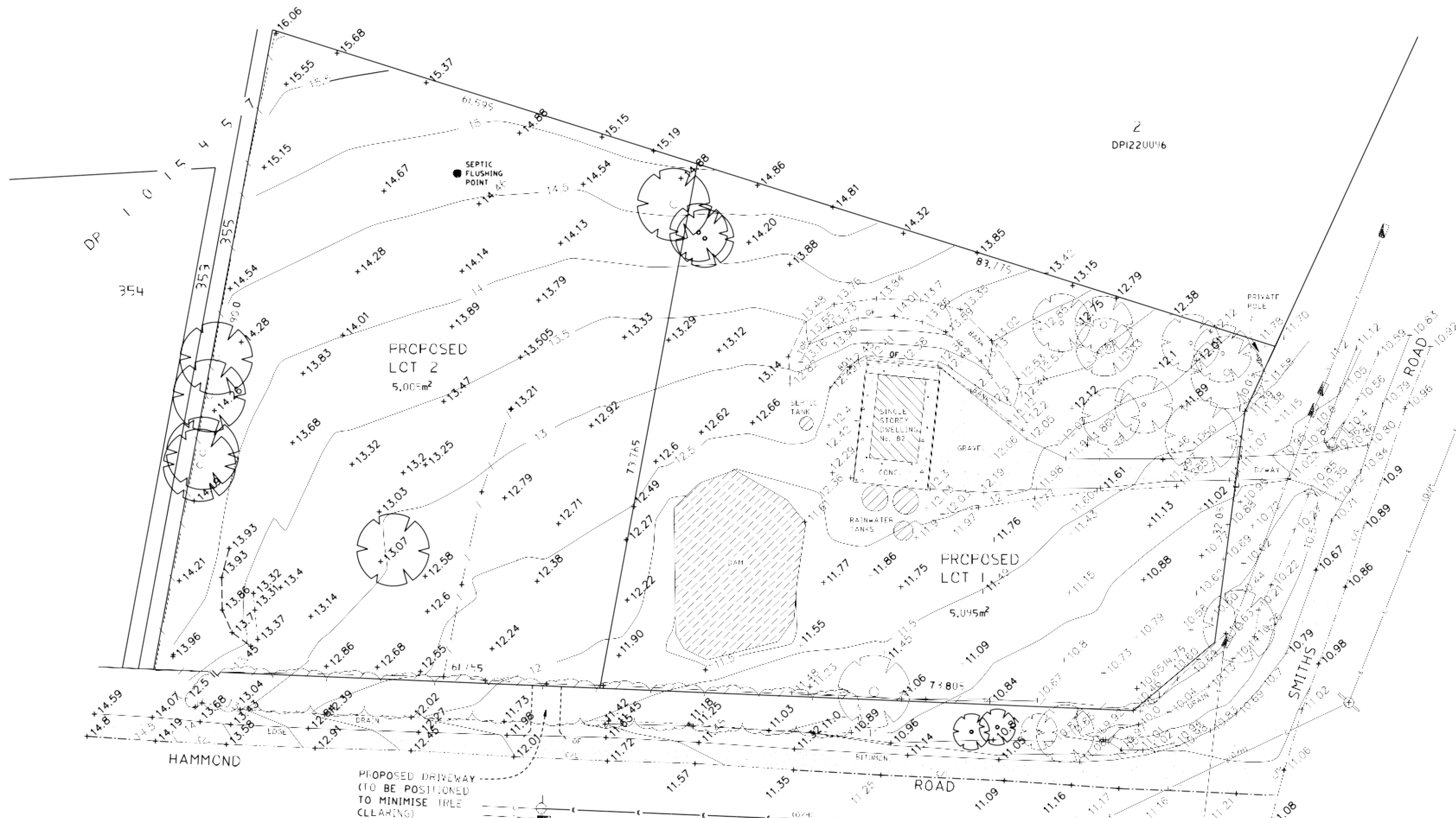
S9.1 Direction	Applicable	Consistent	Comment
	(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Housing and Infrastructure which gives consideration to the objective of this direction, or (d) is of minor significance.		
9.2 Rural 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: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone. (1) A planning proposal must: (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 (b) consider the significance of agriculture and primary production to the State and rural communities (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 (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 (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (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 (h) consider State significant agricultural land identified in chapter 2 of the <i>State Environmental Planning Policy (Primary</i>	N/A	The planning proposal will not affect land within an existing or proposed rural or conservation zone (including the alteration of existing rural or conservation zone boundaries) or change the existing minimum lot size within a rural or conservation zone. The planning proposal seeks to change the minimum lot size from 1ha to 5,000m² within existing R5 Large Lot Residential zoned land.

S9.1 Direction	Applicable	Consistent	Comment
	<i>Production</i>) 2021 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it: (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land. 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: (a) justified by a strategy approved by the Planning Secretary and is in force which: i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) is of minor significance.		
9.3 Oyster Aquaculture	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: (a) adverse impacts on a 'Priority Oyster Aquaculture Area' or a "current oyster	N/A	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>.

S9.1 Direction	Applicable	Consistent	Comment
	aquaculture lease in the national parks estate”, or (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. (1) In the preparation of a planning proposal the relevant planning authority must: (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, (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, (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, (d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and (e) ensure the planning proposal is consistent with the Strategy. (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: (a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions, (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 (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&A Act. 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		

S9.1 Direction	Applicable	Consistent	Comment
	nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.		
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not currently apply to the Coffs Harbour LGA.	N/A	This direction does not currently apply to the Coffs Harbour LGA.

APPENDIX 3 – CONCEPT SUBDIVISION LAYOUT



NOTES:

1. THIS PLAN WAS PREPARED FOR OWEN JEONG AS A DETAIL SURVEY TO ASSIST IN PREPARATION OF DEVELOPMENT APPLICATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
2. THE TITLE BOUNDARIES SHOWN HEREON WERE NOT MARKED BY CLARENCE VALLEY SURVEYS PTY. LTD. AT THE TIME OF THE SURVEY AND HAVE BEEN DETERMINED BY THE PLAN DIMENSIONS ONLY AND NOT BY FIELD MEASUREMENT. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS ON THE LAND.
3. SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO BE SO LOCATED, KNOWN SERVICES HAVE BEEN PLOTTED FROM THE RECORDS OF THE RELEVANT AUTHORITIES WHERE AVAILABLE AND HAVE BEEN NOTED ACCORDINGLY ON THIS PLAN. WHERE SUCH RECORDS EITHER DO NOT EXIST OR ARE CONSIDERED INADEQUATE, A NOTATION HAS BEEN MADE HEREON.
4. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.
5. SPOT HEIGHTS HAVE BEEN DETERMINED BY TRIGONOMETRIC METHODS.
6. THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN.

P.F.A.R. PLOTTED FROM AUTHORITY RECORDS
O/H OVERHEAD
C/L CENTRELINE

KEY - TOPOGRAPHICAL					
Property Boundary	Top Edge	Bottom Edge	Fence	Perennial Survey Mark	Bench Mark
Survey Mark					

KEY OF COMMON SERVICES		
EXISTING	DESIGN	
ELECTRICITY	TELSTRA	SEWER
WATER	DRAINAGE	INTERLOT/LOT DRAINAGE

REVISIONS			
Rev	Date	By	Chk
1	18/07/25	LW	DS
ISSUE TO CLIENT			
Description			

CLARENCE VALLEY SURVEYS
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PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN DP1220096		DRAWING No. 10/19 DA	
82 SMITHS ROAD, EMERALD BEACH		ORIGIN: PM/5552	
CLIENT: OWEN JEONG		K.L. 10.17 AHD	
		C.I. 0.5m	
		CAD REFERENCE: ZENITH/DA/10/19 DA	
		Revision: A	

APPENDIX 4 – LAND CAPABILITY ASSESSMENT

LCA and MLS for 82 Smiths Road, Emerald Beach



17 February 2026

For: Owen Jeong

Authored by: Strider Duerinckx

Ref	Ver	Date	Distribution
2526-021-02	A	12/9/25	Client, Planner
		17/2/26	Client, Planner

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Figure 2	Proposed Development Layout
Figure 3	Existing Site Layout
Figure 4	Comparative Lot Size Constraints
Figure 5	Recommended Effluent Management Areas (EMAs)

Appendices

Appendix A Borehole Logs

Appendix B Laboratory Report

Appendix C Water and Nutrient Balance

1 Introduction

Earth Water Consulting Pty Limited (EWC) were engaged by Owen Jeong to undertake a Land Capability Assessment (LCA) and Minimum Lot Size (MLS) for the proposed subdivision of 37 Saye Close, Sandy Beach (Lot 23 DP 831915) (the 'Site'), as shown on Figure 1.

The purpose of the MLS is to assess the realistic lot size that can sustainably manage wastewater onsite. The purpose of the LCA is to show that wastewater from an On-site Sewage Management System (OSMS) can be sustainably applied on the proposed lots.

2 Proposed Development

Based on plans of the proposed subdivision layout (Ref: Preliminary Image only, Planning Proposal Pre-lodgement Meeting. Dated 26 June 2025), it is understood that the Site is proposed to be subdivided from one into two (2) lots.

Proposed Lot 1 will include the existing dwelling and be approximately 5,010m² and Proposed Lot 2 will have a new building entitlement and be approximately 5,004m² (Figure 2).

3 Scope of Work

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

- A desktop review of Site conditions;
- A site inspection to map site and soil constraints;
- Drilling of boreholes to assess soil conditions across the Site and laboratory analysis of soil samples for soil chemistry;
- Assessment of a range of site constraints, estimation of likely wastewater, water and nutrient balance modelling, assessing an appropriate level of wastewater treatment and the preferred method of land application of effluent to overcome the constraints on the proposed lots;
- Assessment of nearby developed lots larger and smaller in size to the target lot size;
- Provision of a written report, including site plans, describing the results and recommendations from our investigations.

4 Site Details

The Site is located on the corner of Smiths Road and Hammond Road and is approximately 1.0014 hectares in area. The property is zoned R5 Large Lot Residential and contains a small area of Tertiary Koala Habitat on the eastern boundary towards Smiths Road.

The Site slopes gently from the northeastern corner to the southwest, with a maximum elevation of 16mAHD and a minimum elevation of 11mAHD. No mapped intermittent drainage lines or permanent waters occur on the Site, however the landscape gently converges to a central dam, located near the western boundary.

An existing dwelling and three water tanks are located at the centre of Proposed Lot 1, with access via a gravel driveway from Smiths Road to the south. The Site is mostly cleared paddock,

with relic native trees along the perimeter of the property and the dam, and some scattered trees in the northwest corner.

4.1 Existing OSMS

The OSMS that services the existing four bedroom dwelling consists of a Fujiclean AWTS, located to the north of the dwelling, pumping to a Subsurface Irrigation (SSI) Field of ~200m² located in the upper northeastern corner (Figure 3).

The SSI is located on the newly created Lot 2 and will need to be rebuilt onto Proposed Lot 1. The SSI field could be reused for a future dwelling on proposed Lot 2 subject to engineering design of suitability.



Photograph 1
– View of the
existing AWTS
located to the
north of the
existing
dwelling.



Photograph 2 – Looking northeast across the existing SSI field with the flush valve visible at bottom left of picture.

4.2 Site Constraints

Table 1 summarises the Site constraints for the primary and reserve EMAs for each of the proposed lots. These are discussed in terms of the degree of limitation they present (i.e. minor, moderate or major limitation) for on-site effluent application. Reference is made to the rating scale described in Table 4-1 of NSW DPHI (2025). Site features are presented in Figure 3.

Table 1: Site Constraints

Constraint	Degree of Limitation
Landform: Linear convergent (Lot 1) to linear divergent (Lot 2) midslope location. Conservative design parameters and elevated location of EMA will reduce the risk of waterlogging.	Moderate-Major
Exposure: Good exposure. Minimal trees near the proposed EMAs.	Minor
Slope: Gentle slope of 4-5% to the southwest.	Minor
Rocks and Rock Outcrops: No rock outcrops were observed on the Site.	Minor
Erosion Potential: No active erosion was noted. The low slopes and soil type indicates there would be a low risk of erosion.	Minor

Constraint	Degree of Limitation
Climate: The Site experiences a sub-tropical-temperate climate, typical of north-eastern NSW. A conservative water balance incorporating local rainfall data during the design phase will reduce the risk of stormwater inundation.	Moderate
Vegetation: Open maintained lawns at EMAs.	Minor
Fill: No significant fill was noted at the proposed EMA.	Minor
Surface Waters: The EMAs on Proposed Lot 2 are located >40m from the downslope dam. The reserve EMA on Proposed Lot 1 is located 66m from the nearest mapped intermittent drainage.	Minor
Groundwater: (NSW Office of Water: Groundwater Bore Search) There are no registered domestic groundwater bores within 100m of the proposed EMAs. Groundwater vulnerability? Clay subsoil, distance and deep groundwater depth indicate that the risk to groundwater would be minimal.	Minor
Stormwater run-on and upslope seepage: The midslope position of the proposed EMAs would have moderate run-on from upslope areas. Construction of upslope stormwater diversion berms will reduce the risk of stormwater ingress to the EMA.	Moderate
Flood Potential: The Site is just impacted by the 1:100 year and 1:20 flood extents according to the CHCC flood mapping (Figure 3). These extents cut the southwest corner of the Site, onto the dam on Proposed Lot 1 (to be removed) and spots diagonally onto Proposed Lot 2. Wastewater EMAs are required to be placed above the 1:20 flood levels and there is sufficient area for these on both proposed lots.	Moderate
Available Effluent Application Area Both lots have sufficient area available for the application of effluent, and reserve EMAs.	Minor



Photograph 3 – Looking south-southwest across Proposed Lot 1. Smiths Road can be seen in the background.



Photograph 4 – Looking south from Proposed Lot 2 towards the onsite dam with the existing dwelling visible to left of picture.



Photograph 4 – Looking east and upslope from the BE on Proposed Lot 2 towards the existing SSI field.

4.3 Soil Survey and Description

4.3.1 Regional Soils

We reviewed the Soil Landscapes of the Coffs Harbour 1:100,000 Sheet (Milford, 1999) which indicates that the Site is on the border of the Moonee and Ulong Soil Landscapes.

The upper eastern portion of the Site is underlain by soils of the Ulong Soil Landscape, which is an erosional landscape of undulating to rolling low hills on Late Carboniferous metasediments of the Coffs Harbour association in the Coast Range and Gleniffer-Bonville Hills. Soils are moderately deep to deep (>100 cm), well-drained structured Red and Brown Earths, Red and Yellow Podzolic Soils, plus deep (>150 cm), well-drained Krasnozems in moister areas, and moderately deep (>100 cm), imperfectly-drained structured Yellow Earths and Yellow Podzolic Soils in drier areas.

Limitations include strong to very strong acidity, subsoil aluminium toxicity potential and low subsoil fertility. The soil is characterised by dark brown crumbly loam topsoil or dark brown weakly pedal clay loam (up to 300mm), reddish brown pedal clay loam subsoil (300-500mm), reddish brown clay to silty clay (500-2000mm) and reddish brown pedal mottled light to medium silty clay (2000-3000mm). Bedrock is typically greater than 1500mm depth.

The lower western portion of the Site is underlain by the Moonee Soil Landscape, which is a transferral landscape of undulating rises, footslopes and drainage plains adjacent to steeper low hills and hills on Carboniferous metasediments of the Coffs Harbour association in the Coast Range and Gleniffer-Bonville Hills. Soils are moderately deep to deep (>100 cm), poorly drained Humic Gleys. Limitations include strong to very strong acidity, aluminium toxicity potential, slow permeability, high subsoil erodibility and sodicity and low fertility. Moonee soils are characterised by brownish grey silty clay loam to silty clay topsoil (0-250mm), light brown mottled silty light clay (250-1,000mm) or light grey mottled gravelly light clay (550-750mm).

4.3.2 Site Soils

Site soils were assessed by drilling one (1) borehole using a powered auger (Figure 3) to 1.2m depth. The borehole log is presented in Appendix A. In general, these soils comprised:

- Approximately 300mm of fine sandy clay loam topsoil, greyish brown with dull yellowish brown mottling, with a strong structure and <5% coarse fragments; overlying
- Approximately 200mm of silty clay loam, dull yellowish brown with dull orange mottling, a strong structure and no coarse fragments; overlying
- Approximately 300mm of silty clay, dull yellow with orange mottling, a strong structure and no coarse fragments; overlying
- At least 400mm of light clay with silt, dull orange brown, with orange mottling, a strong structure and no coarse fragments.

Competent bedrock was not encountered in the borehole. The borehole log is provided in Appendix A.



Photograph 5
– BH1 soil
profile.

Table 2 summarises the key soil physical and chemical assessments. Reference is made to the rating scale described in Table 4-5 of NSW DPHI (2025). Soil chemistry is presented in Appendix B.

Table 2: Soil Assessment

Parameter	Constraint
Depth to bedrock or hardpan (m): Boreholes were terminated at 1.2m depth in light clay with silt. It is believed that competent bedrock will be located at >1.5m based on soil landscape and position.	Minor
Depth to high soil watertable: The depth of the vadose zone (i.e. non-saturated soil material above watertable) was greater than 1.2m at the time of the investigation. The depth to the permanent groundwater aquifer is expected to be more than 10m depth based on a local groundwater bore (GW309946) and the position in the local landscape.	Minor
Coarse Fragments (%): The boreholes contained <5% coarse fragments.	Minor
Hydraulic loading rate: Soil structure: Strong	Moderate

Parameter		Constraint
Soil texture:	Light silty clay 0.5-1.2m	
Permeability category:	Category 5a	
Hydraulic loading recommended: 8mm/day for primary, and 12mm/day secondary treated effluent into an absorption bed field.		
Reasons for the hydraulic loading recommendation: Strongly structured light clay subsoils.		
pH (CaCl):		Moderate
4.45 pH Units from BH1 0.6-0.8m. Strongly acidic soils.		
Electrical Conductivity (dS/m):		Minor
0.043dS/m from BH1 0.6-08m. Not saline.		
Dispersiveness:		Minor
The Emerson Aggregate Test is a measure of soil dispersibility and susceptibility to erosion and structural degradation. It assesses the physical changes that occur in a single ped of soil when immersed in water, specifically whether the soil slakes and falls apart or disperses and clouds the water. An EAT was recorded as Class 3/6 (Slake 3) for BH1 0.6-0.8m. The instability of these aggregates is expected to increase slightly with the application of effluent.		
Sodicity (ESP):		Minor
The ESP is a measure of how readily the soils allow sodium from wastewater to be substituted in the soil lattice for other cations. Once accepted, the weak sodium bonds allow increased structural degradation of the soil, increasing the erosion risk. The ESP of BH1 0.6-0.8m was 5.2%. The ESP infers a minimal potential for structural degradation due to sodium salts already present.		
Cation Exchange Capacity:		Moderate
Like ESP, the CEC is a measure of how easily the soils hold and exchange excess cations from the effluent. These cations, such as potassium, magnesium and calcium are used by plants as a nutrient source. The higher the CEC the more likely plant growth will be aided by the application of effluent. CEC was measured in BH1 0.6-0.8m at 6.2 cmol/kg, which indicates that this soil type has low ability to accept and release excess nutrients from effluent.		
Phosphorus Adsorption:		Minor
Phosphorus is a cation present in effluent. It is required only to a limited extent by plants as a trace nutrient, but if there is an excess of phosphorus in environments where other limiting factors are not present (such as waterways), excess phosphorus can result in very high plant growth. Typically, on land, excess phosphorus is taken up by soil adsorption, or is flushed out of the soil into groundwater or surface water bodies. The Site soils in BH1 0.6-0.8m has a Psorp of 886mg/kg (13,300kg/ha) in the subsoil.		

5 Minimum Lot Size (MLS) Analysis

A minimum lot size analysis and modelling were completed to determine the maximum lot density suitable for subdivision on the Site.

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 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. Adopted environmental buffers for 2ndy treated effluent land applied into absorption trenches/ beds are based on NSW DPHI (2025) are:

- 15-100m from domestic groundwater bores;
- 50-100m from permanent watercourses;
- 15-40m from intermittent watercourses and dams;
- 1.5-15m from property boundaries (allowed 3m and 6m);
- 1.5-6m from driveways (allowed 3m);
- 2-6m from buildings (allowed 3m and 6m);
- 3m or 45° from the toe of retaining walls
- 3-15m from inground tanks and services; and
- 3-15m from swimming pools (allowed 4m and 10m).

5.3 MLS Comparative Lots Assessed

Four nearby representative lots were selected that have already been subdivided (Table 3) (Figures 1 and 4). The lots ranged in size from 2,561-3,483m² area. The next available lot sizes greater than this on Smiths Road were 10,000m², and given the ~5,000m² proposed for Proposed Lot 1 the larger lot size was not considered appropriate to compare to. As such the smaller lots assessed provide a 'worst case' scenario of OSMS restrictions.

Table 3: Comparative Lots Assessed

MLS No.	Lot	DP	Address	Lot Area (m ²)	Zoning
MLS 1	354	1015457	14 Hammond Road	3,413	R5
MLS 2	351	1015457	22 Hammond Road	3,483	R5
MLS 3	1	549661	9 Smiths Road	3,250	R5
MLS 4	4	563449	15 Smiths Road	2,561	R5

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.

5.4 MLS Assessed Available EMA

Table 4 and **Figure 4** show the assessment of available effluent management areas for each of the assessed lots. As is evident, the variability of lot sizes, on-lot improvements and restrictions of developed lots makes selection of a "typical" lot difficult, however comparison of the site constraints indicates that minimum lot size is the most significant issue to address.

Table 4: Minimum Lot Size Assessment Results

Id	Lot Area (m ²)	Developed Area (m ²) ¹	Total Restricted Area (m ²) ²	Available Eff. Application Area (m ²)	Percent of Lot Available for Eff. Disp. (%)	>504m ² Area Available for Secondary Treatment? ³
MLS-1	3,413	534	2,014	1,166	34	Yes
MLS-2	3,483	471	2,113	1,575	45	Yes
MLS-3	3,250	1,564	2,224	1,026	32	Yes
MLS-4	2,561	704	2,028	533	21	Yes, limited
1. House, driveway, shed etc 2. Includes developed area, protected vegetation and buffers to waterways and boundaries 3. 504m ² based on active and reserve area of 252m ² each. See modelling in s7 of this report.						

5.5 MLS Discussion

A comparison of nearby properties suggests that:

- The assessed properties are between 2,561-3,483m² in footprint, less than the minimum 4,917m² of developable area R5 proposed;
- Except for the smallest lot, No.15 Smiths Rd, of ~2,561m², each have about 1,000-1,500m² of available unconstrained area for effluent application. The smaller lot has only 533m² footprint plus an onsite groundwater bore meaning that this lot area is considered too small for sustainable effluent management onsite;
- Typically available area for effluent application represents about 30-50% of the total lot area, the smaller the lot, the same development footprint requirements impact on land area available for effluent application; and
- Allowing for additional developed footprint such as sheds and swimming pools that may not be present currently, and constraints such as buffers to gullies and protected forest vegetation, the minimum 504m² footprint typically required for a secondary treatment and land application OSMS would still be able to be met for lots of 3,500m² and greater.
- As such given the low slopes and limited site and soil constraints, a minimum 4,500m² R5 lot sizing would be considered acceptable.

6 Recommended OSMS Combination

Due to the cost of reticulated sewerage provision by Council, it is expected that the Site will not be seweraged in the foreseeable future.

Based on the site and soil constraints and subdivision boundaries, the minimum treatment and land application combination selected for Proposed Lot 1 and 2 are:

- Treatment to a secondary standard and subsurface application into an appropriately sized absorption bed field.

Alternatively, treatment to a secondary standard and land application by SubSurface Irrigation (SSI) field would also be acceptable.

7 Effluent Management Areas

7.1 Design Hydraulic Load

For hydraulic loading purposes a proposed dwelling of four bedrooms on tank water supply was assumed for the proposed lots. AS/NZS1547:2012 recommends that a wastewater generation load of 120L per person per day for households supplied by tank water be used as a basis for wastewater system design. The hydraulic load for the existing and proposed dwellings is based on 1.5 persons per bedroom. The design hydraulic loading for a four bedroom dwelling under full occupancy is presented in Table 5.

Table 5: Proposed Design Hydraulic Load

No. of Bedrooms	Design Wastewater Load (L/day)
4	720

7.2 Sizing of Effluent Management Areas

Water balance modelling was undertaken to determine sustainable effluent application rates, and from this estimate the necessary size of the EMA required for effluent to be applied from a primary treatment system trench or beds. The procedures used in the water balance generally follow the *AS/NZS 1547:2012* standard and NSW DPHI (2025) Guideline. The water balance used is a monthly nominated area model. These calculations determined minimum EMAs for given effluent loads for each month of the year. The water balance can be expressed by the following equation:

$$\text{Precipitation} + \text{Effluent Applied} = \text{Evapotranspiration} + \text{Percolation} + \text{Storage}$$

Mean monthly rainfall data was conservatively utilised in the modelling. Mean data has a higher rainfall than median data typically adopted for domestic wastewater investigations. The water balance conservatively assumes a retained rainfall coefficient of 0.9; that is, generally 90% of rainfall will percolate into the soil and 10% will run off. Given the gentle slopes and good groundcover at the Site, this is considered a conservative value. The rainfall hydraulic load is incorporated into the water balance to ensure that runoff from the EMA will not occur under typical (design) climate conditions.

The input data and results for the water balance are presented in Table 6, and calculation sheets in Appendix C.

A conservative nutrient balance was also undertaken, which calculates the minimum buffer around a trench or bed to enable nutrients to be assimilated by the soils and vegetation. The nutrient balance used here is based on the NSW DPHI (2025) methodology. A summary of the nutrient balance is provided in Table 6.

Table 6: Inputs and Results of Secondary Treatment Modelling

Data Parameter	Units	Value	Comments
Hydraulic load	L/day	720	6 persons occupancy.
Precipitation	mm/month	Coffs Harbour	BoM, mean monthly.
Pan Evaporation	mm/month	Coffs Harbour MO	BoM, mean monthly.
Retained rainfall	unitless	0.9	Proportion of rainfall that remains onsite and infiltrates the soil, allowing for 10% runoff.
Crop Factor	unitless	0.6-0.8	Expected annual range for vegetation based on monthly values.

Data Parameter	Units	Value	Comments
Linear Loading Rate (LLR)	L/m/day	31	Based on strongly structured light clay limiting layer at 0.3-0.6m depth and low slope of 5%.
Design Loading Rate (DLR) – Primary/Secondary	mm/day	12	Maximum rate for design purposes, based on strongly structured light clay subsoils.
Effluent total nitrogen concentration	mg/L	30	Target effluent quality for secondary (Lot 1) and primary (Lot 2) treatment systems.
Nitrogen lost to soil processes (denitrification and volatilisation)	annual percentage	20	Patterson (2002).
Effluent total phosphorus concentration	mg/L	15	Target effluent quality for primary treatment systems.
Soil phosphorus sorption capacity	mg/kg	886	Value based on soil testing.
Nitrogen uptake rate by plants	kg/Ha/yr	250	Conservative estimated value.
Phosphorus uptake rate by plants	kg/Ha/yr	25	Conservative estimated value.
Design life of system (for nutrient management)	years	50	Reasonable minimum service life for system.
Minimum secondary treatment bed field for hydraulic load (m²)			136m ²
Minimum secondary treatment bed field for total phosphorus load			115m ²
Minimum secondary treatment bed field for total nitrogen load			252m ²

Based on modelling an active and reserve EMA of 252m² each has been nominated for a four bedroom dwelling. The proposed locations of the EMAs are shown on Figure 5.

For Proposed Lot 1 it is assume that the existing SSI field has been decommissioned and a new active EMA field constructed as part of the subdivision.

8 Buffers

Buffer distances or setbacks from EMAs are required to minimise risk to public health, maintain public amenity and protect sensitive environments. The buffers from NSW DPHI (2025) are presented in **Table 7** below.

Table 7: Available Buffers

Site Feature	DPHI (2025) Buffer	Achievable?	Site Buffer
Intermittent watercourses, drainage channels and dams	15-40m	Yes	64m
Dam	15-40m	No	Dam to be removed
Permanent waterways	50-100m	Yes	>100m
Domestic groundwater bore	15-100m	Yes	>100m
Property boundary	1.5-15m	Yes	6m to downslope and sideslope 3m to upslope
Driveways	1.5-6m	Yes	3m
Buildings	1.5-15m	Yes	>5m downslope of
Retaining Walls	3m or 45° from toe	Yes	N/A
Inground Tanks and Services	3-15m	Yes	N/A
Swimming Pools	3-15m	Yes	N/A

9 Conclusions & Recommendations

Having undertaken a land capability assessment for the proposed subdivision of 82 Smiths Road, Emerald Beach, EWC consider that there is the opportunity for the sustainable application of wastewater following subdivision of the existing lot into Proposed Lots 1-2.

We recommend that:

- A minimum lot size of 4,500m² is suitable for the subdivision to allow for all reasonable development configurations (dwelling, shed, swimming pool, recreation, driveways etc) and sustainable wastewater application;
- The dam on Proposed Lot 1 requires filling. This will reduce future landuse conflicts between Lots 1 and 2 and reduce water infiltration into subsoils for future EMAs;
- Proposed Lot 1 – As the existing wastewater treatment system is sufficiently distant from the proposed subdivision boundary and is functioning well, this secondary treatment system can be retained for ongoing use. The existing SSI field would be located on proposed Lot 2 and therefore needs to be decommissioned. A replacement EMA of 252m² has been nominated for a four bedroom dwelling. Final details are to be confirmed during application for the replacement OSMS at subdivision CC stage; and
- Proposed Lot 2 - Wastewater be treated to a minimum secondary level with subsurface soil absorption land application. A primary and reserve EMA of 252m² minimum each has been nominated for a four bedroom dwelling.

For any future system we recommend that:

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

10 References

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

Milford, H. B., (1999) Soil Landscapes of the Coffs Harbour 1:100 000 Sheet, Department of Land and Water Conservation Soil Landscape Series.

NSW DPHI (2025) Onsite Wastewater Management Guidelines.

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

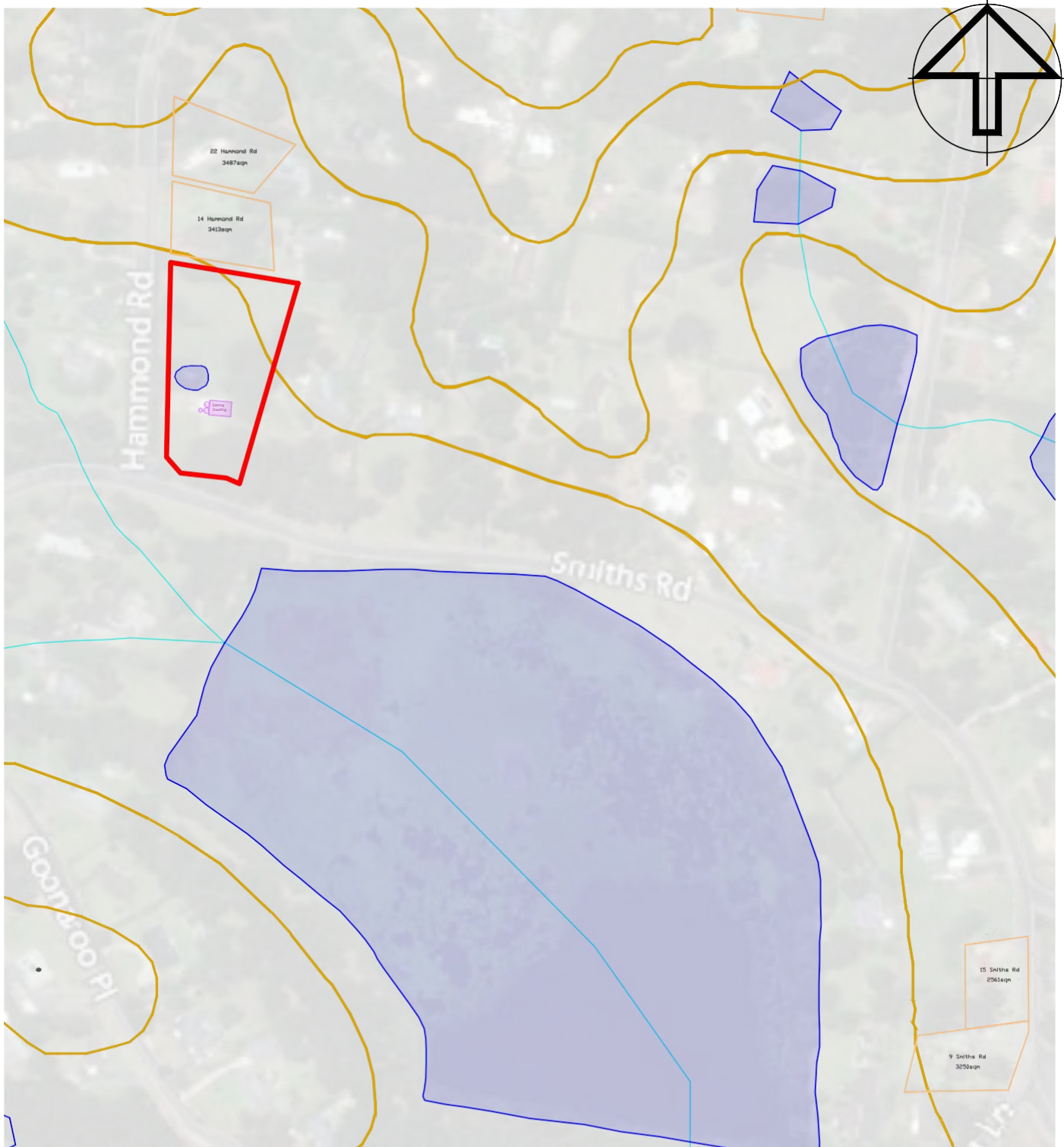
11 Limitations

This report has been prepared by Earth Water Consulting Pty Ltd for the exclusive use of the client and for the specific purpose of informing on-site wastewater system assessment in accordance with relevant guidelines and site data. The recommendations are based on conditions observed at the time of site investigation, available documentation, and standard industry practices.

Subsurface conditions can vary across a site and may change over time. Soil and groundwater assessments are limited to the locations and depths sampled, and extrapolation should be made with caution. The system design assumes proper construction, operation and maintenance, which are outside the control of Earth Water Consulting Pty Ltd.

This report should not be used for any other purpose or by any other party without prior written consent. No responsibility is accepted for changes in site conditions or misuse of the information provided.

FIGURES



0 80 120 160
Horizontal Scale (metres) 1:4000

LEGEND

- Property Boundary
- Contour (10m)

- Drainage Alignment
- Existing Building
- MLS Properties



TITLE **Site Location**

FIGURE **Figure 1**

SHEET **1 OF 1** ISSUE **A**

PROJECT
**LCA for 82 Smiths Road,
Emerald Beach**

CLIENT
Owen Jeong

AUTHOR

SD

DATE

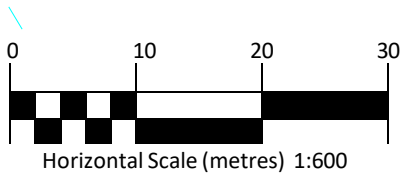
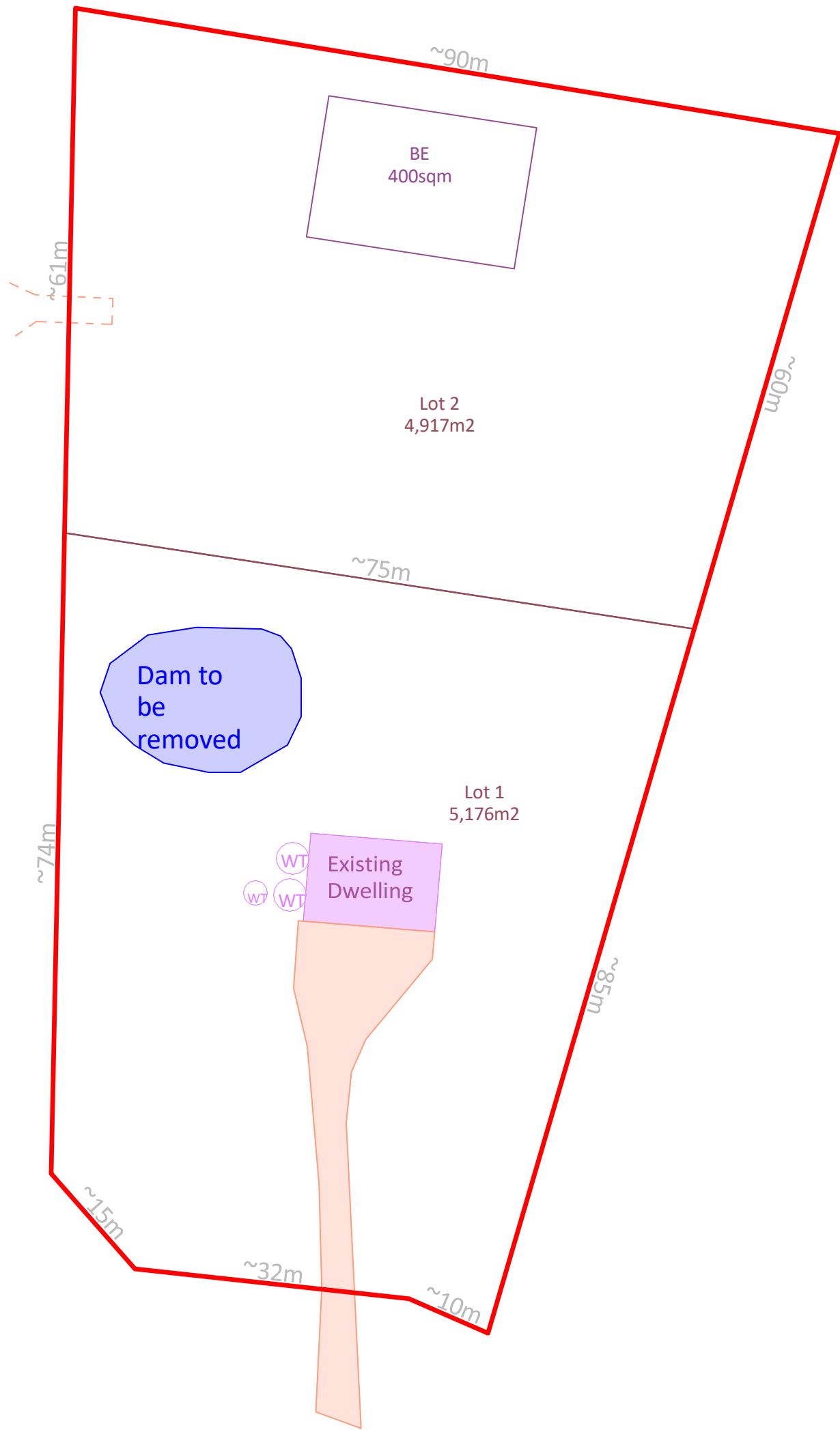
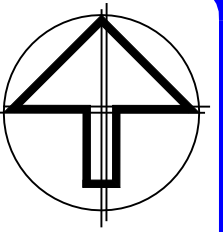
27/08/25

SCALE

1:4000

PROJECT

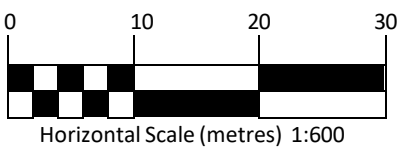
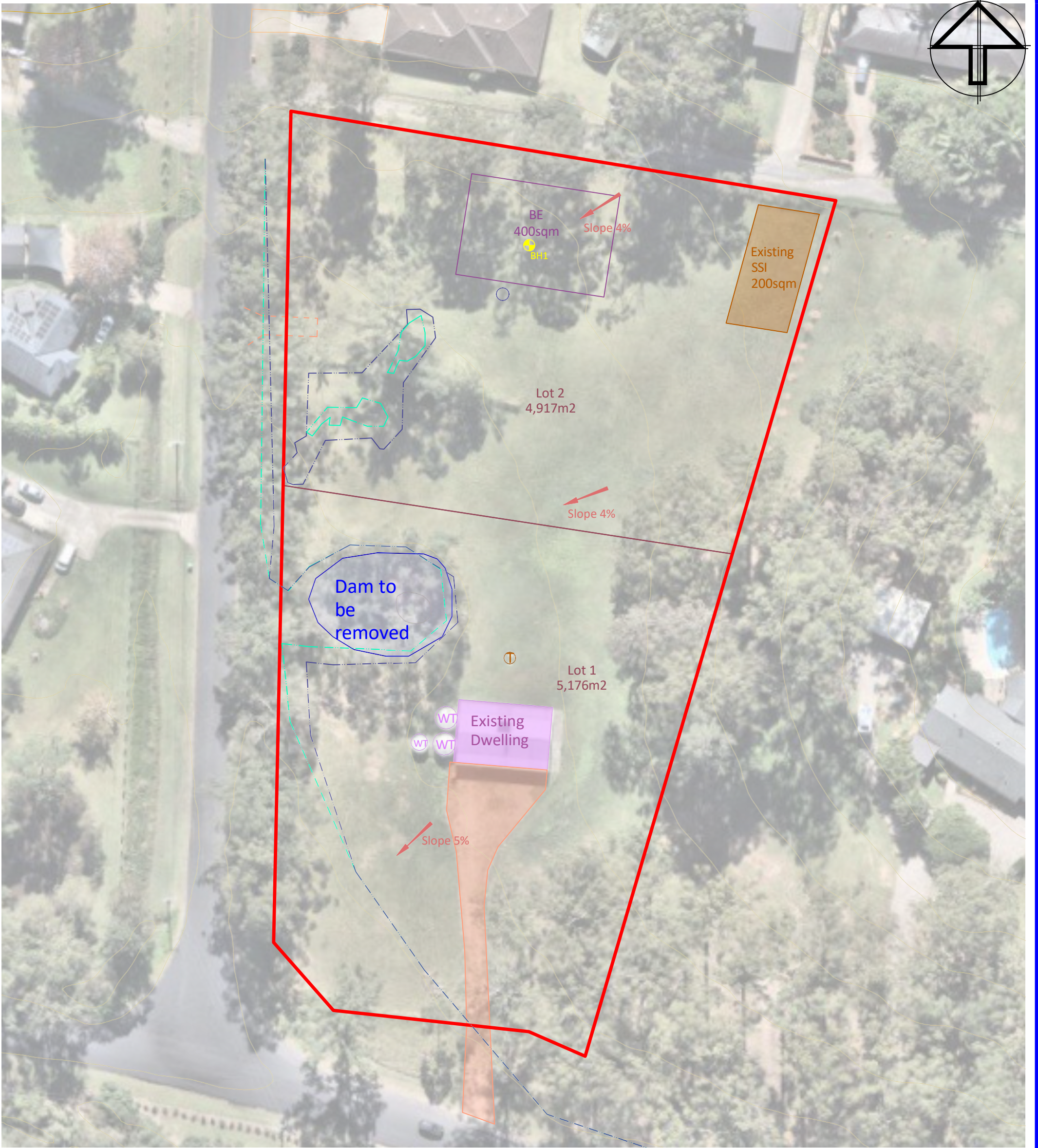
2526-021



LEGEND	
	Property Boundary
	Subdivison Boundary
	Proposed Building Envelope
	Existing Building



TITLE Proposed Development Layout			FIGURE Figure 2
PROJECT LCA for 82 Smiths Road, Emerald Beach			SHEET 1 OF 1
AUTHOR SD			CLIENT Owen Jeong
DATE 27/08/25			PROJECT 2526-021
SCALE 1:600			ISSUE A



LEGEND

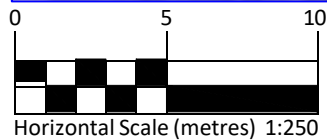
- Property Boundary
- Proposed Subdivision Boundary
- Contour Line (1m)

- 1in100 Flood Level
- 1in20 Flood Level
- Drainage Alignment
- Proposed Building Envelope

- Existing Building
- Existing AWTS
- Existing SSI Field
- Slope Direction and Extent
- Approximate Borehole Location

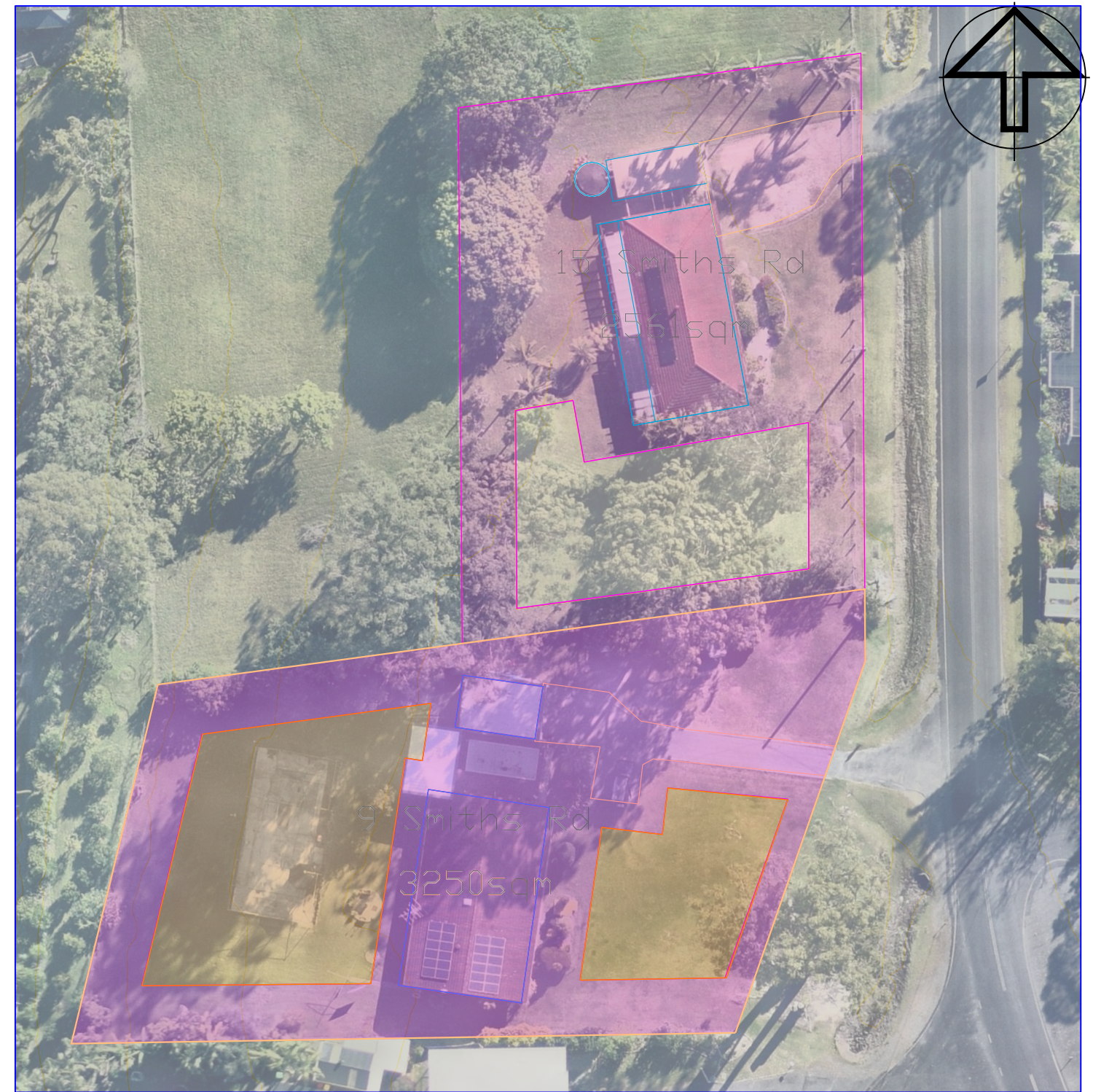


TITLE Existing Site Layout			FIGURE Figure 3	
PROJECT LCA for 82 Smiths Road, Emerald Beach			SHEET 1 OF 1	SSUE B
AUTHOR SD			CLIENT Owen jeong	
DATE 17/2/26		SCALE 1:600	PROJECT 2526-021	



LEGEND

-  Property Boundary
-  Restricted Area
-  Available Area



TITLE

Comparative Lot Size Constraints

FIGURE Figure 4

SHEET 1 OF 1

ISSUE A

PROJECT

LCA for 82 Smiths Road, Emerald Beach

CLIENT

Owen Jeong

AUTHOR

SD

DATE

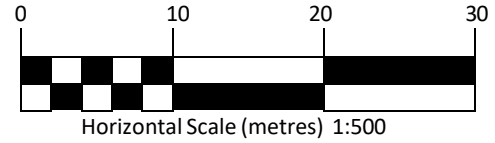
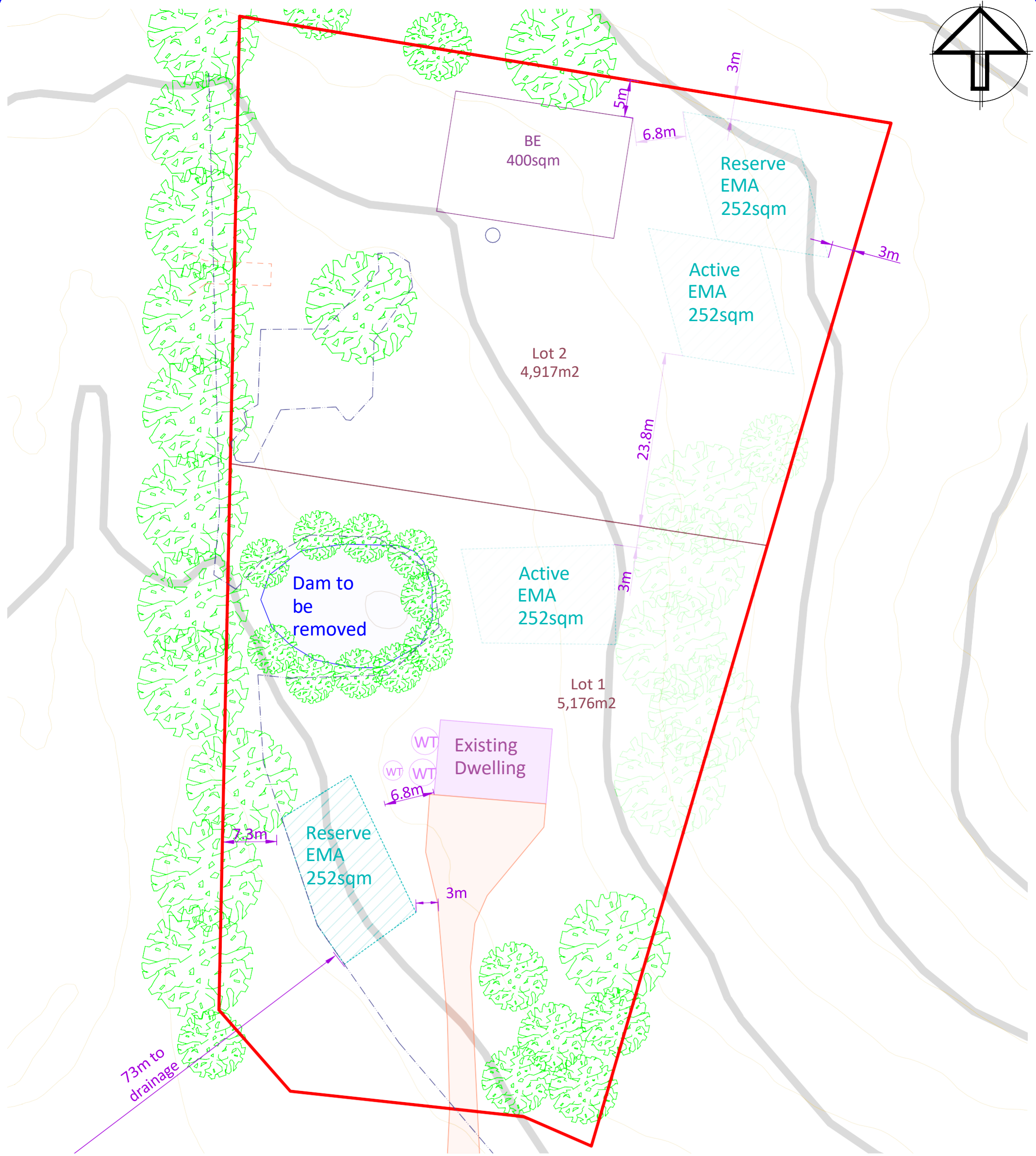
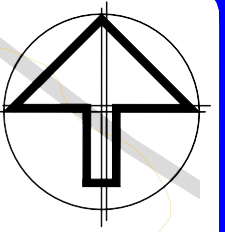
28/08/25

SCALE

1:600

PROJECT

2526-021



LEGEND

- Property Boundary
- Proposed Subdivision Boundary
- Contour Line (1m)
- 1in100 Flood Level
- Proposed Building Envelope
- Existing Building
- Recommended EMA



TITLE Recommended Effluent Management Areas			FIGURE Figure 5	
PROJECT LCA for 82 Smiths Road, Emerald Beach			SHEET 1 OF 1	ISSUE B
			CLIENT Owen Jeong	
AUTHOR SD	DATE 17/2/26	SCALE 1:500	PROJECT 2526-021	

APPENDIX A





Soil Borelog

Borehole No:	BH1
Logged by:	RL
Drilling date:	29/07/2025
Drilling method:	Powered Auger
Borehole location:	Figure 2
Borehole coords:	515478, 6662378

Project ref:	2526-021
Client:	Owen Jeong
Address:	82 Smiths Road, Emerald Beach

PROFILE DESCRIPTION

Depth (m)	Sampling depth/name	Graphic Log	Horizon	Texture	Structure	Colour	Mottles	Coarse Fragments	Moisture Condition	Comments
0.1	s		A1	Fine Sandy Clay Loam	Strong	Greyish Brown	Dull Yellowish Brown	< 5%	SM	Topsoil
0.2										
0.3										
0.4			A2	Silty Clay Loam	Strong	Dull Yellowish Brown	Dull Orange	Nil	SM	Transferral / Erosional
0.5										
0.6			B1	Silty Clay	Strong	Dull Yellow	Orange	Nil	SM	Transferral / Erosional
0.7										
0.8										
0.9			B2	Light Clay with Silt	Strong	Dull Orange Brown	Orange	Nil	SM	Transferral / Erosional
1.0										
1.1										
1.2										
1.3			Borehole terminated at 1.2m							
1.4										
1.5										

Moisture condition

D	Dry	M	Moist	W	Wet / saturated
SM	Slightly moist	VM	Very moist		

APPENDIX B

Soil - Certificate of Analysis - E25-00-8499

Client:	Earth Water Consulting Pty Limited	Laboratory:	Environmental Analysis Laboratory
Contact:	Strider Duerinckx	Contact:	EAL Customer Service Team
Address:	PO Box 50, BELLINGEN, NSW 2454, Australia	Address:	Military Road, East Lismore NSW 2480, Australia
Telephone:	0402 608 396	Telephone:	(02) 6620 3678
Email:	office@ewcon.com.au	Email:	eal@scu.edu.au

Customer reference:	2526-021	Request ID:	EAL/E25-00-8499
Number of samples:	1	Report ID:	E25-00-8499_EALP1_1
Date samples received:	01 August 2025	Issue date:	22 August 2025

Authorised by:	Josh Harris
Position:	Technical Officer



Comments: EAL is a NATA accredited laboratory (14960), accredited for compliance with ISO/IEC 17025 - Testing.

Certificate of Analysis

Request ID: EAL/E25-00-8499 Report ID: E25-00-8499_EALP1_1 Issue date: 22 August 2025

Client Sample ID:				BH1
Sample Depth:				0.6-0.8
Sample Date:				29 July 2025
Your Client:				EWC
EAL Sample ID:				E25-00-8499-0001
Parameter	Unit	Method Reference	LOR	---
Moisture Content	%	Inhouse S2 (105)	<0.1	19.9
pH (CaCl2)	units	**Rayment & Lyons 2011 - 4B4	---	4.45
pH (H2O)	units	Rayment & Lyons 2011 - 4A1	---	5.53
Electrical Conductivity	dS/m	Rayment & Lyons 2011 - 3A1	<0.005	0.043
Calcium - Exchangeable	cmol+/kg	Rayment & Lyons 2011 - 15D3	<0.05	0.67
Calcium - Exchangeable	kg/ha	Rayment & Lyons 2011 - 15D3	<22	301
Calcium - Exchangeable	mg/kg	Rayment & Lyons 2011 - 15D3	<10	134
Magnesium - Exchangeable	cmol+/kg	Rayment & Lyons 2011 - 15D3	<0.01	2.52
Magnesium - Exchangeable	kg/ha	Rayment & Lyons 2011 - 15D3	<2	685
Magnesium - Exchangeable	mg/kg	Rayment & Lyons 2011 - 15D3	<1	306
Potassium - Exchangeable	cmol+/kg	Rayment & Lyons 2011 - 15D3	<0.12	< 0.12
Potassium - Exchangeable	kg/ha	Rayment & Lyons 2011 - 15D3	<112	< 112
Potassium - Exchangeable	mg/kg	Rayment & Lyons 2011 - 15D3	<50	< 50
Sodium - Exchangeable	cmol+/kg	Rayment & Lyons 2011 - 15D3	<0.065	0.33
Sodium - Exchangeable	kg/ha	Rayment & Lyons 2011 - 15D3	<33	167
Sodium - Exchangeable	mg/kg	Rayment & Lyons 2011 - 15D3	<15	74.8
Aluminium - Exchangeable	cmol+/kg	** Inhouse S37	<0.01	2.0
Aluminium - Exchangeable	kg/ha	** Inhouse S37	<1	400
Aluminium - Exchangeable	mg/kg	** Inhouse S37	<1	180
Hydrogen - Exchangeable	cmol+/kg	** Rayment & Lyons 2011 - 15G1	<0.01	0.61
Hydrogen - Exchangeable	kg/ha	** Rayment & Lyons 2011 - 15G1	<1	14
Hydrogen - Exchangeable	mg/kg	** Rayment & Lyons 2011 - 15G1	<1	6.1
Calcium - Base Saturation	%	** Calculation	<0.1	11
Magnesium - Base Saturation	%	** Calculation	<0.1	40
Potassium - Base Saturation	%	** Calculation	<0.1	1.9
Sodium - Base Saturation (ESP)	%	** Calculation	<0.1	5.2
Aluminium - Base Saturation	%	** Calculation	<0.1	32
Hydrogen - Base Saturation	%	** Calculation	<0.1	9.8
Calcium/Magnesium Ratio	---	** Calculation	<0.1	0.3
Effective Cation Exchange Capacity	cmol+/kg	** Calculation	---	6.2
Native NaOH Phosphorus	mg P/kg	** Inhouse S18b (Based on Abbott 1985)	<1	10.7
Equilibrium Phosphorus	mg/L	** Inhouse S18b (Based on Abbott 1985)	<1	11.6
Equilibrium Absorption Maximum	mg P/kg	** Inhouse S18b (Based on Abbott 1985)	<1	1230
kg P sorption/hectare (to 15cm depth)	---	** Inhouse S18b (Based on Abbott 1985)	<1	2000
kg P sorption/hectare (to 100cm depth)	---	** Inhouse S18b (Based on Abbott 1985)	<1	13300
Emerson Aggregate Stability Test (SAR5)	---	** Inhouse S79	---	*3/6, slake 3
Texture	---	** NCST 2009	---	Medium clay

Notes:

- ** denotes NATA accreditation does not cover the performance of this service.
- .. denotes not requested, no data/information or no guidelines available.
- All services undertaken by EAL are covered by the EAL Laboratory Services Terms and Conditions (available on request or at scu.edu.au/eal).

Certificate of Analysis

Request ID: EAL/E25-00-8499 Report ID: E25-00-8499_EALP1_1 Issue date: 22 August 2025

- Analysis conducted between sample arrival date and reporting date.
- This report is not to be reproduced except in full.
- Results only relate to the item tested.
- All analysis is on a dry weight (DW) basis - samples were dried at 60 °C for 48 h prior to crushing and analysis.
- For conductivity 1 dS/m = 1 mS/cm = 1000 µS/cm.
- ppm = mg/kg dried sample

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ea



Environmental

Analysis
Laboratory

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LISMORE NSW 2480
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eal@scu.edu.au www.scu.edu.au/eal

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Lab Sample No.	Sample ID	Sample Depth	Sampling Date	Your Client	Crop ID	Sample Type (e.g. water, leaf, soil)	Sample Analysis Request									
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APPENDIX C

Nominated Area Water Balance & Storage Calculations

Site Address: **82 Smiths Road, Emerald Beach**

Proj Ref: 2526-021

Notes:



Flow Allowance		120	l/p/d
No. of bedrooms		4	bdr
Occupancy		1.5	p/room
Design Wastewater Flow	Q	720	L/day
Design Loading Rate	DLR	12.0	mm/day
Surface Slope		1-10	%
Depth to Limiting Layer		31 - 60	cm
Crop Factor	C	0.6-0.8	unitless
Target Linear Loading Rate	LLR	31	L/m/day
Retained Rainfall Coefficient	RRc	0.9	unitless
Void Space Ratio	V	0.3	unitless
Nominated Land Application Area	N	74	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	
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	372.0	336	372.0	360.0	372.0	360.0	372.0	372.0	360.0	372.0	360.0	372.0	4380.0
Outputs		ET+B	mm/month	525.8	461.44	491.0	441.9	432.8	401.4	418.5	435.2	454.5	484.8	496.8	525.8	5569.9
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	301.6	272.4	301.6	291.9	301.6	291.9	301.6	301.6	291.9	301.6	291.9	301.6	3551.4
Inputs		RR+W	mm/month	437.7	433.5	486.2	414.2	407.3	372.9	350.5	338.3	323.8	368.9	409.3	404.3	4746.7
STORAGE CALCULATION																
Storage remaining from previous month			mm/month		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-293.5	-93.0	-16.1	-92.3	-84.9	-95.0	-226.7	-323.3	-435.8	-386.6	-291.8	-404.8	-931.4
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Maximum Bed Storage Depth for Area	BS		mm	0.00	Is the calculated storage acceptable?			Yes, storage is conservative								
Nominated trench width			1	m												
Total length based on nominated width			74.0	m												
No. of beds			4													
Individual bed lengths			18.5	m												
Individual Bed footprints			18.5	m ²												
Spacing between beds			1.5	m												
Width of bed area			8.5	m												
Total bed area			157	m ²												
Calculated LLR			18	L/m/day	Calculated LLR < Target LLR?			Yes, LLR and design is conservative								
Nutrient uptake zone			281	2m buffer nutrient uptake allowance												



Nutrient Balance

Proj Ref: 2526-021

Site Address: 82 Smiths Road, Emerald Beach

Notes:

INPUT DATA

Hydraulic Load	720	L/Day
Effluent N Concentration	30	mg/L
% Lost to Soil Processes	0.2	Decimal
Total N Loss to Soil	4320	mg/day
Effluent P Concentration	12	mg/L
Design Life of System	50	yrs
Crop N Uptake	250 kg/ha/yr =	68 mg/m ² /day
Crop P Uptake	25 kg/ha/yr =	7 mg/m ² /day
P-sorption analytical result in soil	13300	kg/ha
% of Predicted P-sorp	0.5	Decimal

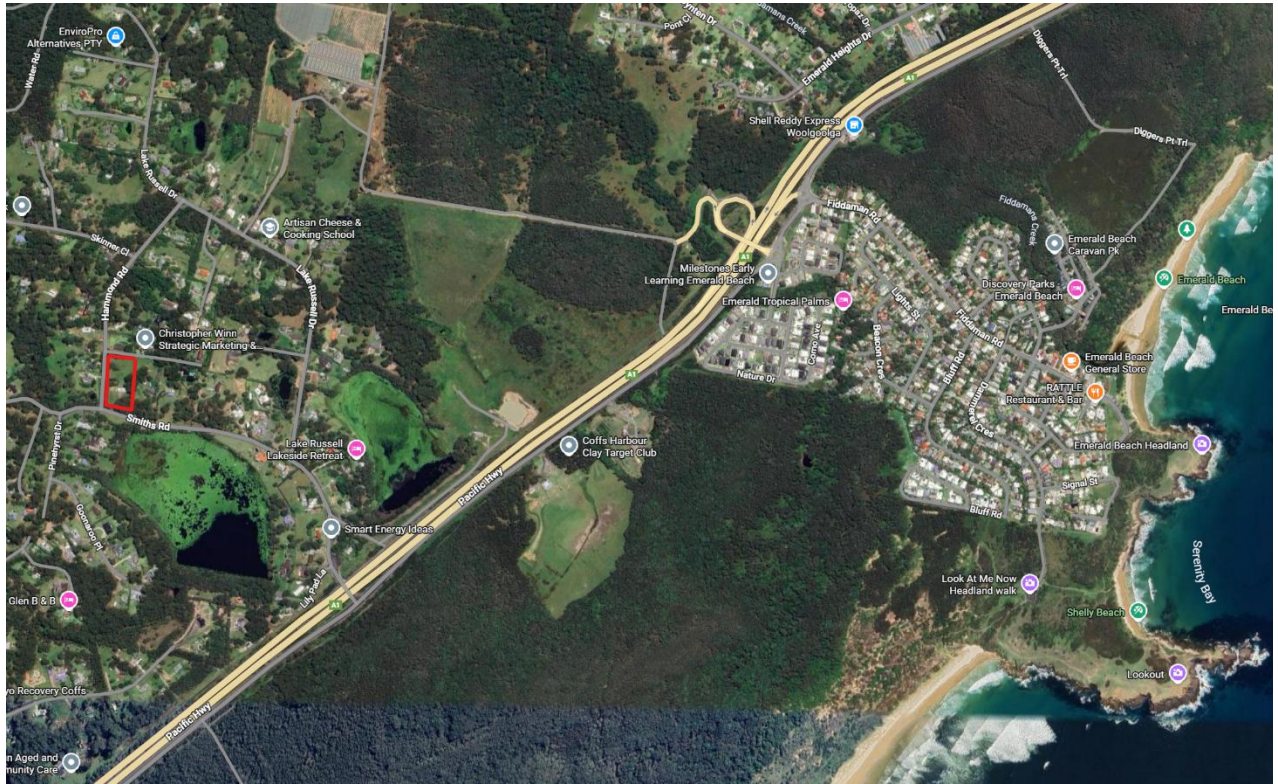
Nitrogen Balance

Nitrogen uptake ability in vegetation	68	mg/m ² /day
Nitrogen loading in wastewater	17280	mg/day
Area required for nitrogen	252	m ²

Phosphorus Balance

P adsorbed	0.665	kg/m ²
P uptake	0.125	kg/m ²
P generated	157.68	kg
Area required for Phosphorus	200	m ²

APPENDIX 5 – FLOOD RISK ASSESSMENT



FLOOD RISK ASSESSMENT

No 82 Smiths Road Emerald Beach
for Owen Jeong

2/07/2026 | Version 03 - Final



de Groot & Benson Pty Ltd
Consulting Engineers & Planners

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Reviewer:	Andrew May
Approved:	Graham Knight

Rev	Date	Purpose	Author	Reviewer	Approved
Draft	4/12/2025	For comment	GJK	KH	GJK
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Abbreviations

Term / acronym	Definition / meaning	Term / acronym	Definition / meaning
ARI	Average Recurrence Interval (yrs)	LEP	Local Environmental Plan (2013)
AEP	Annual Exceedance Probability	DCP	Development Control Plan (2015)
MCFS	Moonee Creek Flood Study (2025)	PMF	Probable Maximum Flood
ARR	Australian Rainfall & Runoff	DFE	Defined Flood Event
BOM	Bureau of Meteorology	FPL	Flood Planning Level



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- 3. Planning Provisions6
 - 3.1 LEP 20138
 - 3.2 DCP 201510
- 4. Conclusion12

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1. Introduction

This report has been prepared to examine the flood risk associated with a planning proposal to alter the minimum lots size, which will allow No 82 Smiths Road Emerald Beach to be subdivided into two large residential lots.

The property, lot 1 DP 1220096, is slightly over 1.0 Ha and falls within R5 zone with a minimum lot size of 1 Ha. The planning proposal seeks to reduce the minimum lot size requirement to allow two future lots, both just over 0.5 Ha in size. Proposed lot 1 to the south will wholly contain the existing dwelling, its driveway and wastewater disposal field. Proposed lot 2, up-slope to the north will lie over yard of mostly lawn with scattered trees which is otherwise undeveloped.

The property, as shown in Figure 1.1, is on the corner of Smiths and Hammond Roads. It falls moderately from the north-east to south-west. Smiths Road lies at the base of the slope. South of which lies low lying land draining into a dam holding permanent water of some 12 Ha, locally known as Smiths Lake, the larger of the two Avocado Height's dams.

This report examines the flood risk associated with the proposed new residential lot and any future dwelling. Specifically, it examines:

- The flood impact on the existing and potential future property and dwellings.
- The ability to safely access and if need be, to evacuate residents of potential future dwellings.
- The impact the future property and dwelling may have on others.
- Compliance of future property and dwelling with Local Planning Direction 4.1, Council's LEP and DCP with respect to flooding.

This assessment utilises the 2025 Moonee Creek Flood Study and its mapping, prepared by JBP Scientists and Engineers and adopted by City of Coffs Harbour.

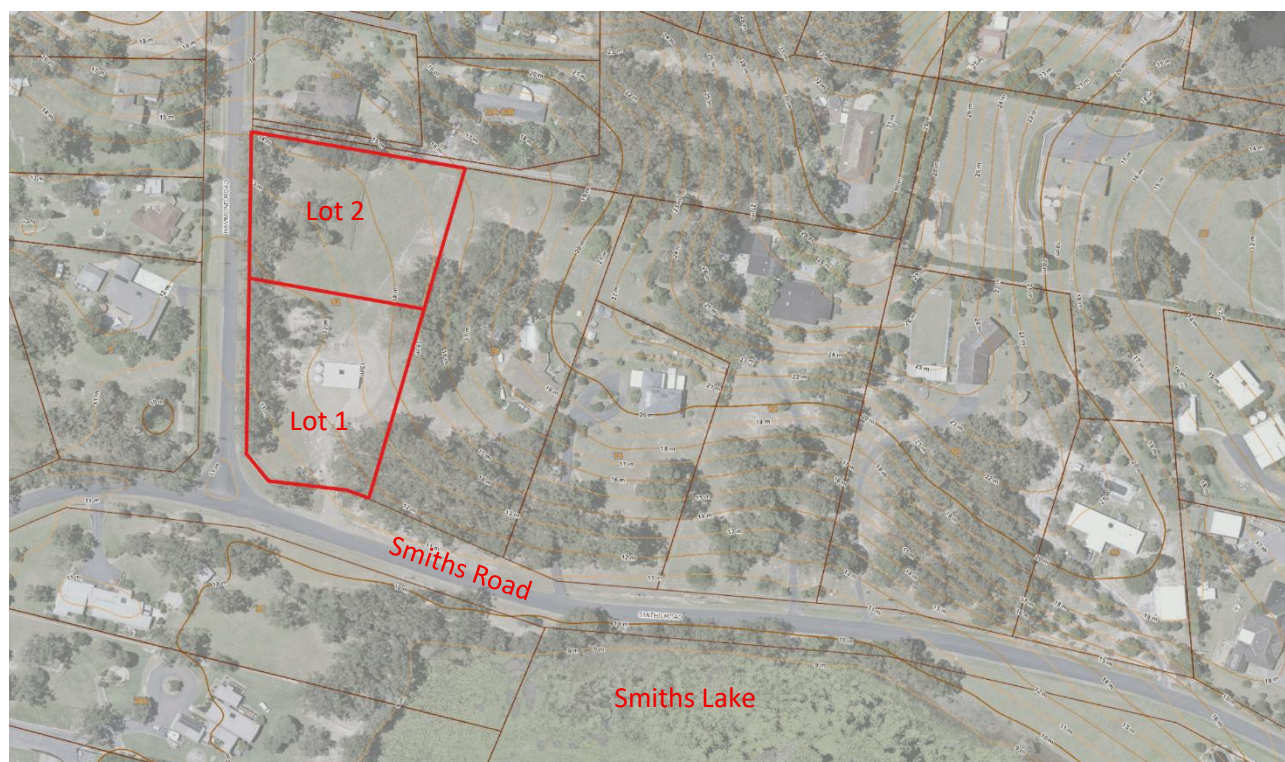


Figure 1.1 – Extent of Planning Proposal



2. Existing Flood Behaviour

The 2025 Moonee Creek Flood Study mapping shows the property to be flood affected. Upon inspection there is a large catchment of some 73 Ha to the north-west generating flooding along a mostly naturalised water course through private properties. This drains to a 900mm dia culvert under Smiths Road, just west of the intersection with Hammond Road, then on into Smiths Lake. A further 5 Ha drains from the north-east through the property. Figure 2.1 shows the mapped 100-yr ARI flood extents. It shows the flooding well exceeds the confines of any natural creek lines, exceeds the capacity of the culvert under Smiths Road, and spills over and along the Road, and fills Smiths Lake well above its normal water level.

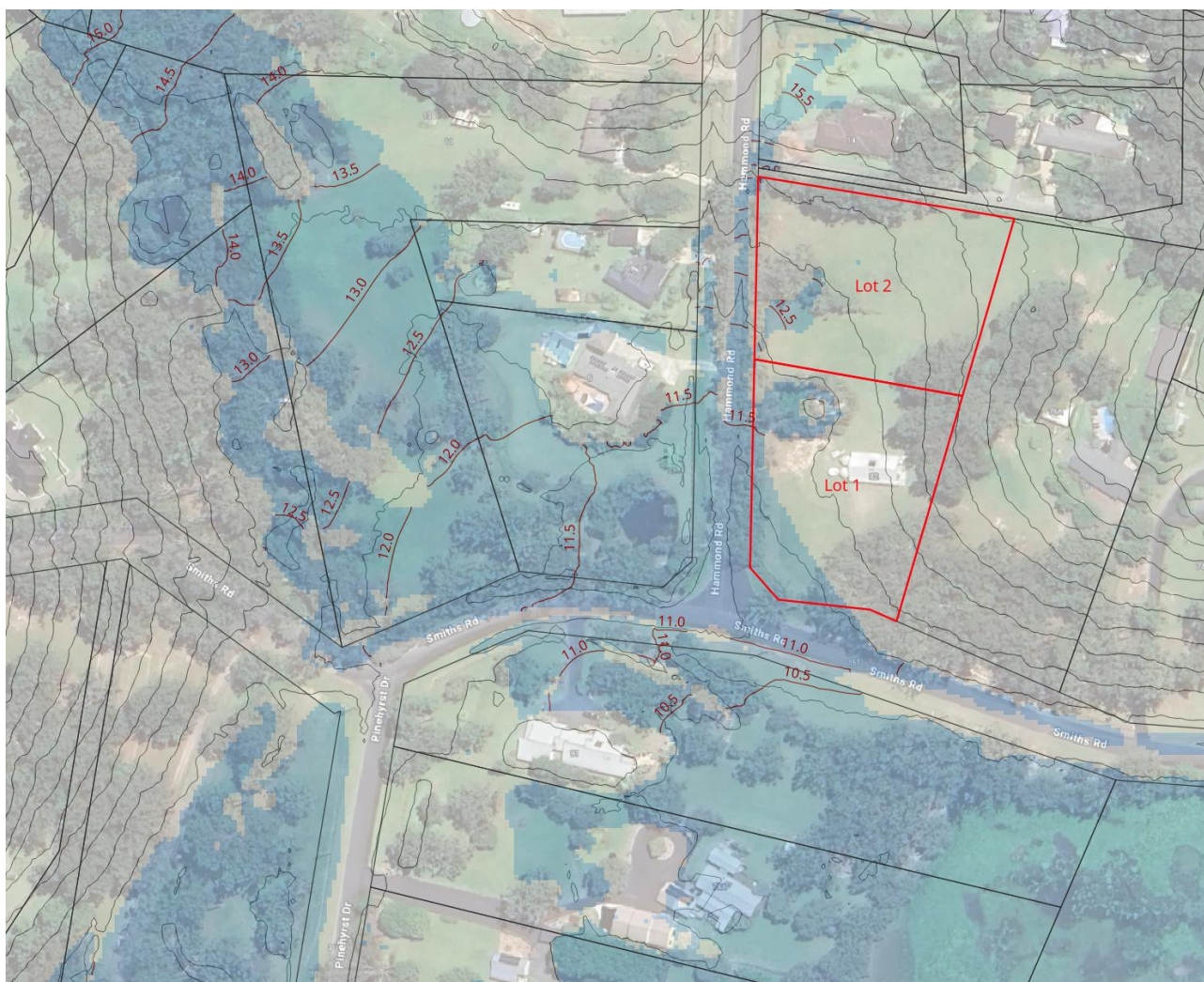


Figure 2.1 – 100-yr ARI Flood Extents

The figure 2.2 shows the peak 100-yr ARI flood depth across the property. It shows:

- Significant flooding to the south-west corner of proposed Lot 1.
- An existing dam within Lot 1 spills.
- The existing dwelling structure within lot 1 is not impacted by the flooding, although its driveway where it joins Smiths Road is.
- Minor flooding within proposed lot 2, and along the edge of Hammond Road. Note, the green shaded is where the depth is less than 100mm and should be considered as surface runoff rather than flooding.

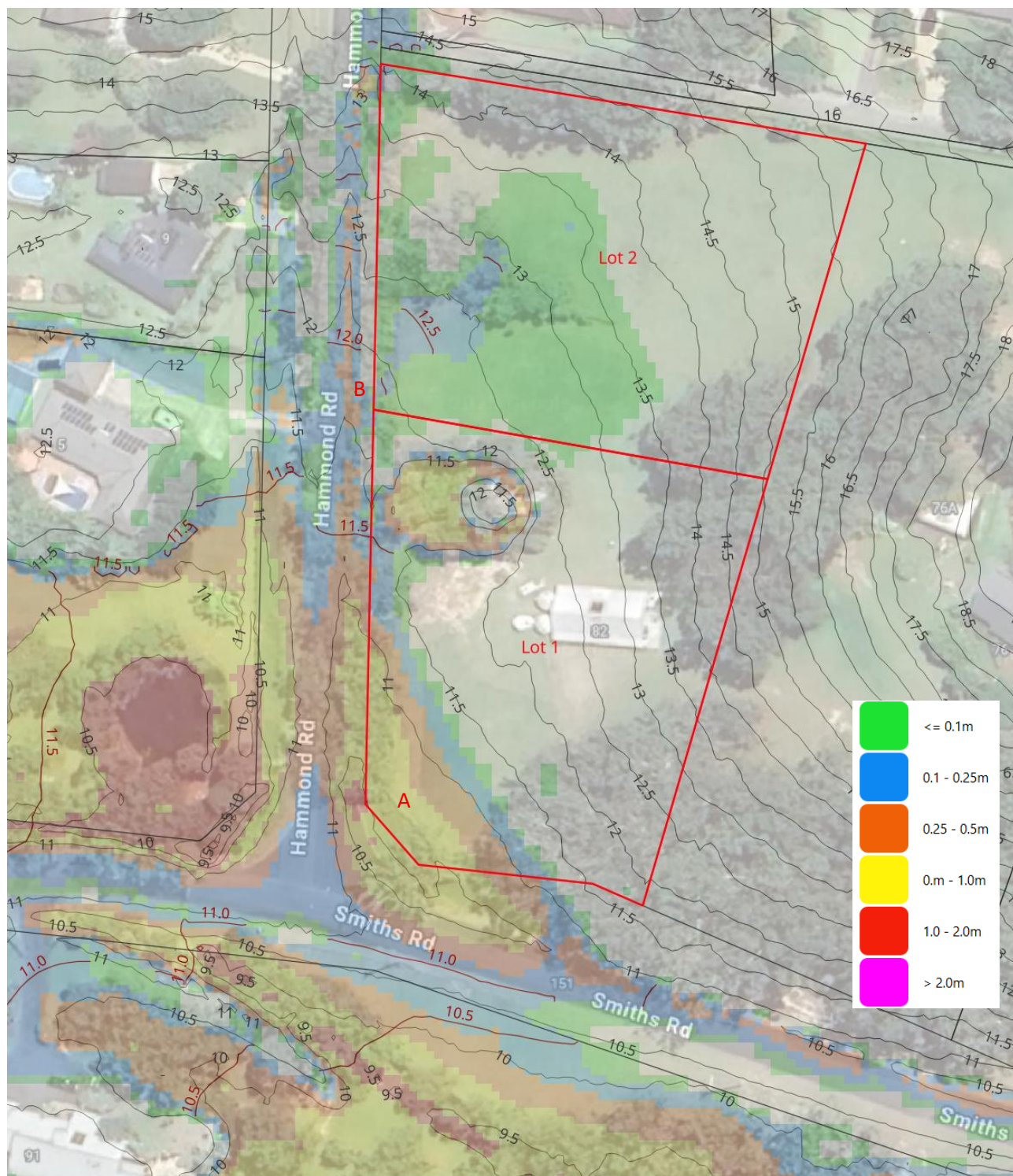


Figure 2.3 – 100-yr ARI Peak Flood Depth

Further detailed flood mapping is provided in Appendix A, including the hazard categorisation for the 100 yr ARI and PMF events. It is noted that the flooding across Lot 2 is generated by the relatively small and steep upslope catchment of approximately 5 Ha with a time of concentration of approximately half an hour. In the PMF event it generates flow depths of approximately 0.1 m and a H1 hazard across much of the site (Fig A8 & A11). The duration of such conditions is likely to be less than an hour.



3. Planning Provisions

Council needs to be satisfied that the likely developments that may follow the planning proposal will or can comply with the flooding provisions of the Local Planning Directions, Council's Local Environmental Plan (LEP 2013) and Development Control plan (DCP 2015). The most likely development proposals will be that of a one into two lot subdivision along the lines proposed, followed by a future dwelling on lot 2.

3.1 Local Planning Directions

With respect to Clause 4.1 of the Local Planning Directions from the NSW Department of Planning, Housing and Infrastructure:

Direction 4.1

(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.*

The creation of one additional residential allotment and subsequent dwelling is consistent with the above.

(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.

The land is currently zoned R5 – Large Lot Residential. This does not fall under the above. Further, it is not proposed to be rezoned, just the minimum lot size changed.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

- (a) permit development in floodway areas,*

The mapping shows floodway within the already developed residual lot (lot 1). The new lot 2 and its subsequent dwelling development is well outside any floodway.

- (b) permit development that will result in significant flood impacts to other properties,*

The subsequent development of a dwelling and associated pavements will cause a small increase in runoff. However, relative to the surround flood behaviour from much larger catchments, the impacts will not be significant. To ensure no nuisance to Lot 1, Council should, through subsequent development and construction approvals, require the stormwater drainage from the development of lot 2 be directed to Hammond Road, rather than into lot 1. The existing topography of Lot 2 will allow this.

- (c) permit development for the purposes of residential accommodation in high hazard areas,*

The mapping shows that future development within lot 2 is outside high hazard areas.

- (d) permit a significant increase in the development and/or dwelling density of that land,*

The mapping shows approximately half of proposed lot 2 lies within the flood planning area. Any future dwelling on the new lot can be located outside the flood planning area. The proposal need not permit a



significant increase in development. That said, restricting all development outside the flood planning area is unnecessarily restrictive. Building development should be allowed within the flood planning area provide it meets Council's DCP requirements of adequate freeboard, and diversion drainage.

(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,

The proposal is unlikely to result in a development application for anything other than a single free standing residential dwelling. Regardless, any future development on the new lot created can be effectively evacuated in times of flood.

(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,

Council's existing development approval requirements will be maintained.

(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

A future dwelling on the new lot can be located above the flood planning level, and even above the PMF if constructed with appropriate treatment of up-slope runoff diversion. It would not result in any significant demands listed above.

(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

Hazardous industry or storage is not permitted within the R5 zone.

(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.

Refer to the justifications under (3).



3.2 LEP 2013

Clause 5.21 starts with:

5.21 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

And continues with:

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*

For non-special uses such as residential dwellings, Council's Defined Flood Event (DFE) is that of 100-yr ARI and the flood function is shown in figure A2. Lot 2 offers ample land well above any floodway or flood storage areas.

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

The proposed lot 2 offers a dwelling site elevated above the DFE. As such, any future development need not cause obstruction, or loss of flood storage. Dwellings and their associated pavements will however cause an increase in impervious area which will potentially result in increased rate and volume of runoff, which, in theory, will adversely impact flood levels downstream. A single new dwelling and their associated sheds and pavements might change approximately 0.08 Ha from pervious to impervious. This needs to be compared with the 78 Ha of catchment upstream, amounting to just 0.1% of the catchment. While there would be a theoretical impact, it would not be appreciable.

Nonetheless, this theoretical impact could be managed by Council requiring on-site detention as part of future subdivision and/or individual dwelling developments if they considered it warranted. Past practice is that rural and large lot residential does not warrant detention.

- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

The mapping shows that a future dwelling can be constructed above the DFE and even outside the flood planning area if required. However, its driveway access off Hammond Road must cross flood affected land. There is a sizable upslope catchment of some 3.5 Ha concentrated down the Hammond Street table drain and spilling through the property. To ensure safe flood access, Council should, through the development and construction approval process, ensure adequate design of the driveway and its roadside culvert.

Once Hammond Road is accessed from the property, Map A10 shows H2 hazard (unsafe for small vehicles) in the DFE through the intersection of Hammond and Smiths Road. Safer vehicular access in the DFE is possible through to Solitary Islands Way by heading north up Hammond Road and via Lake Russell Drive. Shallow water to 0.13 m depth and H1 hazard is predicted in one location across Lake Russell Drive as shown in Figure 3.1, which can be safely navigated by vehicles. Once Solitary Islands Drive is reached, access is as good as it gets.

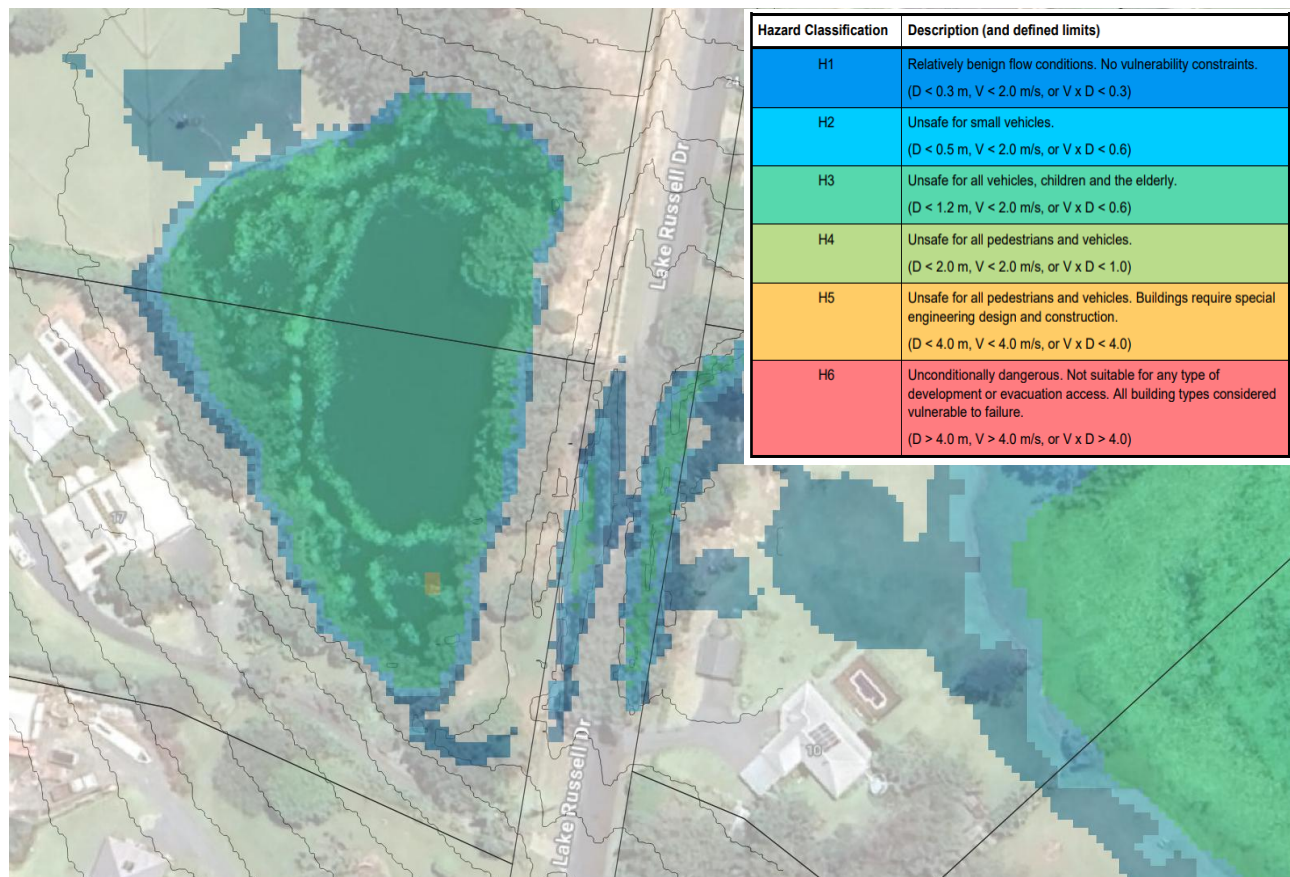


Figure 3.1 – 100-yr ARI H1 Hazard across Lake Russell Drive.

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

As both safe shelter in place (for all events) and safe evacuation up to the DFE is possible, the appropriate measures can be provided.

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

The likely development that would follow the proposal need not involve any development within the riparian zones and certainly not along the creek banks.

Appropriate sediment and erosion control should be implemented during construction activities. All of which can be managed through the development approval process.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

All the findings above still apply to the 500-yr ARI flood mapping, which is similar to the current worse predicted climate change scenario.

(b) the intended design and scale of buildings resulting from the development,

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,



(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

All of which are matters at development application stage through two steps, first, the subdivision followed by individual dwellings.

3.3 DCP 2015

Council DCP 2015 includes various controls for land below the Flood Planning Level (FPL). Following the NSW Department of Planning, Industry and Environment guideline “*Considering flooding in land use planning*” Council’s Defined Flood Event (DFE) is that of 100-yr ARI and the adopted freeboard to the FPL is 0.5 m.

The relevant clauses for the subdivision are E4.1 and E4.7, while a future dwelling development on lot 2 will be subject to clause E4.2.

E4.1 FLOOD PLANNING REQUIREMENTS – GENERAL

Requirements

1. *Development is to be designed and located so that it is free from any land that is at or below the 1% Annual Exceedance Probability flood level.*

WRT the subdivision of the land, it is not possible to avoid land subject to 1% AEP flooding. However, as per the clause exceptions listed:

- *In relation to requirement 1, development (including filling of land) may be supported below the 1% Annual Exceedance Probability flood level provided that;*
 - *development is consistent with the measures specified in this Chapter for specific development types; and*
 - *no net filling is undertaken within the Coffs Creek Catchment west of the Pacific Highway below the 1% Annual Exceedance Probability flood level. Balanced earthworks may be supported subject to a merit assessment.*

this requirement can be waived if the requirements of the development specific clause (E4.7) is met. As discussed below the requirements under E4.7 can be achieved.

WRT any future development application for a dwelling or other improvement on the proposed lot 2, that development, other than a driveway, can be adequately located on land above 1% AEP flooding as there is sufficient land within lot 2 available. Filling, if proposed, can provide even further flood free land. The driveway can also be designed to be flood compatible with adequate culvert sizing, profile and finish to allow shallow overtopping compatible with safe pedestrian and vehicular access from the dwelling to the street during a 1% AEP flood.

2. *Development is to be designed and located so that it is free from any floodways or high hazard flood areas in the 1% Annual Exceedance Probability flood event.*

As maps A2, A10 and A11 show, the proposed new lot 2 is free from both floodways and high hazard area.

3. *Development is not to comprise the external storage of any materials below the 1% Annual Exceedance Probability flood level, which are potentially hazardous or that may cause pollution.*



The subdivision of the land itself does not involve any storage of any materials. Such provisions can be enforced through subsequent future development approvals on either lot.

4. *Development is not to adversely increase upstream or downstream flood levels or change flood behaviour to the detriment to any other property or surrounding land.*

As noted under 3.1 above, any increase in runoff from a future dwelling development on lot 2 will not be appreciable to downstream flooding beyond lot 1. There is however potential, if poorly designed, for a future driveway and dwelling on lot 2 to direct runoff towards the existing dwelling on lot 1. Any future development application on lot 2 should be designed to direct its runoff towards Hammond Road or possibly the dam within Lot 1 (with that owner's permission) and not towards the existing dwelling.

5. *Access to the development is to provide a level of service commensurate with the proposed use with consideration to the sites flood emergency response classification of communities.*

Appropriate access (driveway and culvert) is not proposed at time of subdivision, but can be provided under future DA for development within lot 2. As noted above, it will require an adequately designed culvert and driveway profile to ensure safe vehicular and pedestrian access during a 1% APE flood, plus not to direct runoff towards lot 1's existing dwelling.

6. *Fencing is to be designed to not obstruct any flow conveyance or overland flow paths.*

No fencing is proposed with the subdivision but likely at some point thereafter. That between lots 1 and 2 towards Hammond Road will need to be flood permeable to allow the passage of flood flows in that area.

7. *Sanitary plumbing and drainage is to be in accordance with the relevant Australian Standards (AS3500.2)*

Sanitary plumbing and drainage would be assessed under any future DA for building development on the lots and can comply with AS3500.

E4.7 FLOOD PLANNING REQUIREMENTS – SUBDIVISION

Requirements

1. *Applications for development at or below the 1% Annual Exceedance Probability flood level are to be accompanied by a Flood Impact and Risk Assessment prepared by a suitably experienced and qualified engineer to demonstrate that the development will not adversely increase upstream or downstream flood levels or change flood behaviour to the detriment to any other property, and demonstrate that the development is compatible with the flood function and flood behaviour. This is to include an assessment of possible impacts of climate change including sea level rise and increased rainfall intensities in accordance with applicable guidelines.*

This report.

2. *For infill subdivisions, lots zoned for residential purposes under Coffs Harbour LEP 2013 are to comprise a minimum building envelope of 400m² in area of functional proportions above the 1% Annual Exceedance Probability level.*

Approximately 4,700 sq.m of proposed new lot 2 is above the mapped 1% AEP flood level, which is where flood depth exceeds 0.1m.

3. *For greenfield subdivisions, lots zoned for residential purposes under Coffs Harbour LEP 2013 are to comprise a minimum building envelope of 400m² in area of functional proportions above the 1%*



Annual Exceedance Probability flood level plus 0.5m freeboard or the 2100 climate change 1% Annual Exceedance Probability level, whichever is higher.

This is not a greenfield subdivision, but an in-fill subdivision. Regardless, far greater than 400 sq.m of functional developable area for a dwelling is provided.

4. Access to the development is to be trafficable in the 1% Annual Exceedance Probability flood event.

1% AEP trafficable access is provided to the proposed new lot 2 via Hammond Rd and Lake Russell Drive. Refer to the comments 2 (c) under the previous LEP discussions. WRT any future dwelling development on the new lot, its driveway will need to be adequately designed to safely pass 1% AEP flows and remain trafficable. This will require an adequately sized culvert with provision for safe overflow by appropriately designing the driveway profile to allow wide shallow overtopping. With the discharge directed to not impact the existing dwelling on lot 1.

5. Stormwater drainage works, Water Sensitive Urban Design (WSUD), and On-Site Detention are to be provided in accordance with C1.9 Water Management Requirements of this Plan and the City's Technical Specification for Infrastructure Design.

WSUD and OSD would not normally be warranted for a single additional residence, and certainly isn't warranted in this location within the catchment.

4. Conclusion

This flood risk assessment finds that any future subdivision, generally in-line with the 2 lot concept prepared, and any future dwelling on the new lot 2, can meet the NSW Local Planning Directions and Council's LEP and DCP requirements with respect to flooding. It is noted that through their development and construction approvals, Council should ensure adequate diversion of upslope runoff, freeboard to any structures and safe flood conveyance under/over driveways is achieved.



Appendix A

Flood Mapping



Figure A1 – Flood Planning Area

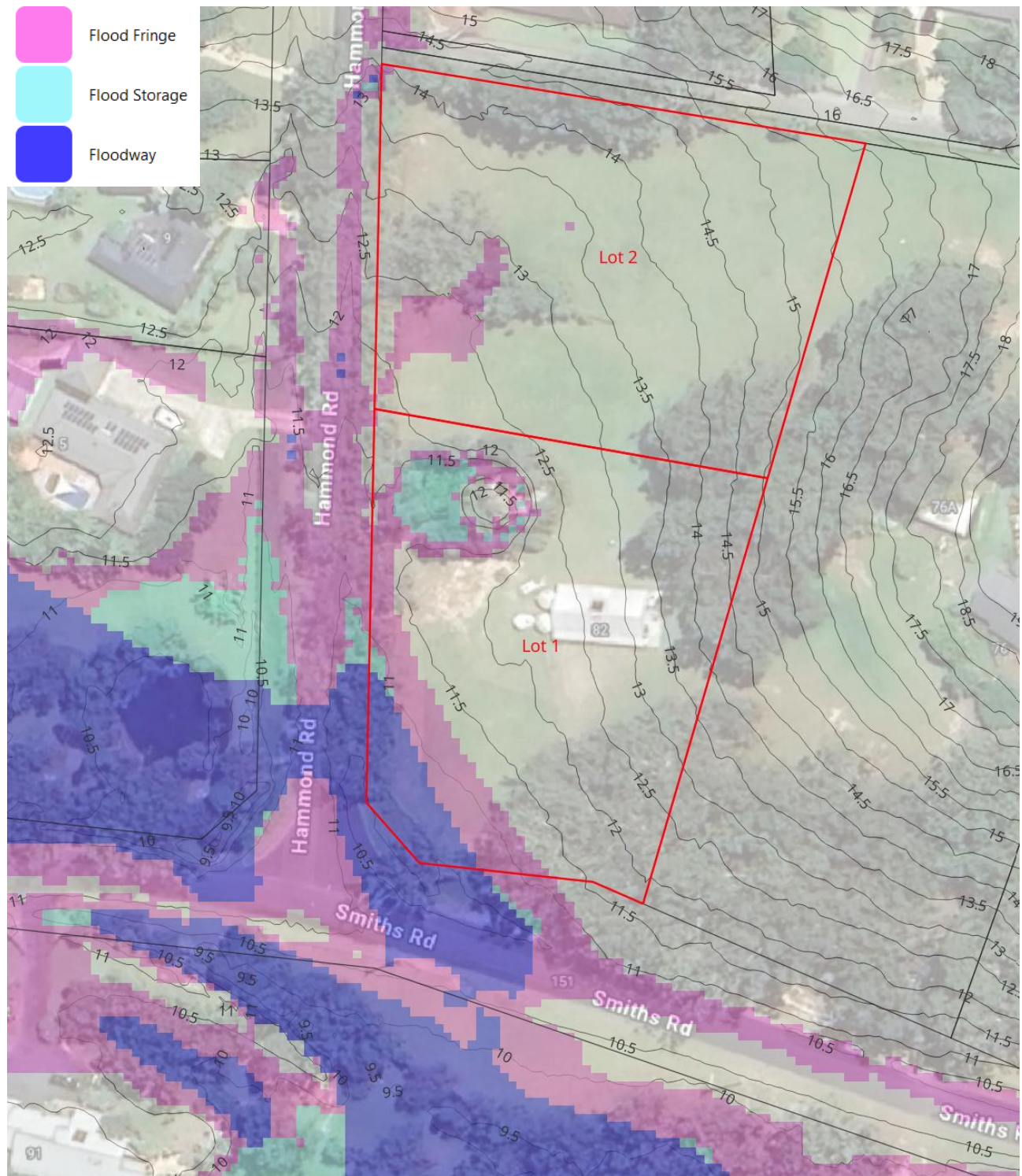


Figure A2 – 100-yr ARI Flood Categorisation

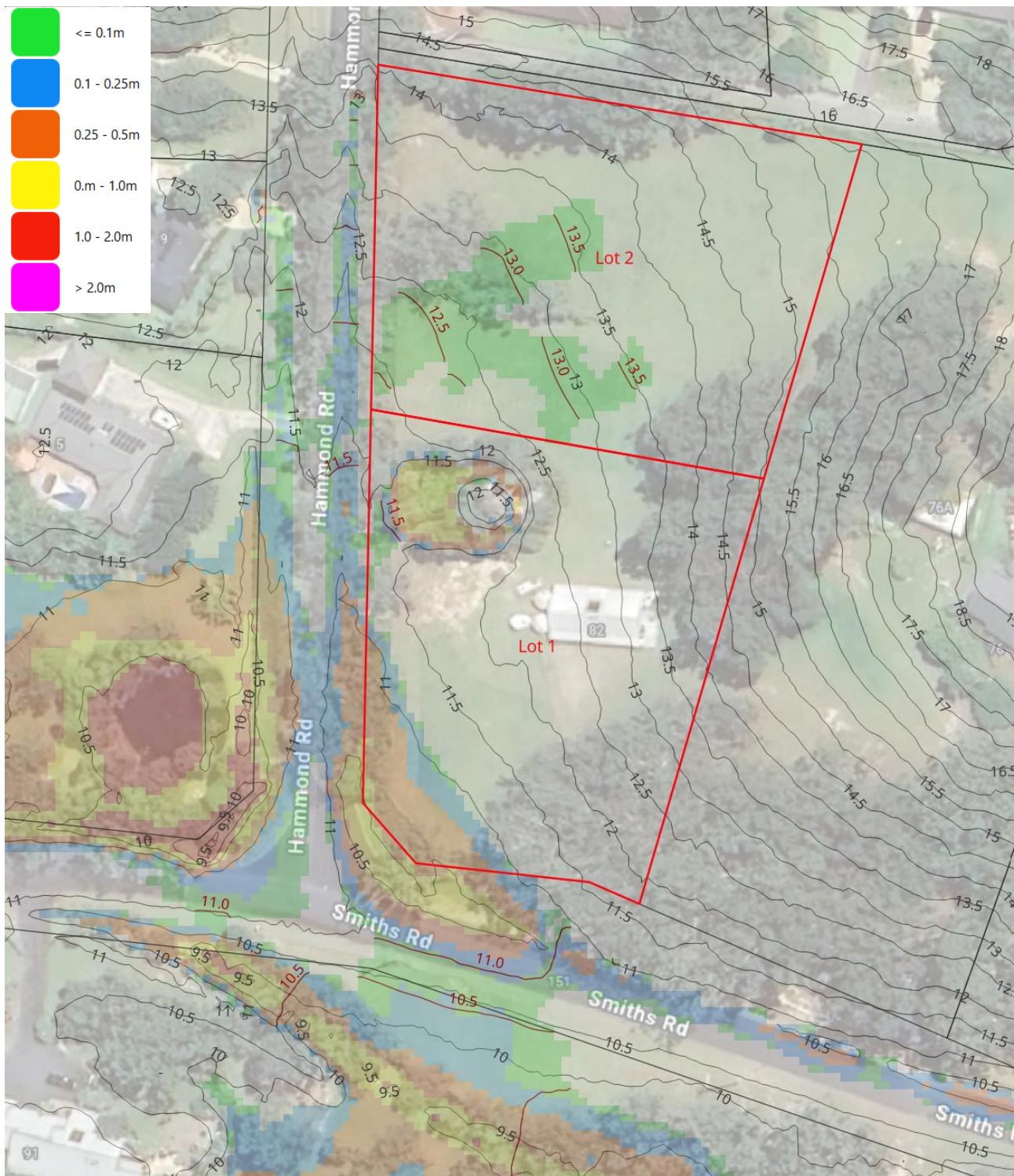


Figure A3 – 5-yr ARI Peak Flood Depth and Levels.

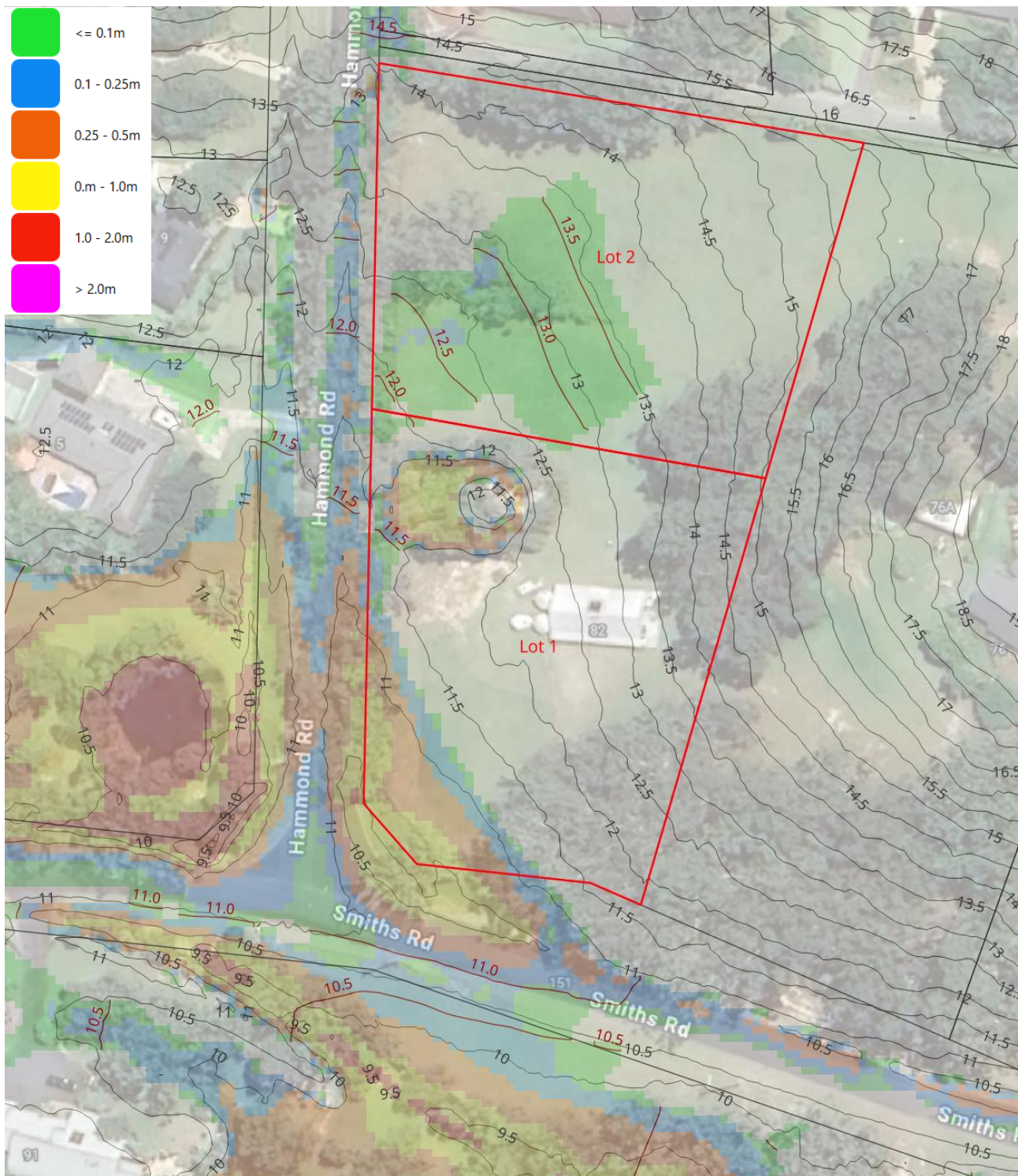


Figure A4 – 20-yr ARI Peak Flood Depth and Levels.

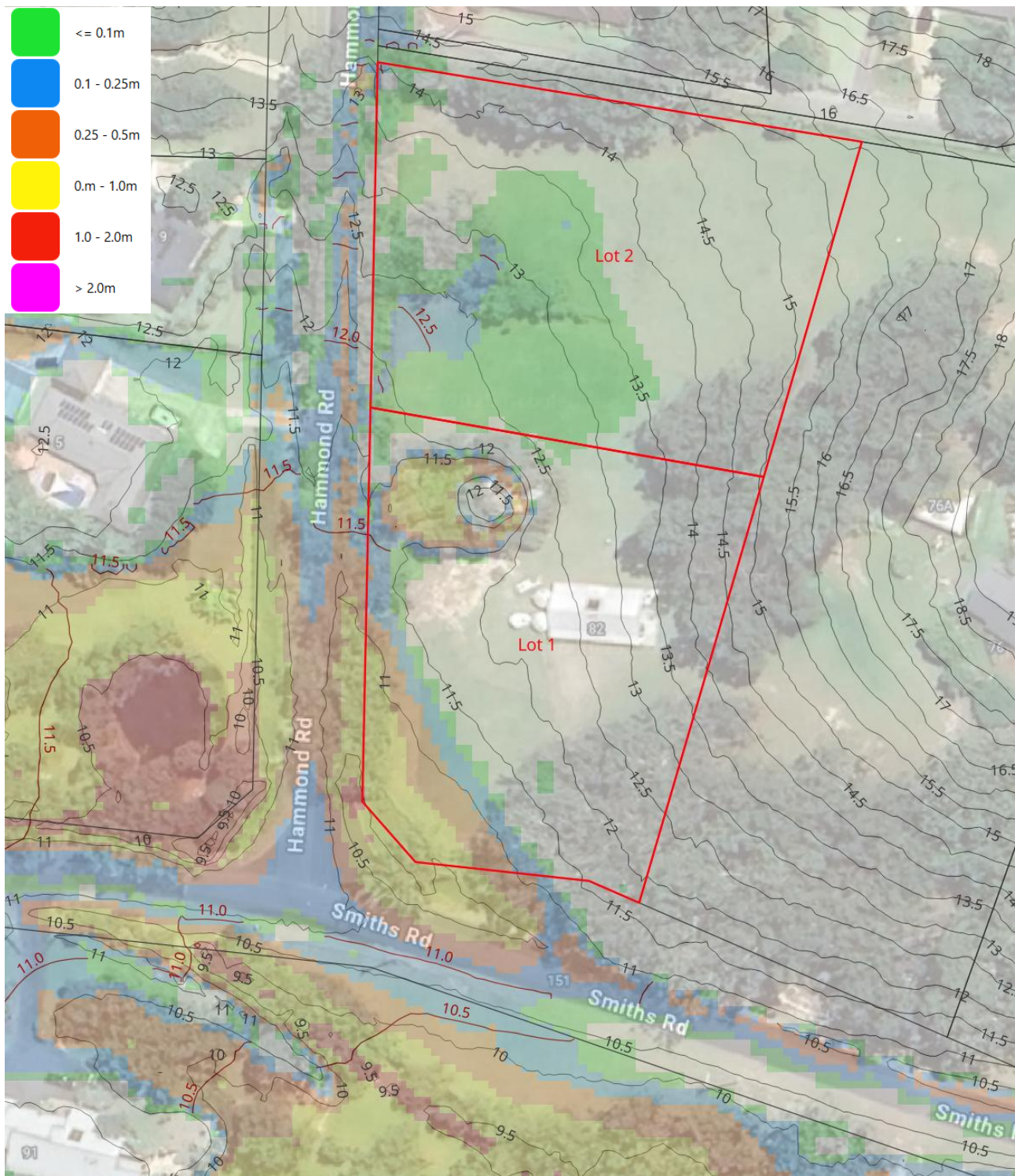


Figure A5 – 100-yr ARI Peak Flood Depth and Levels.



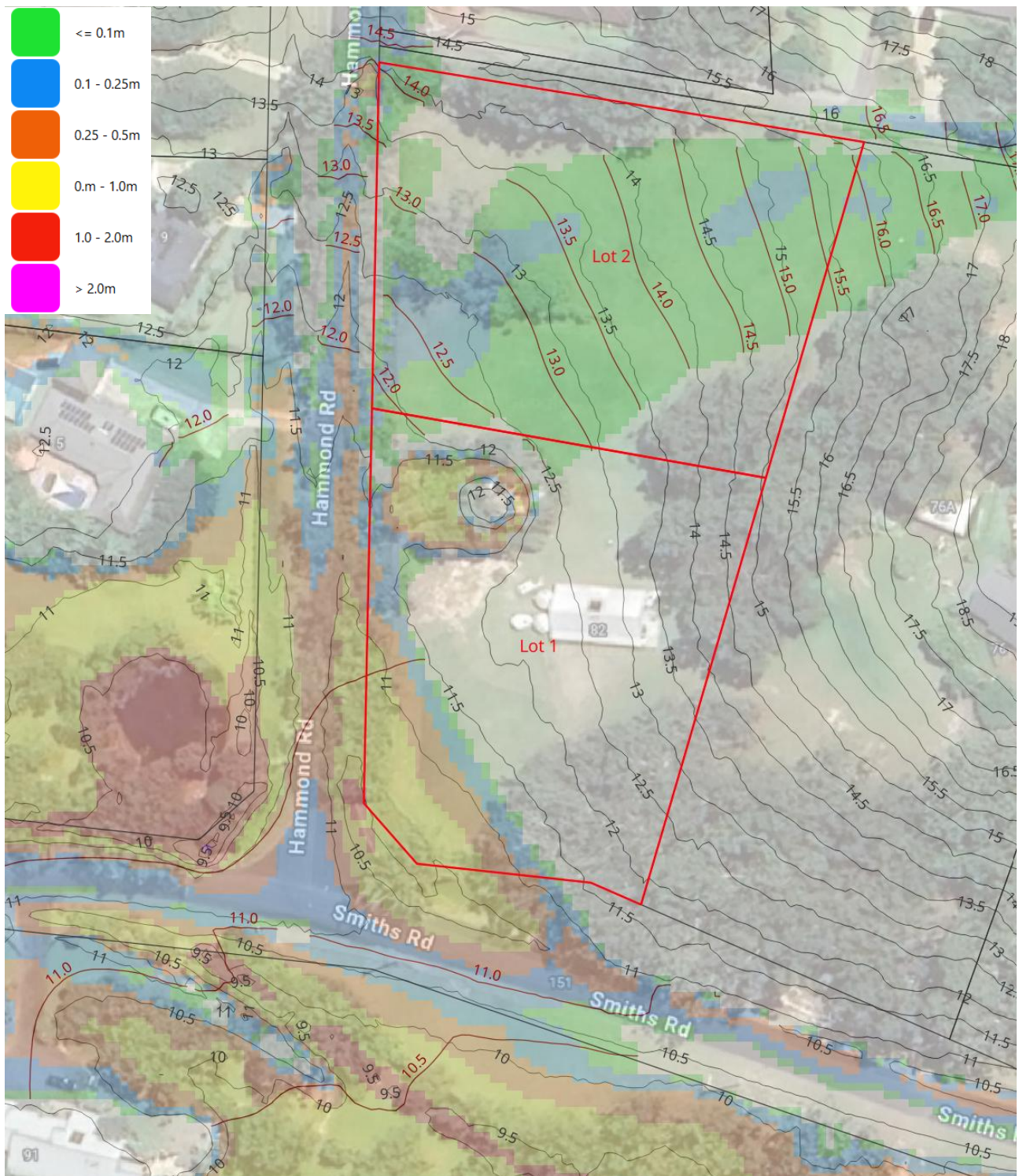


Figure A7 – 500-yr ARI Peak Flood Depth and Levels.

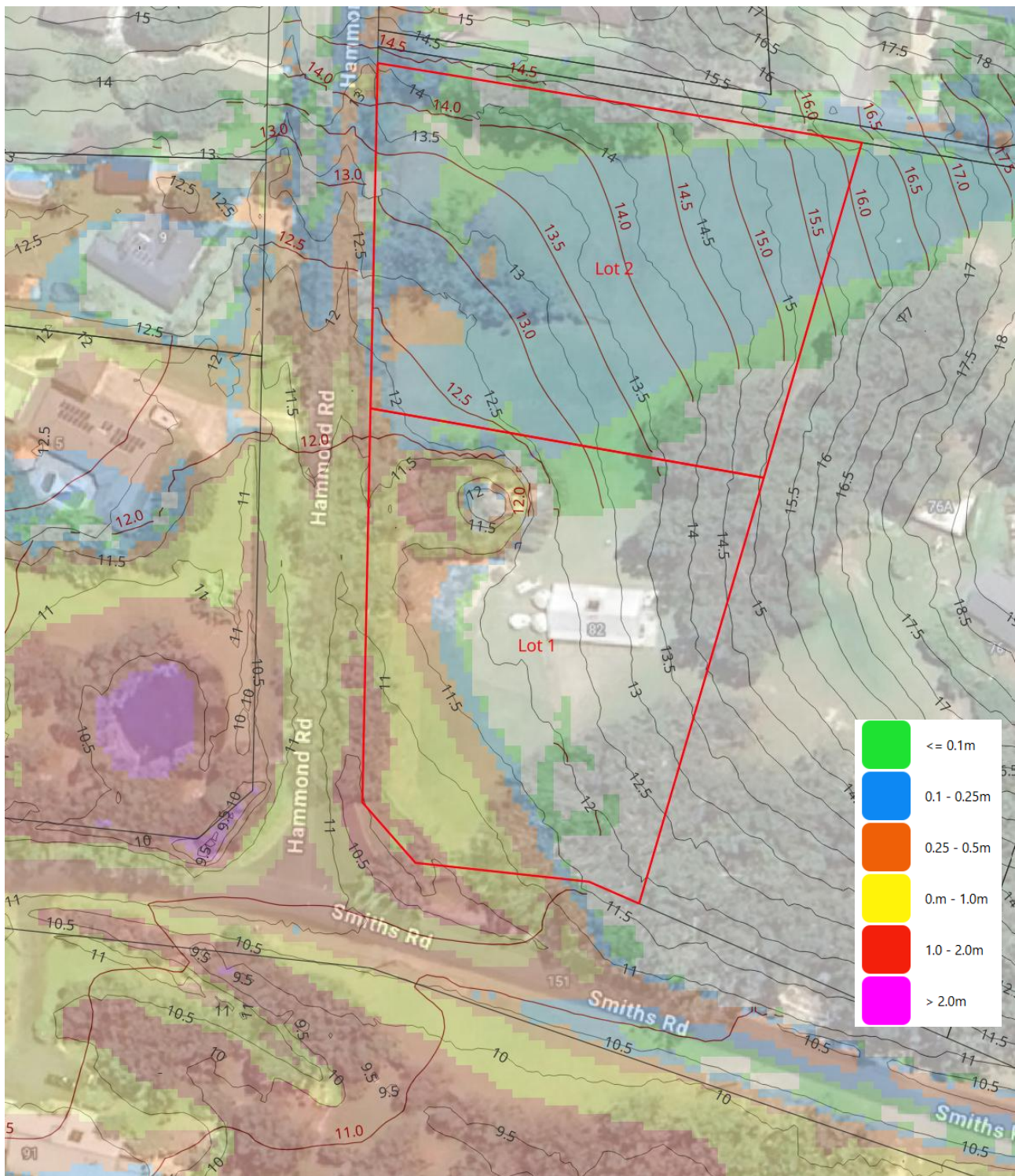


Figure A8 – PMF Peak Flood Depth and Levels.

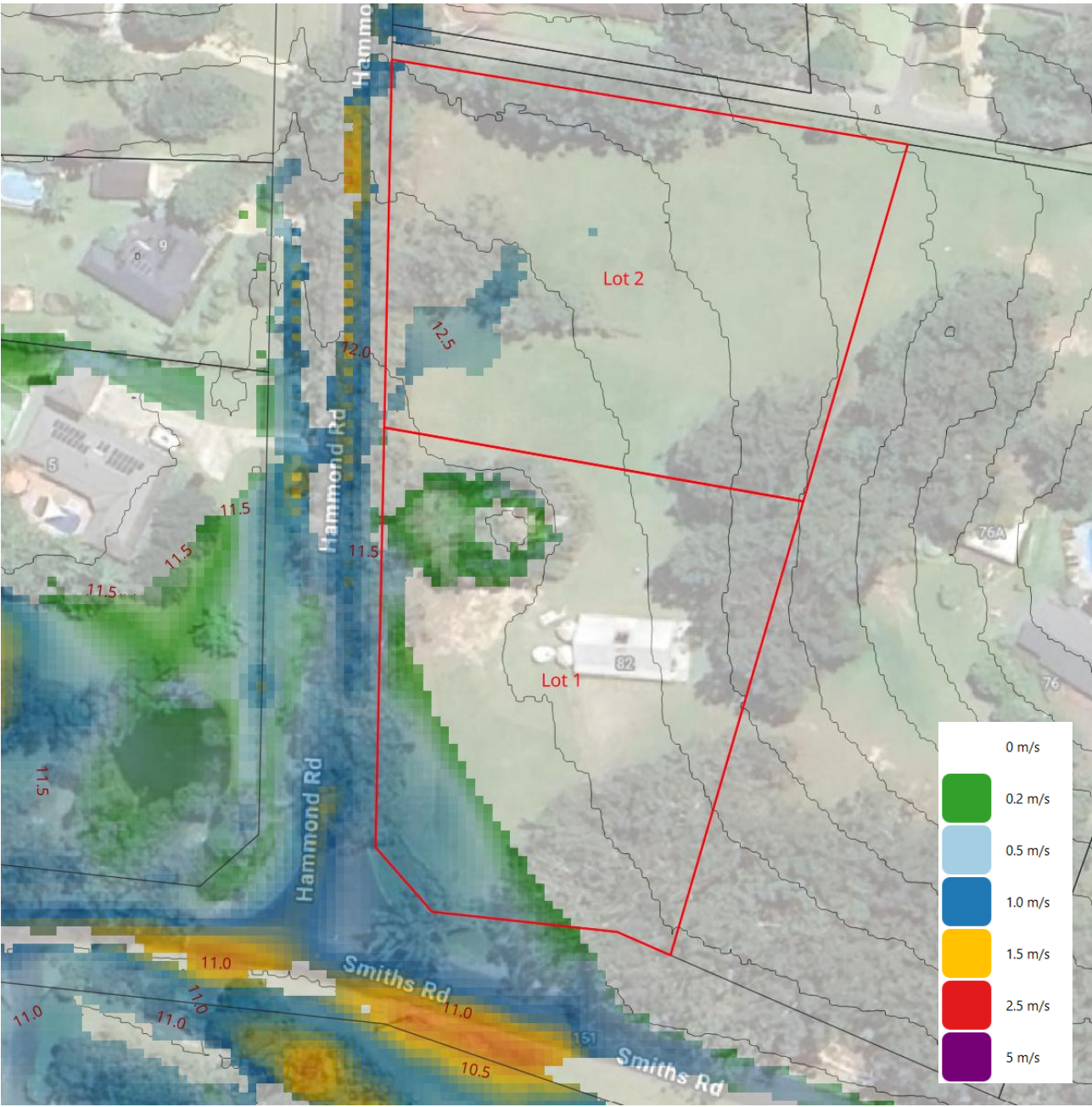


Figure A9 – 100-yr ARI Peak Flood Velocity

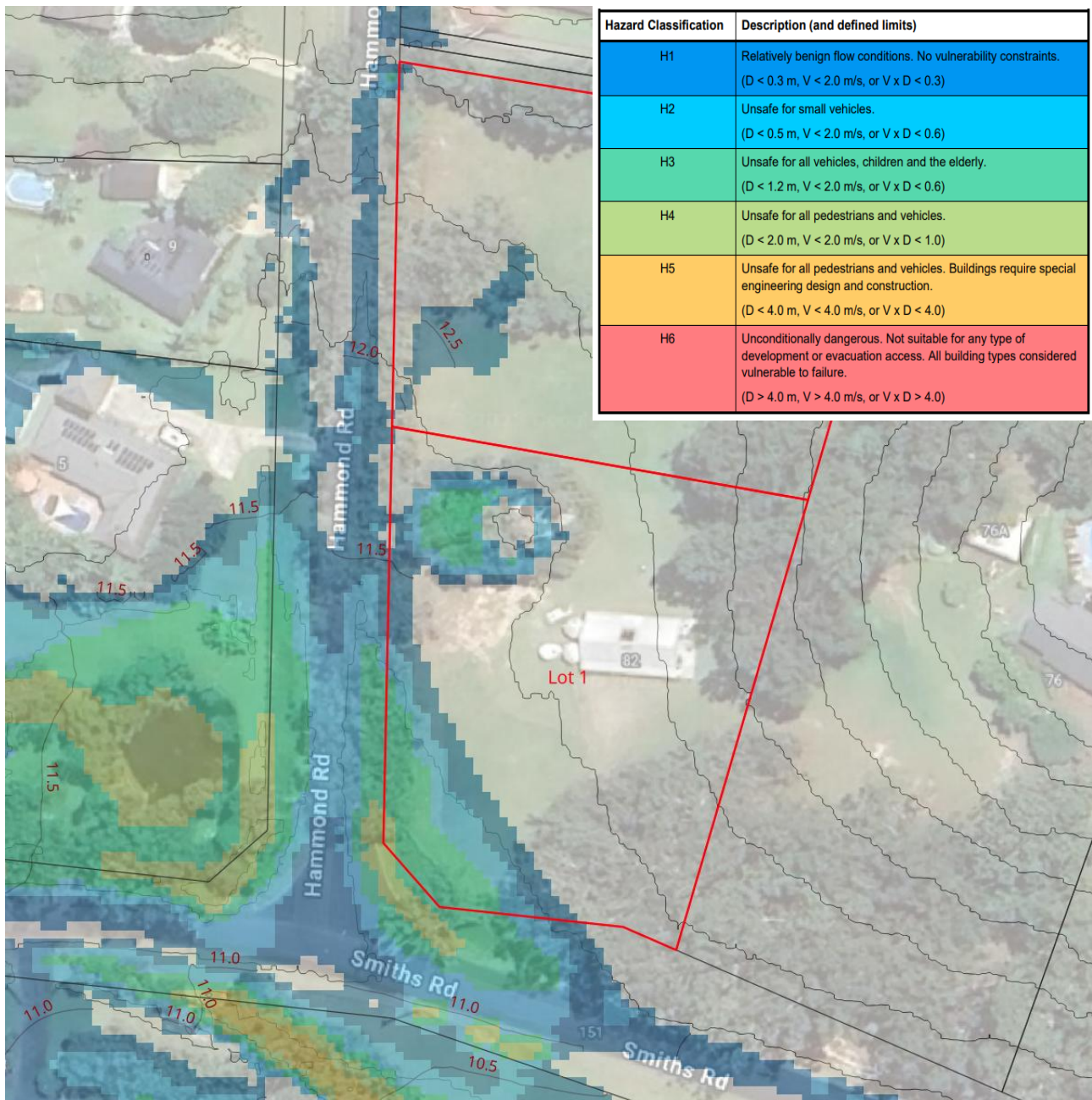


Figure A10 – 100-yr ARI Flood Hazard

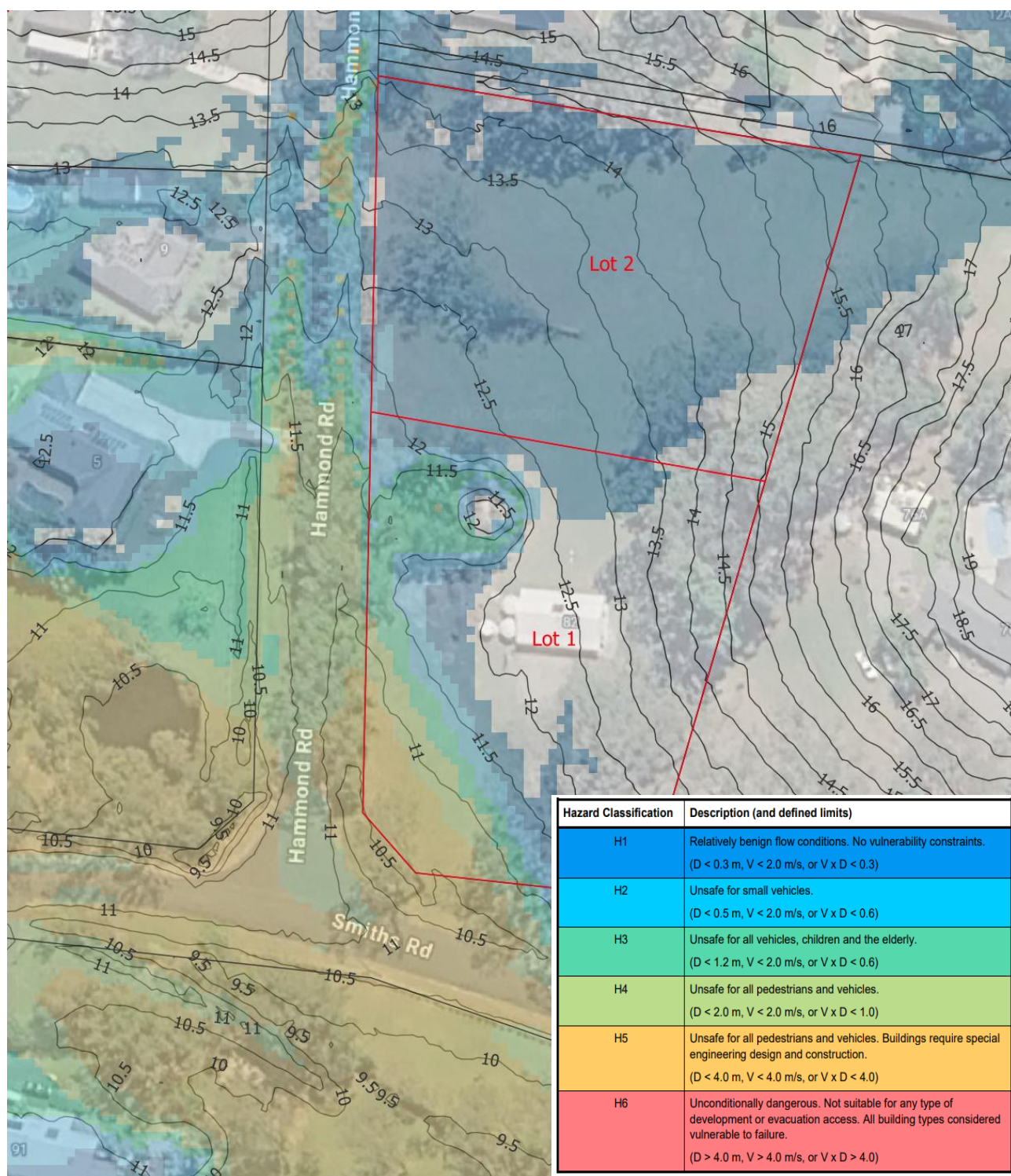
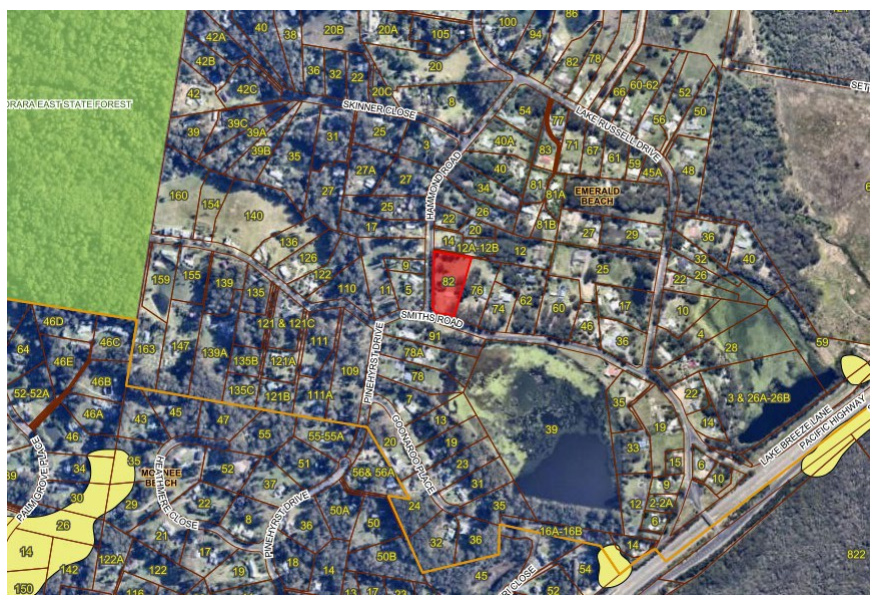
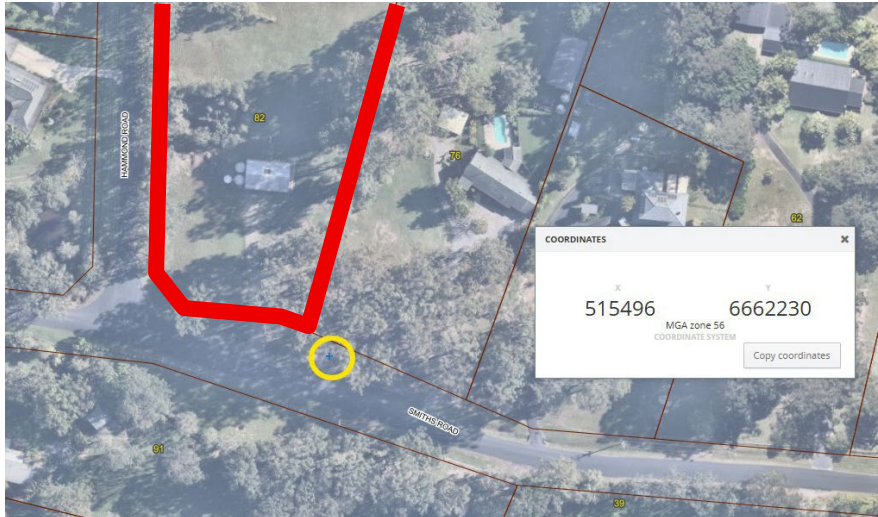
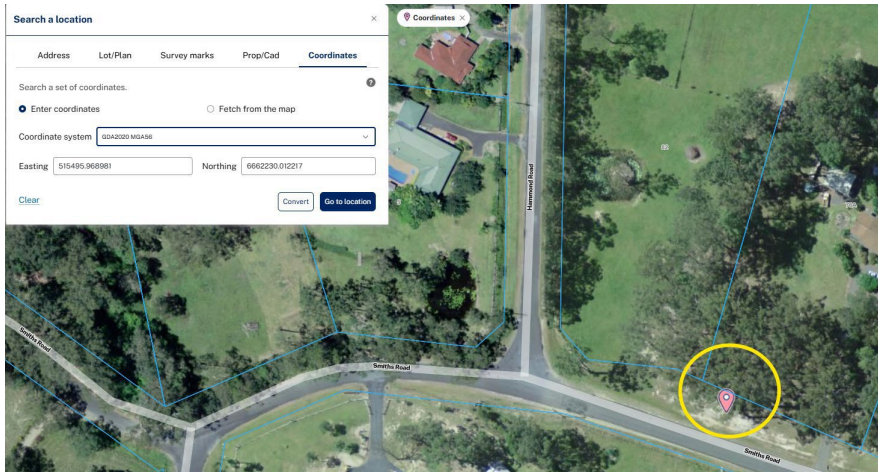


Figure A11 – PMF ARI Flood Hazard

APPENDIX 6 – ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE ASSESSMENT

ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE

Subject land	Lot 1 DP 1220096																
Address	82 Smiths Road Emerald Beach																
Application	Part 4 Local Development Application Planning Proposal																
Process	Check the “Aboriginal Cultural Heritage Landscape Mapping” layer on the City’s online mapping tool. Establish whether the site/s are affected by “known” or “predictive” Aboriginal cultural heritage (ACH), or whether they are “unmapped”.																
Results	Unmapped Land Known Predictive 																
Basic AHIMS Search	50 m: No Aboriginal site recorded in or near the location 200 m: One (1) Aboriginal site are recorded in or near the location																
Extensive AHIMS Search	See attached. <table><tr><td><u>Site ID</u> 22-1-0711</td><td><u>Site name</u> Smiths Road AS01</td><td><u>Datum</u> GDA</td><td><u>Zone</u> 56</td><td><u>Easting</u> 515496</td><td><u>Northing</u> 6662230</td><td><u>Context</u> Open site</td><td><u>Site status</u> Valid</td></tr><tr><td><u>Site features</u> Artefact : -</td><td><u>Site types</u></td><td><u>Recorders</u> Everick Heritage Pty Ltd, Mr. Robbie Mazlin</td><td><u>Reports</u></td><td><u>Permits</u></td><td><u>Longitude GDA94</u> 153.16</td><td><u>Latitude GDA94</u> -30.17</td><td></td></tr></table>	<u>Site ID</u> 22-1-0711	<u>Site name</u> Smiths Road AS01	<u>Datum</u> GDA	<u>Zone</u> 56	<u>Easting</u> 515496	<u>Northing</u> 6662230	<u>Context</u> Open site	<u>Site status</u> Valid	<u>Site features</u> Artefact : -	<u>Site types</u>	<u>Recorders</u> Everick Heritage Pty Ltd, Mr. Robbie Mazlin	<u>Reports</u>	<u>Permits</u>	<u>Longitude GDA94</u> 153.16	<u>Latitude GDA94</u> -30.17	
<u>Site ID</u> 22-1-0711	<u>Site name</u> Smiths Road AS01	<u>Datum</u> GDA	<u>Zone</u> 56	<u>Easting</u> 515496	<u>Northing</u> 6662230	<u>Context</u> Open site	<u>Site status</u> Valid										
<u>Site features</u> Artefact : -	<u>Site types</u>	<u>Recorders</u> Everick Heritage Pty Ltd, Mr. Robbie Mazlin	<u>Reports</u>	<u>Permits</u>	<u>Longitude GDA94</u> 153.16	<u>Latitude GDA94</u> -30.17											

Council mapping	
Six Maps	
State Heritage Inventory	No items listed
Consultation with Coffs Harbour and District Aboriginal Land Council	23 September 2025: The landowner contacted the Coffs Harbour & District LALC and emailed a service agreement for Aboriginal Cultural Heritage due diligence site inspection and reporting to commence. No reply. 10 October 2025 The landowner signed and emailed the same request and service agreement forms to the Coffs Harbour & District LALC requested. No reply. 19 November 2025 The landowner visited the LALC office in Coffs Harbour to confirm the request in person, however it remains unactioned.



Attachments	AHIMS Basic 50 and 200 metres AHIMs Extensive Search Site card 22-1-0711 State Heritage Inventory Email: Landowner due diligence request CHD LALC.
Process	Figure 9. Key Steps for Unmapped Aboriginal Cultural Heritage <pre> graph TD A[Unmapped Aboriginal Cultural Heritage] --> B[Undertake basic AHIMS search and additional heritage database search] B --> C{If AHIMS site/s ARE present} B --> D{If AHIMS site/s are NOT present} C --> E[Refer to KNOWN Aboriginal Cultural Heritage Flowchart] D --> F[Follow the Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW] E --> G[Document all steps taken to include within proposal documentation] F --> G style G stroke:#f00,stroke-width:2px </pre> <i>Undertake a basic search of the Aboriginal Heritage Information Management System, as well as a search of the other existing heritage databases such as the: Australian Heritage Database, State Heritage Register; and State Heritage Inventory, as well as a search of Schedule 5 of Coffs Harbour Local Environmental Plan 2013 (as recommended in Heritage NSW's due diligence code) to determine the presence and location of any registered objects or places.</i> <i>Note: if a basic Aboriginal Heritage Information Management System search reveals the presence and location of any registered objects or places, an extensive Aboriginal Heritage Information Management System search is also to be undertaken.</i>
Comments	AHIMs extensive search confirms that there are no artefacts within the subject land. No soil disturbing works are proposed within the Smiths Road road reserve in or near item 22-1-0711. Proposed soil disturbing works for the new driveway off Hammond Drive are approximately 150 m away from item 22-1-0711.
Site card	Attached
Literature Review	<u>Aboriginal Cultural Heritage Assessment 19 Smiths Road, Emerald Beach.</u> <i>5.5 Cultural Values of the Study Area</i> <i>The following summarises the observations and comments relating to the cultural landscape values of the Study Area:</i> <i>The primary cultural site within local area is Look at Me Now Headland and the Moonee Axe Factory- this was noted as</i>



one of the most significant cultural sites for Gumbayngirr people and is the “Dreamtime landing place” of the Gumbayngirr ancestors

- it was agreed that the Study Area would be marginal hunting country- it would have been used for marsupials and larger animals, but the best hunting grounds were down around the estuary/ creek flats where there was a range of better resources including birds, fish, shellfish and turtles, and
- the land had been significantly disturbed as it was close to the original dwellings- it was noted that the removal of the original forests had made a significant impact on the cultural landscape and that Aboriginal people were moved off the hunting grounds when farmers settled.



Figure 1: 19 Smiths Road- Study Area location



Keiley Hunter

Date: 05 January 2026

115 Victoria

Coffs Harbour New South Wales 2450

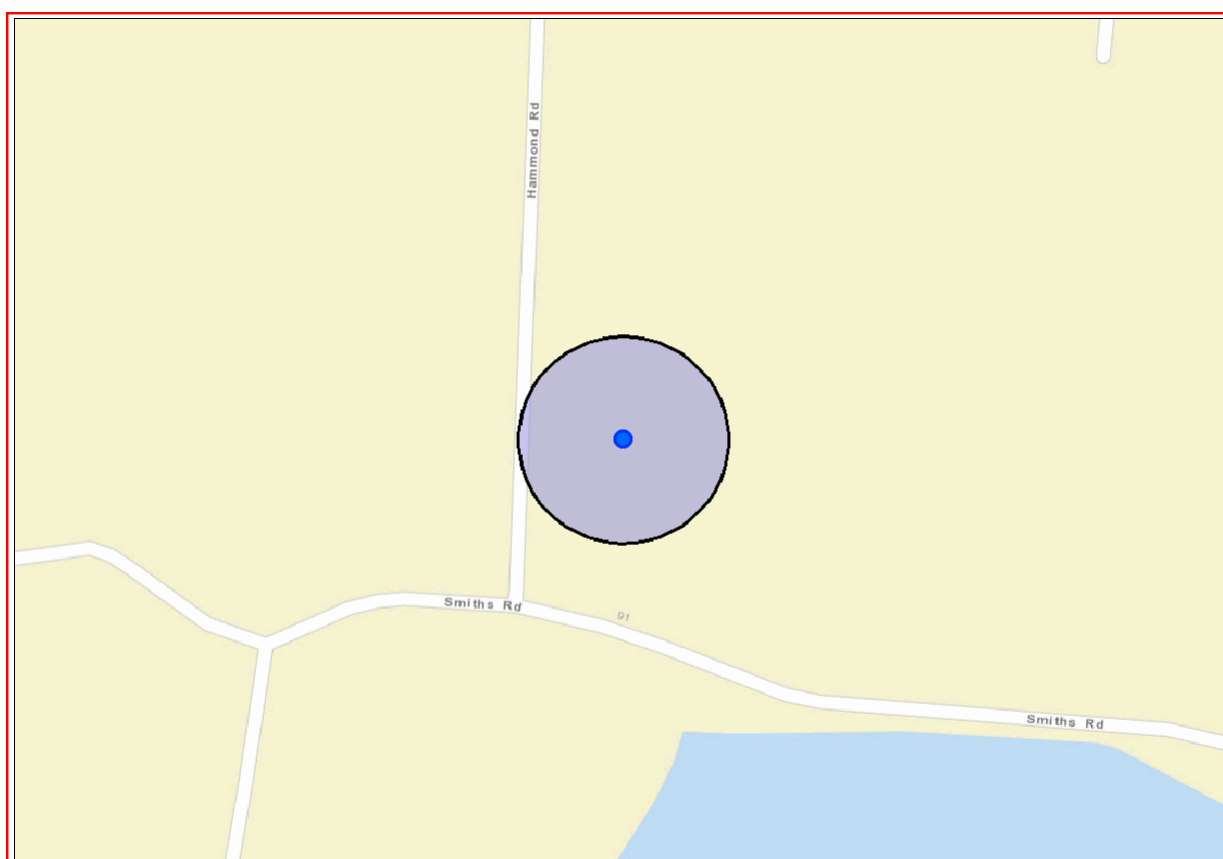
Attention: Keiley Hunter

Email: keiley@keileyhunter.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 82 SMITHS ROAD EMERALD BEACH 2456 with a Buffer of 50 meters, conducted by Keiley Hunter on 05 January 2026.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

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- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

From: [Owen Jeong](#)
To: [Keiley Hunter](#)
Subject: Fwd: Aboriginal Cultural Heritage Assessments service agreement
Date: Wednesday, 1 October 2025 12:41:47 PM

----- Forwarded message -----

From: DA Referrals <da.referrals@coffsharbourlalc.com.au>
Date: Wed, 24 Sept 2025, 10:50
Subject: RE: Aboriginal Cultural Heritage Assessments service agreement
To: Owen Jeong <kpodia01@gmail.com>

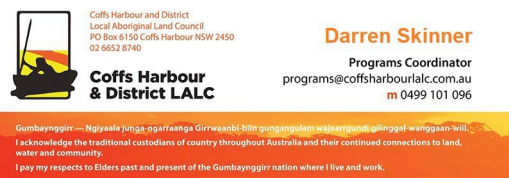
Good morning Owen

Thank you for your email, the paperwork will now be sent to our two Knowledge Holders, we will then make a site visit appointment with you, a Tax Invoice will not be issued until after the letter is issued to you.

Regards

Angela Cowan

Yarri Yarrang



From: Owen Jeong <kpodia01@gmail.com>
Sent: Tuesday, September 23, 2025 9:22 PM
To: DA Referrals <da.referrals@coffsharbourlalc.com.au>
Subject: Aboriginal Cultural Heritage Assessments service agreement

Blue Sky IT Consulting

Warning: The sender [@kpodia01@gmail.com](mailto:kpodia01@gmail.com) sending email from domain gmail.com is not yet trusted by your organization.

This email is about an invoice-payment. It could be a scam.

[Report Phishing](#) [Remove Banner](#)

powered by Graphus®

Dear Coffs Harbour DLALC,

This is Owen (YOUNG IL) JEONG, contacted Coffs Harbour DLALC to enquire Aboriginal Cultural Heritage assessment.

I am sending you a signed service agreement and agreeing to your terms and conditions.

Please send me an invoice and I will pay immediately.

Thank you so much for your help.

cheers

Owen (Youngil) Jeong



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 82 Smiths Road

Client Service ID : 1079822

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
22-1-0711	Smiths Road AS01	GDA	56	515496	6662230	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Everick Heritage Pty Ltd,Mr.Robbie Mazlin					<u>Permits</u>		

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 05/01/2026 for Keiley Hunter for the following area at Address : 82 SMITHS ROAD EMERALD BEACH 2456 with a Buffer of 200 meters.. Number of Aboriginal sites and Aboriginal objects found is 1

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



AHIMS Web Services (AWS)

Note: This Excel report shows the sites found in AHIMS on the 05/01/2026. If this date is not the same as the original date of the Search Results letter obtained during the Basic Search, then the search results might be different. The PDF version of this report will always coincide with the Basic Search Results letter.

<u>Site ID</u>	<u>Site name</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site status</u>	<u>Primary contact</u>	<u>Site features</u>	<u>Site types</u>	<u>Recorders</u>	<u>Reports</u>	<u>Permits</u>	<u>Longitude GDA94</u>	<u>Latitude GDA94</u>
22-1-0711	Smiths Road AS01	GDA	56	515496	6662230	Open site	Valid		Artefact : -		Everick Heritage Pty Ltd,Mr.Robbie Mazlin			153.16	-30.17

AHIMS site ID: 22-1-0711

Date recorded: 21-08-2025

Site Location Information

Site name: Smiths Road AS01

Easting: 515496

Northing: 6662230

Coordinates must be in GDA94 (MGA)

Horizontal Accuracy (m):

5

Zone: 56

Non-Differential GPS

Recorder Information

(The person responsible for the completion and submission of this form)

Title

Surname

First name

Mr. Mazlin

Robbie

Organisation: Everick Heritage Pty Ltd

Address: Level 9, Matisse Tower 110 Mary Street Brisbane QLD 4000

Phone: 0732114478

E-mail: r.mazlin@everick.net.au

Site Context Information

Land Form
Pattern: Rolling Hills

Land Use: Semirural

Land Form
Unit: Flat

Vegetation: Cleared

Distance to
Water (m): 40

Primary
Report: Downer NBN N2P-2WGL-20 ADD Coffs Harbour LGA Everick 2025

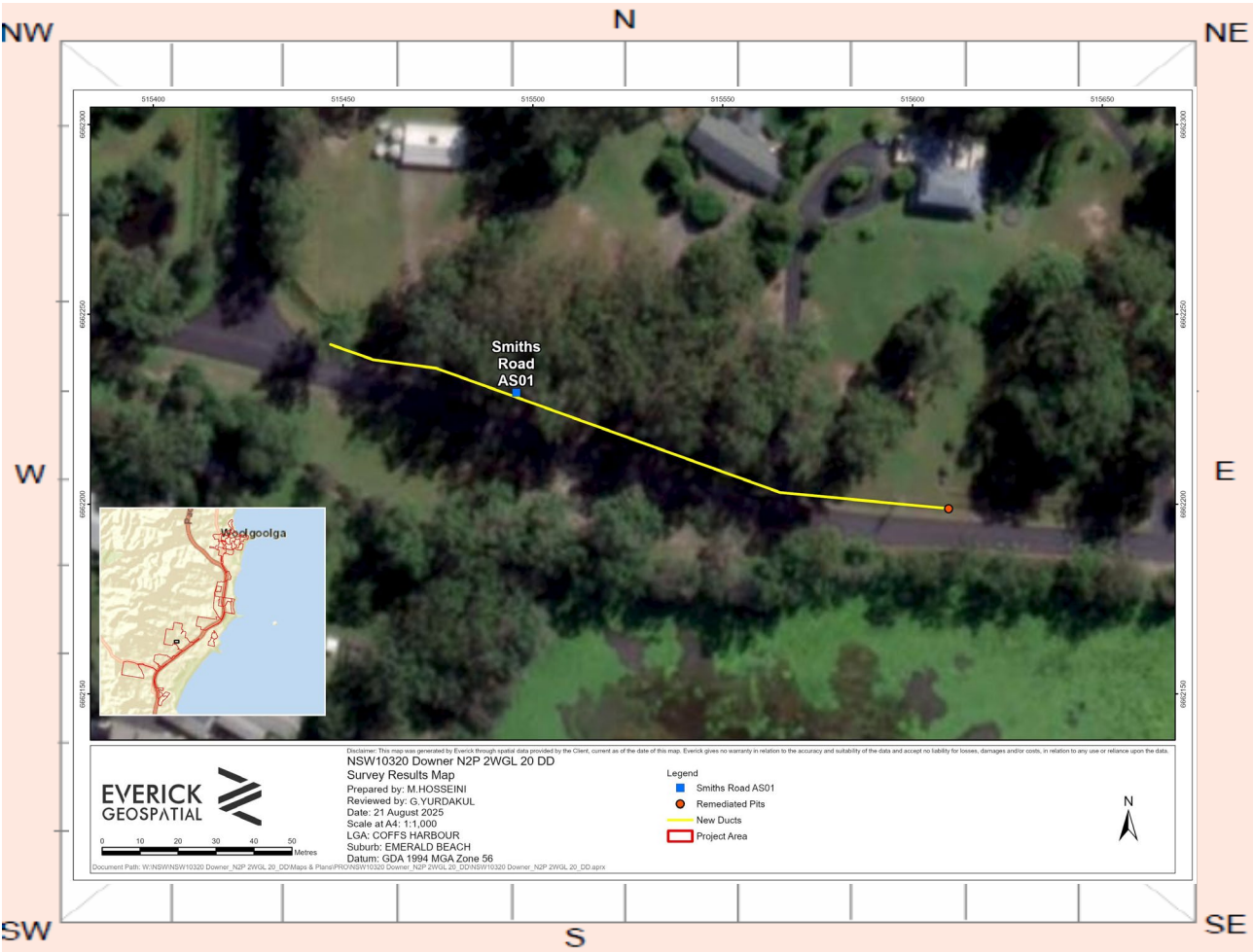
How to get
to the site:

Located within the northern road reserve of Smiths Road (Emerald Beach NSW), approx. 60m east of the intersection with Hammond Road. Located between the table drain and fence line, approx. halfway between the driveways of 76 and 82 Smiths Road.

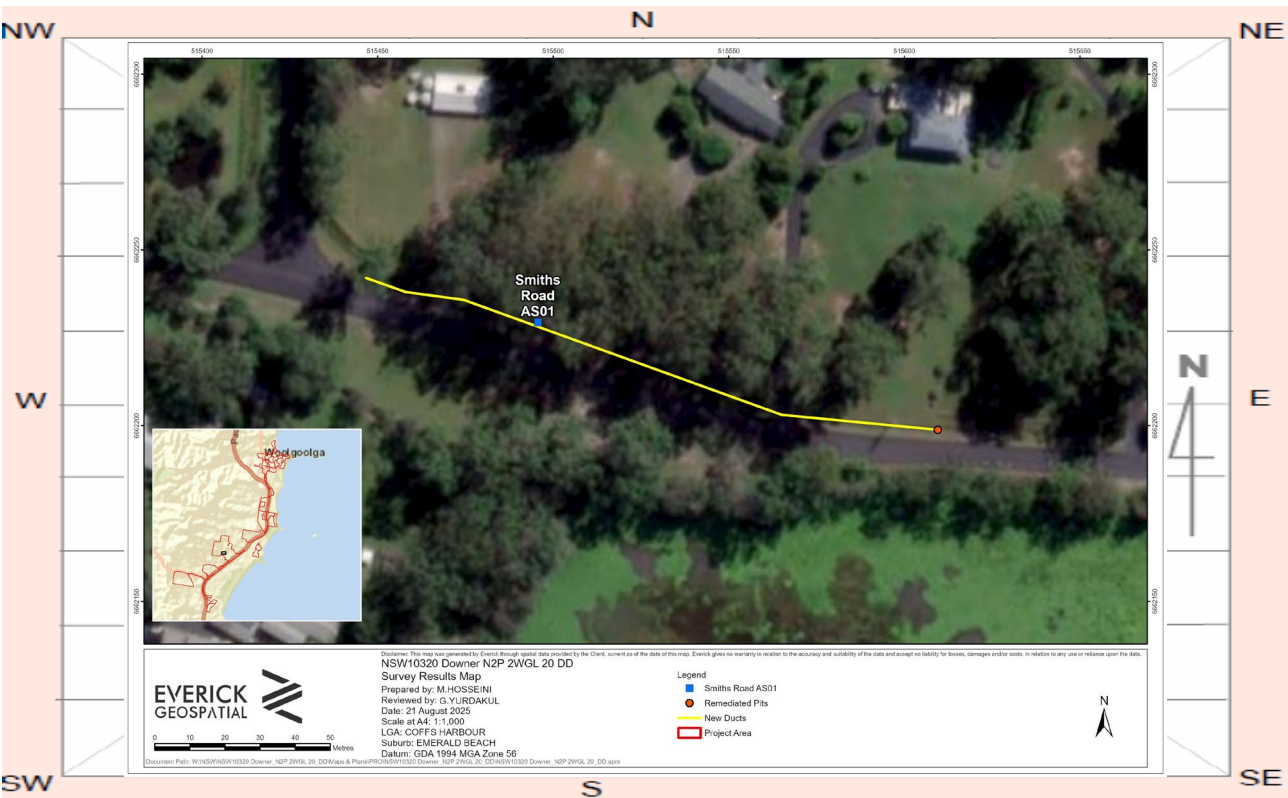
Other site
information:

Low density scatter (5 artefacts) distributed across approx. 5m x 5m erosional exposure at termination of south facing slope. Approx. half way between road edge and fence line on north side of road. Approx. 60m east of Hammond Road intersection. Approx. halfway between driveways of 76 and 82 Smiths Road. Displaced due to ongoing erosion of sandy silt topsoil. Area cleared historically.

Site location map



Site plan



Site contents information

open/closed site:

Open

Site condition:

Disturbed

Features:

1.

Artefact

5

5

5

Feature condition:

Disturbed

Scarred Trees

Scar Depth (cm)	Regrowth (cm)	Scar shape	Tree Species

Description:

Artefact 1: Greywacke flake. Central portion of cobble, removed from cobble core. 50mm x 35mm x 12 mm. Artefact 2: Chert secondary flake. Hinge termination. 40mm x 20mm x 10mm. Artefact 3: Chert core. Multidirectional. 60mm x 50mm x 40mm. Artefact 4: Greywacke cobble core. 3 pronounced negative flake scars. 80mm x 50mm x 30mm Artefact 5: Greywacke flaked piece. 60mm x 40mm x 10mm.

Features:

2.

Feature condition:

Scarred Trees

Scar Depth (cm)	Regrowth (cm)	Scar shape	Tree Species

Description:

Features:

3.

Feature condition:

Scarred Trees

Scar Depth (cm)	Regrowth (cm)	Scar shape	Tree Species

Description:

Features:

Number of
features

Length of
feature(s)
extent (m)

Width of
feature (s)
extent (m)

Scarred Trees			
Scar Depth (cm)	Regrowth (cm)	Scar shape	Tree Species

4.

Feature condition:

Description:

Features:

Number of
features

Length of
feature(s)
extent (m)

Width of
feature (s)
extent (m)

Scarred Trees			
Scar Depth (cm)	Regrowth (cm)	Scar shape	Tree Species

5.

Feature condition:

Description:

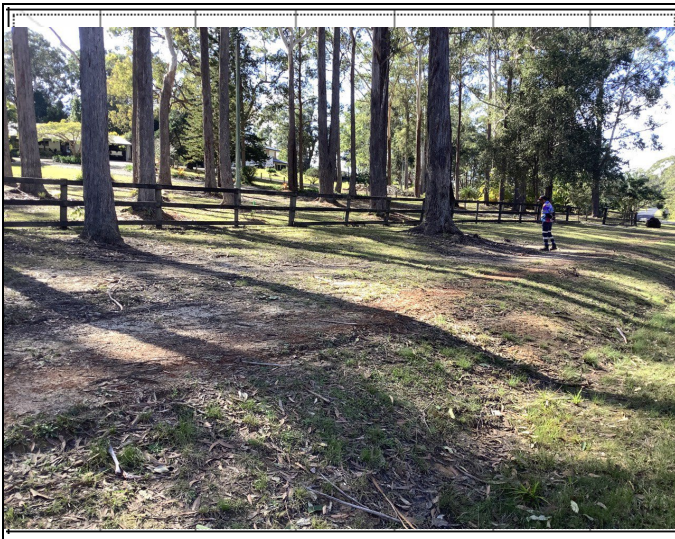
Site photographs



Description:



Description:



Description:

View Northeast across Smiths Road AS01



Description:

View Northwest Across Smiths Road As01

Site restrictions

Do you want to

Restrict this site?:

☐

Restriction type:

Gender

N/A

General

☐

Location

☐

Why is this site restricted?:

Further information contact

Title

Mr.

Surname

Mazlin

First name

Robbie

Organisation:

Everick Heritage

Address:

Phone:

0410198656

E-mail:

r.mazlin@everick.net.au

Site interpretation and community statement

Site retains cultural values despite being identified in disturbed secondary context.



Aboriginal Places

Item Name	Address	Local Government Area	SHR ID	Heritage Item ID	Record Owner
No results in layer					

State Heritage Register

Item Name	Address	Local Government Area	SHR ID	Heritage Item ID	Record Owner
No results in layer					

Interim Heritage Order

Item Name	Address	Local Government Area	SHR ID	Heritage Item ID	Record Owner
No results in layer					

Local Environment Plan

Item Name	Address	Local Government Area	SHR ID	Heritage Item ID	Record Owner
No results in layer					

Heritage Search Result

Date: 05-Jan-2026



BIODIVERSITY ASSESSMENT

82 Smiths Road, Emerald Beach (Lot1//DP1220096)

OCTOBER 2025

Acknowledgements

This *Environmental assessment* Report has been prepared by Envite Environment
Report Preparation and Photos: Troy Brown (Ecologist)

Revision History

Issue	Version	Draft/Final	Date	Distributed
1	BAR_1	Draft	20/10/25	Owen Jeong
2	BAR_2	Final	18/2/26	Keiley Hunter/Owen Jeong

3/5 Druitt Court
COFFS HARBOUR NSW 2450

PO Box 918
COFFS HARBOUR NSW 2450
Ph: 02 6650 9170

Email: envite@envite.org.au

Website: www.envite.org.au

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1. Introduction

1.1 Background

This report has been prepared for Owen Jeong to accompany the proposed subdivision as part of a Development Application (DA) for 82 Smiths Road, Emerald Beach, NSW (Lot 1//DP1220096). The purpose of this environmental assessment is to determine if the proposed subdivision is likely to significantly affect threatened species or ecological communities, or their habitats.

This assessment has been prepared to:

- Identify the presence of threatened species (particularly the habitat of species or communities listed in the *Biodiversity Conservation Act 2016* (BC Act) or *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Assess the impacts of the Proposal against the relevant statutory requirements of the Coffs Harbour Development Control Plan 2015 and Coffs Harbour Koala Plan of Management 1999

1.2 Study Area

The property is located on the corner of 82 Smiths Road and Hammond Rd, Emerald Beach (Lot 1//DP1220096). The site is approximately 1.010 hectare in total and is zoned R5 large lot residential. The property location is shown in Figure 1. And the site location is shown in Figure 2. The DA outlines the division of the existing lot into two distinct lots (Figure 3). Proposed Lot 1 is 5010m² and retains the existing dwelling. Proposed Lot 2 is 5005m² will have a new building entitlement.



Figure 1.1. Location of property, 82 Smiths Road, Emerald Beach.



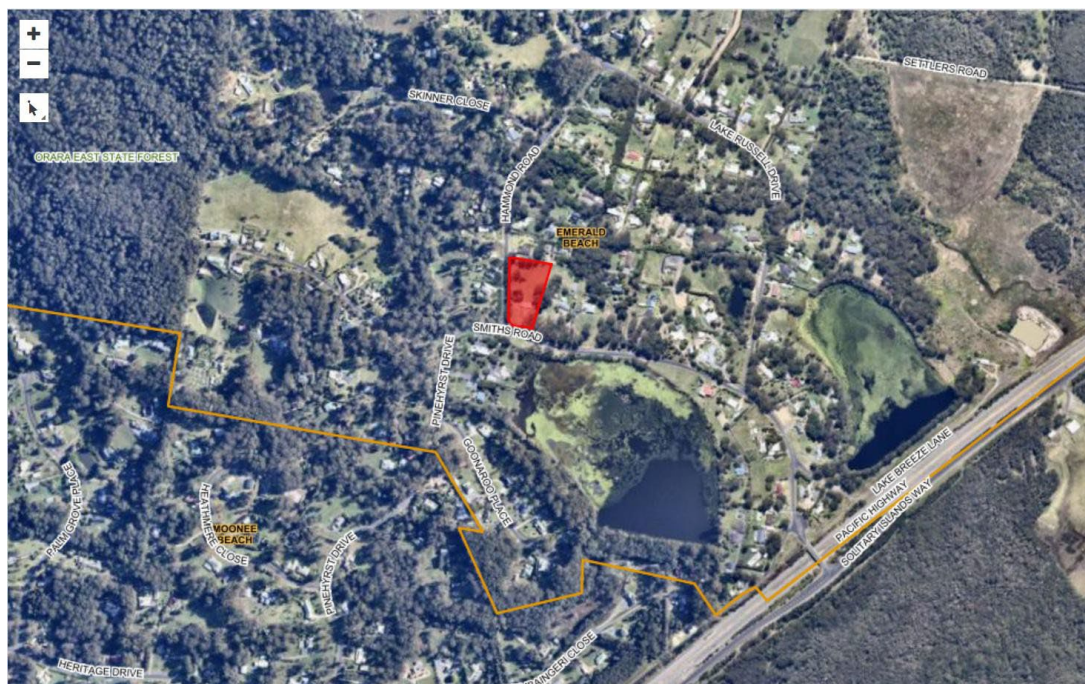


Figure 1.2. Location of site study area



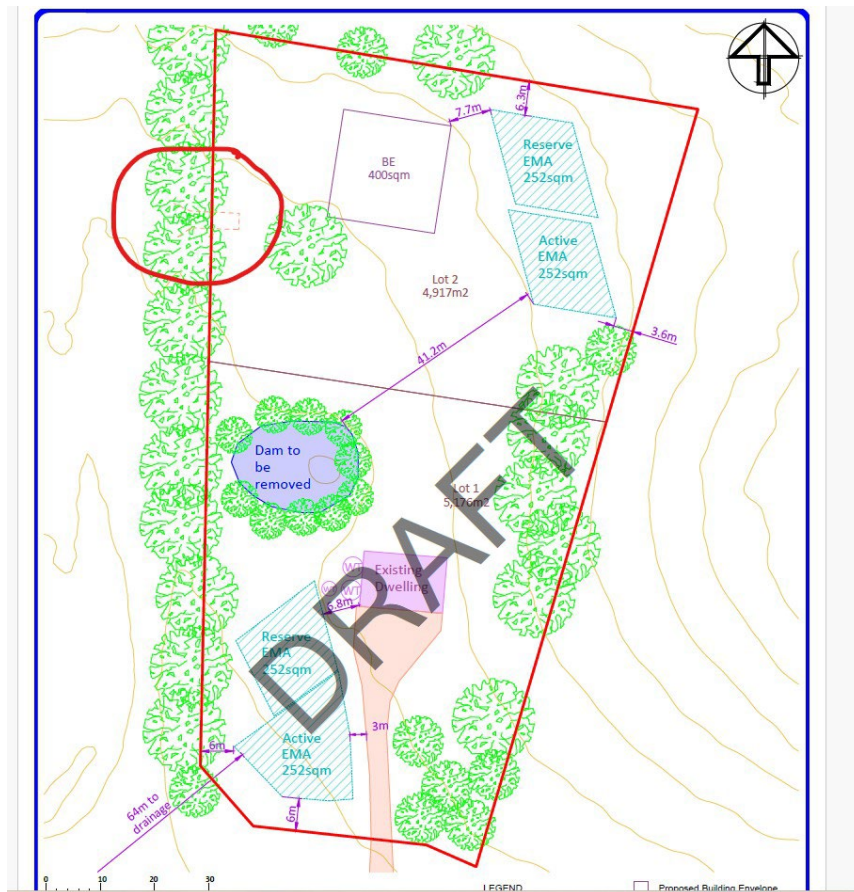


Figure 1.3 Proposed subdivision development layout with proposed driveway access



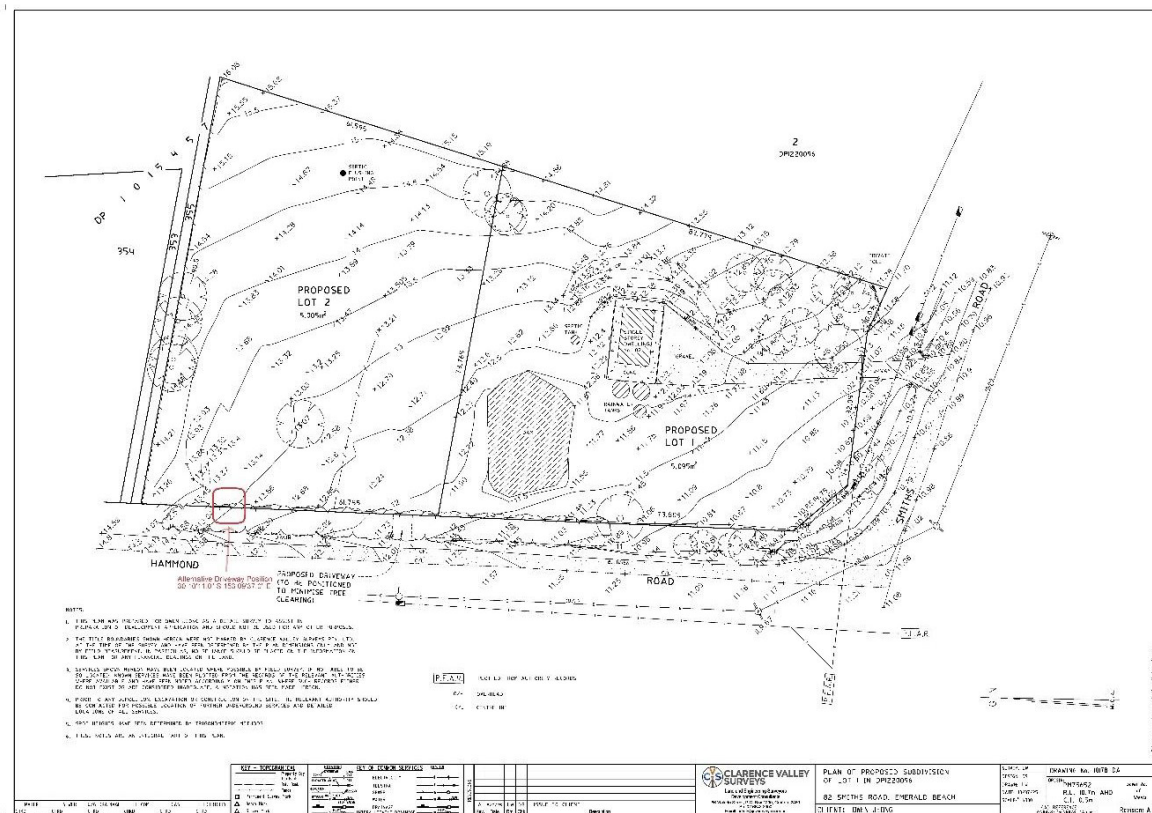


Figure 1.4. Proposed subdivision as part of the Development Application. Note the alternative driveway position in red font to reduce impact on native vegetation.

2. Methodology

2.1 Desktop Review

The following desktop review was conducted (7/10/2025) prior to the field assessment:

- Search of the BioNet Wildlife Atlas (10km x 10km grid centred on site)
- A search of the Protected Matters Search Tool (PMST) for Matters of National Environmental Significance (MNES) within a 10 km radius of the site.

2.2 Field Assessment

Field assessment was undertaken on the 8/10/2025 by Troy Brown using the following methods:

- Vegetation assessment using the random meander method and property boundary traverse, including survey for potential habitat and occurrence of threatened species.



- Targeted surveys for threatened flora (as identified in BioNet searches) within study area, detailed habitat assessments across all suitable vegetation zones, with all observations, absence data, and habitat conditions documented.
- Identification of hollow-bearing trees (or other significant habitat features) and potential habitat for threatened fauna.
- Searches for Koala scats beneath Koala feed trees within the study area.

3. Flora Results

3.1 Desktop Analysis

3.1.1 Database Search Results

Bionet search results identified records of 15 threatened flora species, including 9 species also listed in the EPBC Act (**Appendix A**). The Protected Matters Search Tool (PMST) search identified habitat for 31 threatened flora species (**Appendix B**).

3.2 Study Area Features

3.2.1 Vegetation

One native vegetation community occurs on site within the study area. Vegetation is described in **Table 3.2**. The *PCT 3250 – Northern Foothills Blackbutt Grassy Forest*, is consistent with the *NSW Plant Community Type* layer on *NSW Seed Mapping*, demonstrated in **Figure 3.2**.

Table 3.2 Plant Community Types

Plant Community Type	Comments
The <i>PCT 3250 – Northern Foothills Blackbutt Grassy Forest</i> A very tall to extremely tall. Grassy or shrub-grass wet sclerophyll open forest. The canopy frequently includes <i>Eucalyptus pilularis</i> and <i>Eucalyptus microcorys</i>. Other canopy species occasionally include <i>Corymbia intermedia</i> and <i>Syncarpia glomulifera</i>, rarely with <i>Angophora costata</i>, <i>Eucalyptus resinifera</i> and <i>Eucalyptus propinqua</i>.	Poor condition. Native canopy, mid story, and understory mostly cleared in previous development activities. Some mature individual trees exist in open paddock areas.



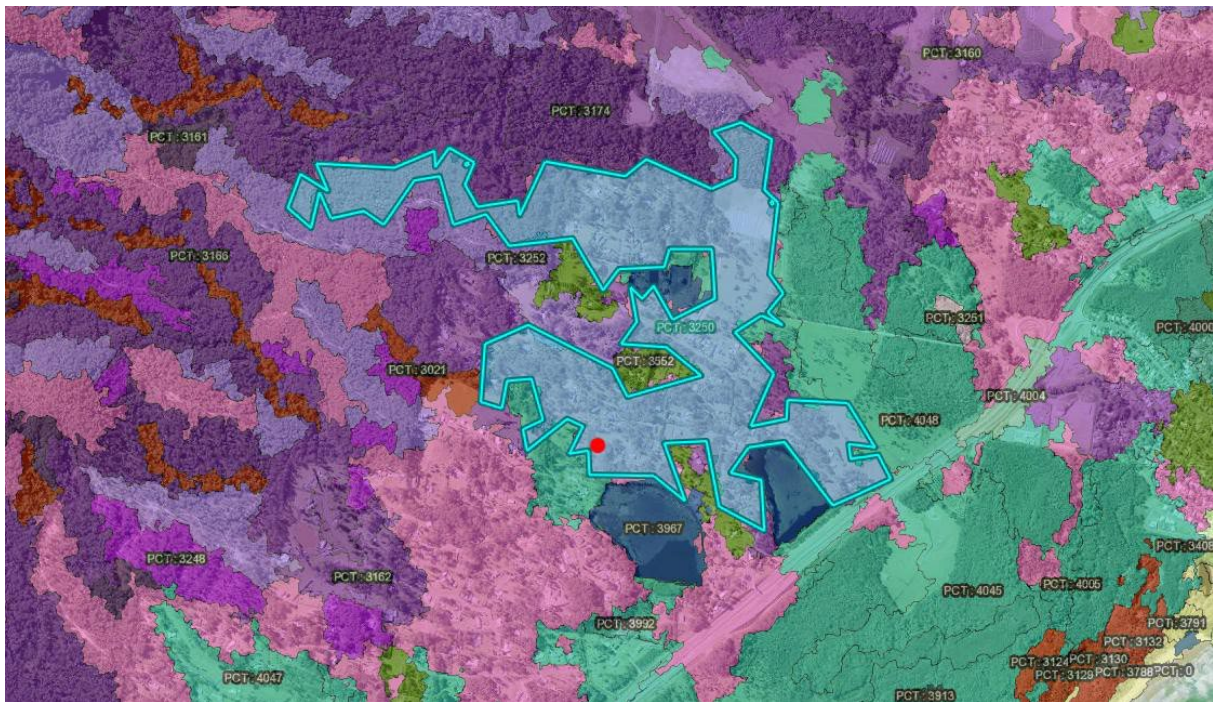


Figure 3.2 PCT 3250 on site

3.2.2 Threatened Species and Significant Flora

No threatened flora species listed under the BC Act or EPBC Act were detected within the study area.

3.2.3 Threatened Ecological Communities

There were 8 threatened ecological communities identified within the locality (**Appendix C**).

Swamp Sclerophyll Forest was noted in close proximity but not evident on site.

4. Fauna Results

4.1 Desktop Analysis

4.1.1 Database Search Results

BioNet search results identified records of 61 threatened fauna species listed under the BC Act (including 18 species also listed in the EPBC Act) within the search area. PMST search results identified habitat for 40 threatened fauna species within the search area (**Appendix B**).

Migratory species identified in the search results are not assessed as no suitable habitat occurs at the site.



4.2 Study Area Findings

4.2.1 Threatened Fauna Species

No threatened fauna species were directly observed during the site assessment.

5. Threatened Fauna Potential Occurrence Assessment

Table 1 Potential of occurrence criteria for threatened species and populations of fauna

Potential of occurrence	Criteria
Known	The species was observed in the subject site during the current survey
High	A species has a high likelihood of occurrence if:
	The study area forms part of a large area of high-quality suitable habitat
	Important habitat elements (i.e. breeding or important life cycle periods) are abundant within the study area
	The species has been recently recorded in similar habitat in the locality
	The study area is likely to support resident populations or contains habitat that is used during regular seasonal movements.
Moderate	A species has a moderate likelihood of occurrence if:
	The study area forms part of a large area of high-quality suitable habitat
	The study area contains or forms part of a large area of marginal habitat
	Important habitat elements (i.e. for breeding or important life cycle periods) are sparse or absent within the study area
	The study area is unlikely to support resident populations or contains habitat that is visited by the species during regular seasonal movements.
Low	A species has a low likelihood of occurrence if:
	Potential suitable habitat exists but the species has not been recorded recently (previous 10 years) in the locality
	The species is considered to likely only visit the study area very rarely.
None	Suitable habitat is absent from the subject site.



Table 2 Threatened Fauna Potential Occurrence Assessment

*Migratory and Pelagic marine species identified in the search results are not assessed as no habitat occurs at the site

Scientific Name	Common Name	Status		Habitat Requirements	Potential of Occurrence	Outcome - Assessment of Significance
		BC Act	EPBC Act			
<i>Crinia tinnula</i>	Wallum Froglet	V,P	Not listed	Acidic swamps on coastal sand plains, including Melaleuca swamps, sedgelands, and wet heathlands.	None	Suitable habitat not present in the study area.
<i>Mixophyes iteratus</i>	Giant Barred Frog	V,P,2	V	Freshwater streams with permanent or semi-permanent water, generally (but not always) at lower elevation.	None	Suitable habitat not present in the study area.
<i>Litoria brevipalmata</i>	Green-thighed Frog	V,P	Not listed	Rainforests and moist eucalypt forests to dry eucalypt forest and heath	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely
<i>Hoplocephalus stephensii</i>	Stephens' Banded Snake	V,P	Not listed	Rainforest and eucalypt forests up to 950m in altitude.	None	Suitable habitat not present in the study area.
<i>Ptilinopus magnificus</i>	Wompoo Fruit-Dove	V,P	Not listed	Rainforest, moist eucalypt forest and brush box forests.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely
<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove	V,P	Not listed	Primarily found in coastal tall tropical and subtropical forests, monsoon rainforests, and tall woodlands near rainforests.	None	Suitable habitat not present in the study area.
<i>Ptilinopus superbus</i>	Superb Fruit-Dove	V,P	Not listed	Rainforest and similar closed forests. Eucalypt or acacia	None	Suitable habitat not present in the study area.



				woodlands where there are fruit-bearing trees.		
<i>Hirundapus caudacutus</i>	White-throated Needletail	V,P	V,C,J,K	Exclusively aerial, occur over most habitat types. Recorded mostly flying over open forest and rainforest.	None	Suitable habitat not present in the study area.
<i>Macronectes giganteus</i>	Southern Giant Petrel	E1,P	E	Open vegetation on Antarctic and subantarctic islands	None	Suitable habitat not present in the study area.
<i>Ephippiorhynchus asiaticus</i>	Black-necked Stork	E1,P	Not listed	Primarily wetlands in Australia and Asia, including floodplains, swamps, estuaries, and billabongs	None	Suitable habitat not present in the study area.
<i>Ixobrychus flavicollis</i>	Black Bittern	V,P	Not listed	Freshwater and estuarine wetlands, including mangroves, flooded grasslands, and forests	None	Suitable habitat not present in the study area.
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V,P	Not listed	Woodland, grasslands characterised by the presence of large areas of open water.	None	Suitable habitat not present in the study area.
<i>Hieraetus morphnoides</i>	Little Eagle	V,P	Not listed	Open woodlands and forests, typically dominated by eucalypts or sheoaks, as well as open country with scattered trees, like agricultural land and riparian areas	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely
<i>^Lophoictinia isura</i>	Square-tailed Kite	V,P,3	Not listed	Occurs in a variety of habitats including dry woodlands and open forests, preferring timbered watercourses.	None	Suitable habitat not present in the study area.
<i>^Pandion cristatus</i>	Eastern Osprey	V,P,3	Not listed	Coastal areas, especially the mouths of large rivers, lagoons and lakes. Nests are made high up in dead trees or in dead crowns of live trees, usually within one kilometre of the sea.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely



<i>Antigone rubicunda</i>	Brolga	V,P	Not listed	Dry grassland or ploughed paddocks or even desert claypans, they are dependent on wetlands too, especially shallow swamps	None	Suitable habitat not present in the study area.
<i>Burhinus grallarius</i>	Bush Stone-curlew	E1,P	Not listed	Open forests and woodlands with a sparse grassy ground layer and plenty of fallen timber for camouflage and nesting.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely
<i>Esacus magnirostris</i>	Beach Stone-curlew	E4A,P	Not listed	Open, undisturbed coastal areas like beaches, islands, and reefs, as well as estuarine sand and mudflats, often near mangroves.	None	Suitable habitat not present in the study area.
<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	V,P	Not listed	Coastal habitats, primarily on rocky shorelines, beaches, and offshore islands in Australia.	None	Suitable habitat not present in the study area.
<i>Haematopus longirostris</i>	Pied Oystercatcher	E1,P	Not listed	Coastal areas, preferring intertidal zones, which include sandbanks, mudflats, and open sandy beaches.	None	Suitable habitat not present in the study area.
<i>Irediparra gallinacea</i>	Comb-crested Jacana	V,P	Not listed	Permanent freshwater wetlands, either still or slow-flowing, with a good surface cover of floating vegetation, especially water-lilies, or fringing and aquatic vegetation.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely
<i>Arenaria interpres</i>	Ruddy Turnstone	V,P	V,C,J,K	Habitats can include estuaries, coastal lagoons, and bays, as well as areas with low saltmarsh or exposed seagrass beds.	None	Suitable habitat not present in the study area.
<i>Calidris ferruginea</i>	Curlew Sandpiper	E4A,P	CE,C,J,K	Littoral and estuarine habitats, and in New South Wales is mainly found in intertidal mudflats of sheltered coasts.	None	Suitable habitat not present in the study area.



<i>Sternula albifrons</i>	Little Tern	E1,P	C,J,K	Also occurs in non-tidal swamps, lakes and lagoons on the coast and sometimes inland.	None	Suitable habitat not present in the study area.
<i>^^Callocephalon fimbriatum</i>	Gang-gang Cockatoo	E1,P,3	E	Tall mountain forests and woodlands, particularly in heavily timbered and mature wet sclerophyll. Open eucalypt forests and woodlands, particularly box-gum and box-ironbark assemblages, or in dry forest in coastal areas and often found in urban areas.	None	Suitable habitat not present in the study area.
<i>^Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo	V,P,2	V	Occurs in open forest and woodlands where stands of Black sheoak (<i>Allocasuarina littoralis</i>) and (<i>A. torulosa</i>) occur.	None	Suitable habitat not present in the study area.
<i>Lathamus discolor</i>	Swift Parrot	E1,P	CE	Dry sclerophyll forests and woodlands, including those dominated by species like spotted gum, ironbark, and grey gum.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely.
<i>Parvipsitta pusilla</i>	Little Lorikeet	V,P	Not listed	Forages in open eucalypt forest and woodland. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely.
<i>^^Ninox strenua</i>	Powerful Owl	V,P,3	Not listed	Woodland and open forest to tall moist forest and rainforest. Requires large tracts of forest or woodland habitat but may also occur in fragmented landscapes.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely.
<i>^^Tyto longimembris</i>	Eastern Grass Owl	V,P,3	Not listed	Tall grasslands and swampy areas such as tussock grasslands, coastal heath, and floodplains.	None	Suitable habitat not present in the study area.



<i>^Tyto novaehollandiae</i>	Masked Owl	V,P,3	Not listed	Occurs in dry eucalypt forests and woodlands up to 1100m altitude.	None	Suitable habitat not present in the study area.
<i>^Tyto tenebricosa</i>	Sooty Owl	V,P,3	Not listed	Subtropical and warm temperate rainforests and moist eucalypt forests, preferring gullies with dense vegetation, tree ferns, and vine tangles.	None	Suitable habitat not present in the study area.
<i>Climacteris picumnus victorae</i>	Brown Treecreeper (eastern subspecies)	V,P	V	Dry open forests and eucalypt woodlands, particularly those dominated by rough-barked species like stringybarks, with an open grassy understorey and a lack of dense shrubs.	Low	Local occurrence potential unlikely to be impacted by the proposed works. No significant impact likely
<i>^Anthochaera phrygia</i>	Regent Honeyeater	E4A,P,2	CE	Inhabits dry open forest and woodland, particularly Box-ironbark woodland, and riparian forests of River Sheoak.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V,P	Not listed	Open woodlands, particularly those dominated by mature eucalypts, with a diverse ground layer of grass and shrubs. They are also found in savannas, and in areas with cypress pine, paperbark, or belah.	None	Suitable habitat not present in the study area.
<i>Daphoenositta chrysoptera</i>	Varied Sittella	V,P	Not listed	Eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums with dead branches, mallee and Acacia woodland.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.



<i>Coracina lineata</i>	Barred Cuckoo-shrike	V,P	Not listed	Tropical and subtropical rainforests, eucalypt forests, and woodlands. They are also found in secondary growth, swamp woodlands, and along watercourses.	None	Suitable habitat not present in the study area.
<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V,P	Not listed	Dry, open eucalypt forests and woodlands in eastern, southern, and southwestern Australia.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Petroica boodang</i>	Scarlet Robin	V,P	Not listed	Dry eucalypt forests and temperate woodlands with open, grassy understories, especially on ridges and slopes.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V,P	E	Forests, woodlands, rainforests, and coastal heathlands across eastern Australia	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	V,P	Not listed	Dry sclerophyll forests, woodlands, and occasionally heathland.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Planigale maculata</i>	Common Planigale	V,P	Not listed	Rainforests, eucalypt forests, grasslands, heathlands, marshlands, and even urban reserves and suburbs.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Phascolarctos cinereus</i>	Koala	E1,P	E	Appropriate food trees in forests and woodlands.	Low	Suitable habitat not present in the study area.
<i>Petaurus australis</i>	Yellow-bellied Glider	V,P	V	Tall mature eucalypt forest in areas with high rainfall and nutrient rich soils, mixed coastal forests to dry escarpment forests, moist coastal gullies and creek flats to tall montane forests.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.



<i>Petaurus norfolcensis</i>	Squirrel Glider	V,P	Not listed	Primarily open woodlands and forests, often dry sclerophyll forests and eucalypt woodlands. They can also be found in riverine forests and coastal forest areas.	None	Suitable habitat not present in the study area.
<i>Petauroides volans</i>	Southern Greater Glider	E1,P	E	Eucalypt forests, woodlands, and open woodlands.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Aepyprymnus rufescens</i>	Rufous Bettong	V,P	Not listed	Open eucalypt forests, wet sclerophyll forests, and dry woodlands.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Thylogale stigmatica</i>	Red-legged Pademelon	V,P	Not listed	Tropical and subtropical rainforests, wet sclerophyll forests, and vine thickets.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V,P	V	Subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Syconycteris australis</i>	Common Blossom-bat	V,P	Not listed	Littoral rainforests, heathland and paperbark swamps. Subtropical rainforest, wet sclerophyll forest and other coastal forests.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheathtail-bat	V,P	Not listed	They generally roost individually in dense foliage and vine thickets of the sub-canopy, staying in the same general area for a season. They change roost sites daily, but each roost site is generally only 50m or so away from other recent roosts.	None	Suitable habitat not present in the study area.



<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V,P	Not listed	Occur in dry sclerophyll forest, woodland, swamp forests and mangrove forests east of the Great Dividing Range.	None	Suitable habitat not present in the study area.
<i>Chalinolobus nigrogriseus</i>	Hoary Wattled Bat	V,P	Not listed	Dry, open eucalypt forests, coastal forests, and even urban areas with suitable vegetation.	None	Suitable habitat not present in the study area.
<i>Myotis macropus</i>	Southern Myotis	V,P	Not listed	Occurs close to water in caves, mine shafts, hollow-bearing trees, storm water channels.	None	Suitable habitat not present in the study area.
<i>Nyctophilus bifax</i>	Eastern Long-eared Bat	V,P	Not listed	Lowland subtropical rainforests, wet and swamp eucalypt forests, coastal rainforests, and coastal scrub. They may also use drier woodland areas near these wet habitats.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Phoniscus papuensis</i>	Golden-tipped Bat	V,P	Not listed	Primarily rainforests and adjacent wet and dry sclerophyll forests.	None	Suitable habitat not present in the study area.
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V,P	Not listed	Utilises a variety of habitats from woodland through to moist and dry eucalypt forest and rainforest, though it is most commonly found in tall wet forest.	None	Suitable habitat not present in the study area.
<i>Miniopterus australis</i>	Little Bent-winged Bat	V,P	Not listed	Moist eucalypt forest, rainforest, vine thicket, wet and dry sclerophyll forest, Melaleuca swamps, dense coastal forests and banksia scrub.	Low	Local occurrence potential unlikely to be impact by the proposed works. No significant impact likely.
<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V,P	Not listed	Caves are the primary roosting habitat, but also use derelict mines, storm-water tunnels, buildings and other man-made structures.	None	Suitable habitat not present in the study area.



6. HEV Assessment

An assessment of High Environmental Value (HEV) Land on the site has been undertaken in accordance with the North Coast Regional Plan 2041 to determine the level of possible impacts. The results of this assessment are presented below in Table 5.3

Table 3 Assessment of HEV on the Site

1. Littoral Rainforest, Coastal Wetlands and proximity areas for these areas mapped by the SEPP (Coastal Management) 2018.	No – Littoral Rainforest, Coastal Wetland and associated proximity areas are not present on the site.
2. Areas of Outstanding Biodiversity Value declared under the BC Act.	No – There are no Areas of Outstanding Biodiversity associated with the site.
3. Nationally Important Wetlands listed in the Directory of Important Wetlands, including a 50 m wide buffer.	No Nationally Important Wetlands occur near the site.
4. Riparian zones of third order streams and above including a buffer consistent with Appendix 3 of the Biodiversity Assessment Method.	No – There are no Riparian zones of third order streams and above occur on site
5. Native vegetation in over cleared (Mitchell) landscapes (i.e. more than 70% cleared).	No – The site occurs within the Brooms Head – Kempsey Coastal Ramp Mitchell Landscape which is not an 'over cleared landscape'.
6. Key habitats for threatened species including: Important habitat of migratory and vagrant species mapped for the Biodiversity Offset Scheme.	No – Key habitats of Threatened species occur on the site
7. Over cleared vegetation types identified in the Vegetation Information System Database as more than 70% cleared.	No – Vegetation types occurring at the site are not identified as more than 70% cleared
8. Threatened Ecological Communities (TECs).	No – Swamp Sclerophyll Forest was noted in close proximity SSW but not occur on site.
9. Key habitats for threatened species including: a) Breeding habitats of both species credit species and ecosystem credit species with known breeding occurrence – from existing BioNet records and/ or field work.	No – there is no evidence of threatened fauna breeding habitats being present on the site.
b) Core Koala habitat – from existing mapping and/ or field work.	Yes – Primary Koala food and habitat tree Tallowwood (<i>Eucalyptus microcorys</i>) occurs on



	the northern perimeter and will be conserved within the site
c) Breeding, foraging habitats for migratory shorebird species with known occurrence – from existing BioNet records and/ or field work.	No – Breeding/ foraging habitats for migratory shorebirds do not occur at the site.
d) Known habitat for populations of species credit species – from existing BioNet records and/ or field work.	No- primary habitat for populations of species credit species occur on site
10. Old Growth Forest	No - Old Growth Forest does not occur on the site.

7. Test of Significance (BC Act)

7.1 Five-part Tests (Threatened Species)

One species of fauna has been identified as potentially occurring within the study area. Tests of significance ('five-part tests') under Section 7.3 of the BC Act have been completed as follows:

- Koala

a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

Koala

The Koala has a fragmented distribution throughout eastern Australia from North-east Queensland to the Eyre Peninsula in South Australia. In NSW, Koalas mainly occur on the central and north coasts. Habitats consist of eucalypt woodlands and forests.

Preferred browse species differ across regions. Koalas are inactive for most of the day and do most of their feeding and moving during the night. Although predominately arboreal, Koalas will descend and traverse open ground to move between trees. Their home range size varies with habitat quality, ranging from less than two hectares to several hundred hectares.

Threatening processes for this species include:

- Loss, modification and fragmentation of habitat.
- Predation by feral and domestic dogs
- Intense fires that scorch or kill the tree canopy.
- Road kills
- Human-induced climate change, especially drought.



Koala Habitat

Primary, secondary, and tertiary koala habitats are ranked based on the presence of koala food trees and their importance for a healthy population. Primary habitat has the highest density of key food trees and supports the highest number of koalas. Secondary habitat is less suitable, relying more on secondary food species, and supports lower koala numbers. Tertiary habitat may serve as a connection between more critical areas or have some supplementary value but cannot support koalas on its own. Part of the study area is categorised as tertiary koala habitat (**Figure 6.1**).

Potential Impacts from Proposed Works

The site contains Tallowwood (*Eucalyptus microcorys*) on the northern perimeter. Tallowwood is listed as a preferred Koala feed tree in the North Coast Koala Management area (DECC,2008). Given that the subdivision does not require the removal of any trees, the proposed works will not impact any potential foraging and temporary refuge habitat which may be utilised by Koalas in the locality on an opportunistic basis.

In accordance with the Coffs Harbour Koala Plan of Management (KPoM), the proposed subdivision has been assessed in relation to potential impacts on koala habitat. Given the recommendation for an alternative driveway access, no native vegetation removal will be required to facilitate the development. As a result, the proposal avoids direct impacts to koala feed or habitat trees and maintains the integrity of existing habitat corridors. Consequently, there are no compensatory planting or offset requirements under the KPoM, as the design modification effectively eliminates the need for any tree removal within the site.

Given there are no recent historical sightings of Koalas recorded in the study area and the lack of activity on site (based on site inspection results). The site is unlikely to support a resident breeding population of Koalas.

On this basis, it is considered unlikely that an adverse effect on the life cycle of the subject species would occur such that a viable local population of these species is likely to be placed at risk of extinction.





Figure 6.1. Study area represented in red, secondary koala habitat in blue and tertiary koala habitat in green. (CofCH Fine Scale Mapping, sourced 17/10/25)

b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Not relevant to assessment of threatened species

c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and



- *Koala*: No change of refuge and feeding habitat. Retained areas of vegetation on site and adjacent forest will continue to provide foraging, refuge and breeding resources.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

The proposed works would not increase fragmentation or isolate any areas of habitat for the subject species to any significant degree.

The proposed works are not considered extensive enough to result in significant isolation of habitat for the species subject to this assessment.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species or ecological community in the locality,

- *Koala*: As noted above, the site is unlikely to support a resident breeding population of Koalas. It is considered unlikely that an adverse effect on the life cycle of the subject species would occur such that a viable local population of these species is likely to be placed at risk of extinction.

d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

No areas of outstanding biodiversity value are present on site, nor would the proposed works have such an impact to such areas.

e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

A key threatening process (KTP) is a process that threatens or may have the capability to threaten the survival or evolutionary development of species or ecological communities. The current list of KTP under the BC Act, and whether the proposed works is recognised as a KTP is shown in **Table 6.1**.

Table 4 Key Threatening Processes

Key Threatening Process (as Per Schedule 4 of the BC Act)	Is the development or activity proposed of a class of development or activity that is recognised as a threatening process?		
	Likely	Possible	Unlikely
Aggressive exclusion of birds by noisy miners (<i>Manorina melanocephala</i>)			✓
Alteration of habitat following subsidence due to longwall mining			✓



Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands			✓
Anthropogenic climate change			✓
Bushrock removal			✓
Clearing of native vegetation			✓
Competition and grazing by the feral European Rabbit (<i>Oryctolagus cuniculus</i>)			✓
Competition and habitat degradation by feral goats (<i>Capra hircus</i>)			✓
Competition from feral honeybees (<i>Apis mellifera</i>)			✓
Death or injury to marine species following capture in shark control programs on ocean beaches			✓
Entanglement in or ingestion of anthropogenic debris in marine and estuarine environments			✓
Forest eucalypt dieback associated with over-abundant psyllids and bell miners			✓
Habitat degradation and loss by Feral Horses, <i>Equus caballus</i>			✓
Herbivory and environmental degradation caused by feral deer			✓
High frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition			✓
Importation of red imported fire ants (<i>Solenopsis invicta</i>)			✓
Infection by <i>Psittacine circoviral</i> (beak and feather) disease affecting endangered <i>psittacine</i> species and populations			✓
Infection of frogs by amphibian chytrid causing the disease Chytridiomycosis			✓
Infection of native plants by <i>Phytophthora cinnamomic</i>			✓



Introduction and Establishment of Exotic Rust Fungi of the order <i>Pucciniales</i> pathogenic on plants of the family Myrtaceae			✓
Introduction of the large earth bumblebee (<i>Bombus terrestris</i>)			✓
Invasion and establishment of exotic vines and scramblers			✓
Invasion and establishment of Scotch Broom (<i>Cytisus scoparius</i>)			✓
Invasion and establishment of the Cane Toad (<i>Bufo marinus</i>)			✓
Invasion, establishment and spread of Lantana (<i>Lantana camara</i>)			✓
Invasion of native plant communities by African Olive (<i>Olea europaea</i>			✓
<i>L. subsp. cuspidata</i>)			
Invasion of native plant communities by <i>Chrysanthemoides monilifera</i>			✓
Invasion of native plant communities by exotic perennial grasses			✓
Invasion of the Yellow Crazy Ant (<i>Anoplolepis gracilipes</i>) into NSW			✓
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants			✓
Loss of hollow-bearing trees			✓
Loss or degradation (or both) of sites used for hill-topping by butterflies			✓
Predation and hybridisation by feral dogs (<i>Canis lupus familiaris</i>)			✓
Predation by the European Red Fox (<i>Vulpes vulpes</i>)			✓
Predation by the feral cat (<i>Felis catus</i>)			✓
Predation by <i>Gambusia holbrooki</i> (Plague Minnow or Mosquito Fish)			✓
Predation by the Ship Rat (<i>Rattus rattus</i>) on Lord Howe Island			✓
Predation, habitat degradation, competition and disease transmission			✓
Removal of dead wood and dead trees			✓



Considering there would be no native vegetation removal for the proposed works; it is unlikely to have any significant effect on the habitat or negatively affect the long-term survival of the subject species in the locality.

Overall, the proposed works is not considered likely to contribute significantly towards any listed KTP.



8. Conclusion

The majority of Lot 1//DP1220096 has been previously cleared, with only limited vegetation retained along the site's perimeter and surrounding the existing dam. The proposed subdivision and associated works are confined to already disturbed areas and will not require the removal of any native trees or vegetation.

The future development of the proposed lot would require establishment of a defined envelope to accommodate boundary fencing, dwelling footprint, Asset Protection Zone (APZ), driveway access, and on-site wastewater disposal area.

Based on indicative layout, the building envelope is anticipated to be approximately 2,000 m². This extent is below the 5,000 m² BoS threshold and, in isolation, would not trigger the Biodiversity Offset Scheme threshold under the area-based clearing criteria.

As such, the development is unlikely to result in a significant impact on habitat quality or connectivity within the local landscape. Given the absence of direct impacts to identified habitat features and the minor scale of the proposal, the works are not expected to adversely affect the long-term survival or viability of the subject species in the locality. Overall, the proposal is consistent with relevant environmental planning provisions and maintains the ecological values of the site and surrounding area.



References

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Appendix A BioNet Database Search Results

Kingdom	Class	Family	Scientific Name	Common Name	NSW status	Comm. status
Animalia	Aves	Columbidae	<i>Ptilinopus magnificus</i>	Wompoo Fruit-Dove	V,P	
Animalia	Aves	Columbidae	<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove	V,P	
Animalia	Aves	Columbidae	<i>Ptilinopus superbus</i>	Superb Fruit-Dove	V,P	
Animalia	Aves	Apodidae	<i>Hirundapus caudacutus</i>	White-throated Needletail	V,P	V,C,J,K
Animalia	Aves	Procellariidae	<i>Macronectes giganteus</i>	Southern Giant Petrel	E1,P	E
Animalia	Aves	Ciconiidae	<i>Ephippiorhynchus asiaticus</i>	Black-necked Stork	E1,P	
Animalia	Aves	Ardeidae	<i>Ixobrychus flavicollis</i>	Black Bittern	V,P	
Animalia	Aves	Accipitridae	<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	V,P	
Animalia	Aves	Accipitridae	<i>Hieraaetus morphnoides</i>	Little Eagle	V,P	
Animalia	Aves	Accipitridae	<i>Lophoictinia isura</i>	Square-tailed Kite	V,P,3	
Animalia	Aves	Accipitridae	<i>Pandion cristatus</i>	Eastern Osprey	V,P,3	
Animalia	Aves	Gruidae	<i>Antigone rubicunda</i>	Brolga	V,P	
Animalia	Aves	Burhinidae	<i>Burhinus grallarius</i>	Bush Stone-curlew	E1,P	
Animalia	Aves	Burhinidae	<i>Esacus magnirostris</i>	Beach Stone-curlew	E4A,P	



Animalia	Aves	Haematopodidae	<i>Haematopus fuliginosus</i>	Sooty Oystercatcher	V,P	
Animalia	Aves	Haematopodidae	<i>Haematopus longirostris</i>	Pied Oystercatcher	E1,P	
Animalia	Aves	Jacanidae	<i>Irediparra gallinacea</i>	Comb-crested Jacana	V,P	
Animalia	Aves	Scolopacidae	<i>Arenaria interpres</i>	Ruddy Turnstone	V,P	V,C,J,K
Animalia	Aves	Scolopacidae	<i>Calidris ferruginea</i>	Curlew Sandpiper	E4A,P	CE,C,J,K
Animalia	Aves	Laridae	<i>Sternula albifrons</i>	Little Tern	E1,P	C,J,K
Animalia	Aves	Cacatuidae	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	E1,P,3	E
Animalia	Aves	Cacatuidae	<i>Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo	V,P,2	V
Animalia	Aves	Psittacidae	<i>Lathamus discolor</i>	Swift Parrot	E1,P	CE
Animalia	Aves	Psittacidae	<i>Parvipsitta pusilla</i>	Little Lorikeet	V,P	
Animalia	Aves	Strigidae	<i>Ninox strenua</i>	Powerful Owl	V,P,3	
Animalia	Aves	Tytonidae	<i>Tyto longimembris</i>	Eastern Grass Owl	V,P,3	
Animalia	Aves	Tytonidae	<i>Tyto novaehollandiae</i>	Masked Owl	V,P,3	
Animalia	Aves	Tytonidae	<i>Tyto tenebricosa</i>	Sooty Owl	V,P,3	
Animalia	Aves	Climacteridae	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V,P	V



Animalia	Aves	Meliphagidae	<i>Anthochaera phrygia</i>	Regent Honeyeater	E4A,P,2	CE
Animalia	Aves	Pomatostomidae	<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V,P	
Animalia	Aves	Neosittidae	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V,P	
Animalia	Aves	Campephagidae	<i>Coracina lineata</i>	Barred Cuckoo-shrike	V,P	
Animalia	Aves	Artamidae	<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V,P	
Animalia	Aves	Petroicidae	<i>Petroica boodang</i>	Scarlet Robin	V,P	
Animalia	Mammalia	Dasyuridae	<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V,P	E
Animalia	Mammalia	Dasyuridae	<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	V,P	
Animalia	Mammalia	Dasyuridae	<i>Planigale maculata</i>	Common Planigale	V,P	
Animalia	Mammalia	Phascolarctidae	<i>Phascolarctos cinereus</i>	Koala	E1,P	E
Animalia	Mammalia	Petauridae	<i>Petaurus australis</i>	Yellow-bellied Glider	V,P	V
Animalia	Mammalia	Petauridae	<i>Petaurus norfolcensis</i>	Squirrel Glider	V,P	
Animalia	Mammalia	Pseudocheiridae	<i>Petauroides volans</i>	Southern Greater Glider	E1,P	E
Animalia	Mammalia	Potoroidae	<i>Aepyprymnus rufescens</i>	Rufous Bettong	V,P	



Animalia	Mammalia	Macropodidae	<i>Thylogale stigmatica</i>	Red-legged Pademelon	V,P	
Animalia	Mammalia	Pteropodidae	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V,P	V
Animalia	Mammalia	Pteropodidae	<i>Syconycteris australis</i>	Common Blossom-bat	V,P	
Animalia	Mammalia	Emballonuridae	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	V,P	
Animalia	Mammalia	Molossidae	<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	V,P	
Animalia	Mammalia	Vespertilionidae	<i>Chalinolobus nigrogriseus</i>	Hoary Wattled Bat	V,P	
Animalia	Mammalia	Vespertilionidae	<i>Myotis macropus</i>	Southern Myotis	V,P	
Animalia	Mammalia	Vespertilionidae	<i>Nyctophilus bifax</i>	Eastern Long-eared Bat	V,P	
Animalia	Mammalia	Vespertilionidae	<i>Phoniscus papuensis</i>	Golden-tipped Bat	V,P	
Animalia	Mammalia	Vespertilionidae	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V,P	
Animalia	Mammalia	Miniopteridae	<i>Miniopterus australis</i>	Little Bent-winged Bat	V,P	
Animalia	Mammalia	Miniopteridae	<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	V,P	



Appendix B Protected Matters Database Search Results

Scientific Name	Common Name	Class	Presence Text	Threatened Category
<i>Cyclopsitta diophthalma coxeni</i>	Coxen's Fig-Parrot	Bird	Species or species habitat may occur within area	Critically Endangered
<i>Rhodamnia rubescens</i>	Scrub Turpentine, Brown Malletwood	Plant	Species or species habitat known to occur within area	Critically Endangered
<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew	Bird	Species or species habitat known to occur within area	Critically Endangered
<i>Rhodomyrtus psidioides</i>	Native Guava	Plant	Species or species habitat known to occur within area	Critically Endangered



<i>Anthochaera phrygia</i>	Regent Honeyeater	Bird	Species or species habitat known to occur within area	Critically Endangered
<i>Fontainea sp. Coffs Harbour</i> (A.S.Benwell 341, NSW1102027)	null	Plant	Species or species habitat known to occur within area	Critically Endangered
<i>Lathamus discolor</i>	Swift Parrot	Bird	Species or species habitat known to occur within area	Critically Endangered
<i>Calidris ferruginea</i>	Curlew Sandpiper	Bird	Species or species habitat likely to occur within area	Critically Endangered
<i>Macronectes giganteus</i>	Southern Giant-Petrel, Southern Giant Petrel	Bird	Species or species habitat may occur within area	Endangered
<i>Limosa lapponica baueri</i>	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit	Bird	Species or species habitat known to occur within area	Endangered
<i>Samadera sp. Moonee Creek</i> (J.King s.n. Nov. 1949)	null	Plant	Species or species habitat known to occur within area	Endangered
<i>Phaius australis</i>	Lesser Swamp-orchid	Plant	Species or species habitat known to occur within area	Endangered
<i>Zieria prostrata</i>	Headland Zieria	Plant	Species or species habitat known to occur within area	Endangered
<i>Cynanchum elegans</i>	White-flowered Wax Plant	Plant	Species or species habitat likely to occur within area	Endangered
<i>Allocasuarina thalassoscopica</i>	null	Plant	Species or species habitat known to occur within area	Endangered
<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)	Mammal	Species or species habitat known to occur within area	Endangered



<i>Phascolarctos cinereus</i> (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)	Mammal	Species or species habitat known to occur within area	Endangered
<i>Botaurus poiciloptilus</i>	Australasian Bittern	Bird	Species or species habitat known to occur within area	Endangered
<i>Saltuarius moritzi</i>	New England Leaf-tailed Gecko, Moritz's Leaf-tailed Gecko	Reptile	Species or species habitat known to occur within area	Endangered
<i>Rostratula australis</i>	Australian Painted Snipe	Bird	Species or species habitat known to occur within area	Endangered
<i>Thalassarche cauta</i>	Shy Albatross	Bird	Species or species habitat may occur within area	Endangered
<i>Tringa nebularia</i>	Common Greenshank, Greenshank	Bird	Species or species habitat may occur within area	Endangered
<i>Acronychia littoralis</i>	Scented Acronychia	Plant	Species or species habitat likely to occur within area	Endangered
<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel, Australian Gould's Petrel	Bird	Species or species habitat may occur within area	Endangered
<i>Parsonsia dorrigensis</i>	Milky Silkpod	Plant	Species or species habitat known to occur within area	Endangered
<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)	Bird	Species or species habitat may occur within area	Endangered
<i>Erythrorhynchus radiatus</i>	Red Goshawk	Bird	Species or species habitat likely to occur within area	Endangered
<i>Atrichornis rufescens</i>	Rufous Scrub-bird	Bird	Species or species habitat	Endangered



			may occur within area	
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat, Large Pied Bat	Mammal	Species or species habitat likely to occur within area	Endangered
<i>Petauroides volans</i>	Greater Glider (southern and central)	Mammal	Species or species habitat known to occur within area	Endangered
<i>Thalassarche bulleri platei</i>	Northern Buller's Albatross, Pacific Albatross	Bird	Species or species habitat may occur within area	Vulnerable
<i>Thalassarche melanophris</i>	Black-browed Albatross	Bird	Foraging, feeding or related behaviour likely to occur within area	Vulnerable
<i>Sarcochilus fitzgeraldii</i>	Ravine Orchid	Plant	Species or species habitat may occur within area	Vulnerable
<i>Falco hypoleucos</i>	Grey Falcon	Bird	Species or species habitat may occur within area	Vulnerable
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	Bird	Species or species habitat may occur within area	Vulnerable
<i>Charadrius leschenaultii</i>	Greater Sand Plover, Large Sand Plover	Bird	Species or species habitat likely to occur within area	Vulnerable
<i>Philoria sphagnicola</i>	Sphagnum Frog	Frog	Species or species habitat may occur within area	Vulnerable
<i>Turnix melanogaster</i>	Black-breasted Button-quail	Bird	Species or species habitat may occur within area	Vulnerable
<i>Thalassarche impavida</i>	Campbell Albatross, Campbell Black-browed Albatross	Bird	Species or species habitat may occur within area	Vulnerable
<i>Notamacropus parma</i>	Parma Wallaby	Mammal	Species or species habitat	Vulnerable



			may occur within area	
<i>Potorous tridactylus tridactylus</i>	Long-nosed Potoroo (northern)	Mammal	Species or species habitat known to occur within area	Vulnerable
<i>Thalassarche steadi</i>	White-capped Albatross	Bird	Species or species habitat may occur within area	Vulnerable
<i>Stagonopleura guttata</i>	Diamond Firetail	Bird	Species or species habitat may occur within area	Vulnerable
<i>Homoranthus floydii</i>	null	Plant	Species or species habitat may occur within area	Vulnerable
<i>Thalassarche bulleri</i>	Buller's Albatross, Pacific Albatross	Bird	Species or species habitat may occur within area	Vulnerable
<i>Thalassarche salvini</i>	Salvin's Albatross	Bird	Foraging, feeding or related behaviour likely to occur within area	Vulnerable
<i>Macronectes halli</i>	Northern Giant Petrel	Bird	Foraging, feeding or related behaviour likely to occur within area	Vulnerable
<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)	Mammal	Species or species habitat known to occur within area	Vulnerable
<i>Sternula albifrons</i>	Little Tern	Bird	Breeding known to occur within area	Vulnerable
<i>Angophora robur</i>	Sandstone Rough-barked Apple	Plant	Species or species habitat may occur within area	Vulnerable
<i>Coeranoscincus reticulatus</i>	Three-toed Snake-tooth Skink	Reptile	Species or species habitat may occur within area	Vulnerable
<i>Grantiella picta</i>	Painted Honeyeater	Bird	Species or species habitat may occur within area	Vulnerable



<i>Mixophyes iteratus</i>	Giant Barred Frog, Southern Barred Frog	Frog	Species or species habitat known to occur within area	Vulnerable
<i>Olax angulata</i>	Minnie Waters Olax	Plant	Species or species habitat may occur within area	Vulnerable
<i>Phoebastria fusca</i>	Sooty Albatross	Bird	Species or species habitat may occur within area	Vulnerable
<i>Mixophyes balbus</i>	Stuttering Frog, Southern Barred Frog (in Victoria)	Frog	Species or species habitat likely to occur within area	Vulnerable
<i>Diomedea antipodensis gibsoni</i>	Gibson's Albatross	Bird	Foraging, feeding or related behaviour likely to occur within area	Vulnerable
<i>Persicaria elatior</i>	Knotweed, Tall Knotweed	Plant	Species or species habitat may occur within area	Vulnerable
<i>Assa darlingtoni</i>	Pouched Frog	Frog	Species or species habitat known to occur within area	Vulnerable
<i>Thesium australe</i>	Austral Toadflax, Toadflax	Plant	Species or species habitat known to occur within area	Vulnerable
<i>Hirundapus caudacutus</i>	White-throated Needletail	Bird	Species or species habitat known to occur within area	Vulnerable
<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby	Mammal	Species or species habitat may occur within area	Vulnerable
<i>Arthraxon hispidus</i>	Hairy-joint Grass	Plant	Species or species habitat likely to occur within area	Vulnerable
<i>Haloragis exalata subsp. velutina</i>	Tall Velvet Sea-berry	Plant	Species or species habitat may occur within area	Vulnerable
<i>Diomedea antipodensis</i>	Antipodean Albatross	Bird	Foraging, feeding or related behaviour likely	Vulnerable



			to occur within area	
<i>Eucalyptus glaucina</i>	Slaty Red Gum	Plant	Species or species habitat may occur within area	Vulnerable
<i>Diomedea epomophora</i>	Southern Royal Albatross	Bird	Foraging, feeding or related behaviour likely to occur within area	Vulnerable
<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross	Bird	Species or species habitat likely to occur within area	Vulnerable
<i>Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo	Bird	Species or species habitat known to occur within area	Vulnerable
<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe	Bird	Species or species habitat likely to occur within area	Vulnerable
<i>Ardenna grisea</i>	Sooty Shearwater	Bird	Species or species habitat likely to occur within area	Vulnerable
<i>Diomedea exulans</i>	Wandering Albatross	Bird	Foraging, feeding or related behaviour likely to occur within area	Vulnerable
<i>Pseudomys novaehollandiae</i>	New Holland Mouse, Pookila	Mammal	Species or species habitat likely to occur within area	Vulnerable
<i>Macadamia tetraphylla</i>	Rough-shelled Bush Nut, Macadamia Nut, Rough-shelled Macadamia, Rough-leaved Queensland Nut	Plant	Species or species habitat known to occur within area	Vulnerable
<i>Endiandra hayesii</i>	Rusty Rose Walnut, Velvet Laurel	Plant	Species or species habitat may occur within area	Vulnerable



<i>Pachyptila turtur subantarctica</i>	Fairy Prion (southern)	Bird	Species or species habitat known to occur within area	Vulnerable
<i>Neophema chrysostoma</i>	Blue-winged Parrot	Bird	Species or species habitat may occur within area	Vulnerable
<i>Pterodroma neglecta neglecta</i>	Kermadec Petrel (western)	Bird	Foraging, feeding or related behaviour may occur within area	Vulnerable
<i>Litoria olongburensis</i>	Wallum Sedge Frog	Frog	Species or species habitat likely to occur within area	Vulnerable
<i>Macadamia integrifolia</i>	Macadamia Nut, Queensland Nut Tree, Smooth-shelled Macadamia, Bush Nut, Nut Oak	Plant	Species or species habitat known to occur within area	Vulnerable
<i>Cryptostylis hunteriana</i>	Leafless Tongue-orchid	Plant	Species or species habitat may occur within area	Vulnerable
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)	Bird	Species or species habitat known to occur within area	Vulnerable
<i>Syzygium hodgkinsoniae</i>	Smooth-bark Rose Apple, Red Lilly Pilly	Plant	Species or species habitat may occur within area	Vulnerable
<i>Hicksbeachia pinnatifolia</i>	Monkey Nut, Bopple Nut, Red Bopple, Red Bopple Nut, Red Nut, Beef Nut, Red Apple Nut, Red Boppel Nut, Ivory Silky Oak	Plant	Species or species habitat known to occur within area	Vulnerable
<i>Boronia umbellata</i>	Orara Boronia	Plant	Species or species habitat known to occur within area	Vulnerable
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Mammal	Roosting known to occur within area	Vulnerable



<i>Eucalyptus tetrapleura</i>	Square-fruited Ironbark	Plant	Species or species habitat may occur within area	Vulnerable
<i>Calidris canutus</i>	Red Knot, Knot	Bird	Species or species habitat known to occur within area	Vulnerable
<i>Litoria aurea</i>	Green and Golden Bell Frog	Frog	Species or species habitat likely to occur within area	Vulnerable
<i>Owenia cepiodora</i>	Onionwood, Bog Onion, Onion Cedar	Plant	Species or species habitat may occur within area	Vulnerable
<i>Fregetta grallaria grallaria</i>	White-bellied Storm-Petrel (Tasman Sea), White-bellied Storm-Petrel (Australasian)	Bird	Species or species habitat likely to occur within area	Vulnerable
<i>Sternula nereis nereis</i>	Australian Fairy Tern	Bird	Species or species habitat may occur within area	Vulnerable

Appendix C Protected Matters Database Threatened Ecological Community Search Results

Community ID	Community Name	Threatened Category	Text
142	Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of New South Wales and South East Queensland ecological community	Endangered	Community likely to occur within area
179	Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions	Endangered	Community likely to occur within area
178	Dunn's white gum (<i>Eucalyptus dunnii</i>) moist forest in north-east New South Wales and south-east Queensland	Endangered	Community may occur within area



76	Littoral Rainforest and Coastal Vine Thickets of Eastern Australia	Critically Endangered	Community likely to occur within area
181	Grey box-grey gum wet forest of subtropical eastern Australia	Endangered	Community may occur within area
171	Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland	Endangered	Community likely to occur within area
101	Lowland Rainforest of Subtropical Australia	Critically Endangered	Community likely to occur within area
118	Subtropical and Temperate Coastal Saltmarsh	Vulnerable	Community likely to occur within area

Appendix D Photographs





Plate 2 View
East

Proposed lot 1
development.



Plate 3 View
South

Proposed lot 2
area for
subdivision.





Plate 4 View
West/South
West

Proposed Lot 2
subdivision.



APPENDIX 8 – BUSHFIRE ASSESSMENT REPORT

BUSHFIRE ASSESSMENT REPORT SUBDIVISION

2 Lots

82 Smiths Road, Emerald Beach, NSW, 2456

Lot 1 / DP 1220096

Reference #:252741

Disclaimer

Please note that every effort has been made to ensure that information provided in this report is accurate. It should be noted that the information is for the client for the specific purpose for which it is supplied, that is to support a DA application. This report is strictly limited to the purpose including the facts and matters stated within it and is not to be used, directly or indirectly, for any other application, purpose, use or matter. The photos within this report are submitted in confidence and not for public release.

Due consideration has been given to site conditions and to appropriate legislation and documentation available at the time of preparation of the report. As these elements are liable to change over time, the report should be considered current for a period of 12 months following the preparation of the report. Should further information become available regarding the conditions at the site, BEMC reserves the right to review the report in the context of the additional information. BEMC has made no allowance to update this report and has not considered events occurring after the time its assessment was conducted.

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Title	Bush Fire Assessment Report - Subdivision			
Description	Subdivision development 82 Smiths Road, Emerald Beach, NSW, 2456 - Lot 1 / DP 1220096			
Created By	Duncan Scott-Lawson			
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Version Number	Modified By	Modifications Made	Date Modified	Status
1	SJ	Draft	26/09/2025	Completed
2	DSL	Final	21/10/2025	Completed

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Table 1 Abbreviations and Acronyms

APZ	Asset Protection Zone
ARKS	Areas of Regional Koala Significance
AS/NZS 1596:2014	Australian Standard – Storage and handling of LP Gas
AS/NZS 1221:1997	Australian Standard – Fire hose reels
AS2419:2021	Australian Standard – Fire hydrant installations
AS2441:2017	Australian Standard – Fire hose reels installation
AS3959:2018	AS3959:2018 Construction of buildings in bush fire prone land
BAL	Bush fire Attack Level
BCA	Building Code of Australia
BFAR	Bush Fire Assessment Report
BLA	Broader Landscape Assessment
BPAD	Bush Fire Planning and Design
BPL Map	Bush fire Prone Land Map
BPMs	Bush fire Protection Measures
BEMC	Bushfire Environmental Management Consultancy P/L
BV	Biodiversity Values
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
FFDI	Forest Fire Danger Index
FZ	Flame Zone
GFDI	Grass Fire Danger Index
ha	Hectare
HOC	Heat Of Combustion
IPA	Inner Protection Area
ISSC	Industry Safety Steering Committee
kJ/kg	Kilo Joules per Kilo gram
km/hr	Kilo metre per hour
LAT	Large Air Tanker
LiDAR	light detection and ranging
NASH	National Association of Steel-Framed Housing
NCC	National Construction Code
NSW	New South Wales
F&R	Fire and Rescue
OPA	Outer Protection Area
PBP 2019	Planning for Bush fire Protection 2019
RFS	Rural Fire Service
RHG	Restricted Head Growth
SEED	Sharing and Enabling Environmental Data in NSW
SFR	Short Fire Run
WM Act	<i>Water Management Act 2000</i>

1 EXECUTIVE SUMMARY AND RECOMMENDATIONS

BEMC Pty Ltd was engaged by Owen Jeong to complete a Bush Fire Assessment Report (BFAR) on proposed subdivision located at 82 Smiths Road, Emerald Beach, NSW, 2456 - Lot 1 / DP 1220096 (**Figure 1, page 7**). The proposed development includes a1 into 2-lot subdivision.

The intent of this report is to assess the bushfire landscape risk, support the NSW governments position to provide new and affordable housing while reducing process and assess the proposal applying Method 1 assessment pathway from Planning for Bushfire Protection 2019 (PBP 2019) to prepare this BFAR.

Based upon the assessment, perusal of the site plan (**Appendix 1, page 29**), and a site visit, it is recommended that development consent be granted subject to the following conditions to comply with PBP 2019:

Recommendation 1 - Asset Protection Zones

At the commencement of building works and in perpetuity both proposed lots shall be maintained as an inner protection area (IPA) as outlined within Appendix 4 of PBP 2019 and the NSW RFS document standards for asset protection zones:

Recommendation 2 - Landscaping

The identified APZ within the subdivision surrounding proposed building envelopes currently complies with Asset Protection Zone standards' as of Appendix 4 of PBP 2019.

Recommendation 3 - Construction

BE of >225m² within a BAL 29 or lower area is provided on proposed lot 2 and complies with acceptable solutions.

Recommendation 4 - Access

Access to the property and development site is noted on **Figure 2, page 8** of this report and in the site plan provided in **Appendix 1, page 29**.

The access between the public road and boundary of proposed lot 2 shall:

- Private property access shall be two-wheel drive, all weather roads.
- The capacity of private property access of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating.
- Minimum carriageway width of 4m,
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches,
- The minimum distance between inner and outer curves is 6m,
- The crossfall is not more than 10°,
- Maximum grades for sealed roads do not exceed 15° and not more than 10° for unsealed roads,

Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. the gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Recommendation 5 - Water Supply

The proposed layout provides ample opportunity for future residential development on proposed lot 2 to comply with static water acceptable solutions.

A compliant static water supply is provided for the existing dwelling on proposed lot 1.

Recommendation 6 - Electricity services

Where possible electricity should be placed underground. If overhead power supply is provided, lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

Recommendation 7 - Gas services

The proposed layout provides ample opportunity for future residential development to comply with gas acceptable solutions.

Furthermore, the applicant wishes the Commissioner, when determining the application, to consider whether it would be appropriate for the future erection of the dwelling houses, dual occupancies or secondary dwellings concerned to be excluded from the application of section 4.14 of the *Environmental Planning and Assessment Act 1979*.

Consent conditions referred to in this report can be applied for subsequent 'build-outs'. Furthermore, BAL29 easements shall be identified on the title of individual lots to ensure 'build-outs' conform with bushfire requirements.

Finally, the implementation of the adopted measures and recommendations forwarded within this report comply with Planning for Bush fire Protection (2019) and will contribute to the amelioration of the potential impact of any bush fire upon the development, but they do not and cannot guarantee that the area will not be affected by bush fire at some time.



Figure 1 Property Location of 82 Smiths Road, Emerald Beach, NSW, 2456 - Lot 1 / DP 1220096 (Mecone Mosaic, 2025)



2 INTRODUCTION

BEMC Pty Ltd was engaged by Owen Jeong to complete a Bush Fire Assessment Report (BFAR) to accompany a Development Application for a proposed subdivision at 82 Smiths Road, Emerald Beach, NSW, 2456 - Lot 1 / DP 1220096, hereafter referred to as the 'site' (**Figure 1, page 7**).

It is clear from the investigation and assessment of the property that the site is located within bush fire prone land.

The identification of bush fire prone lands (BPL Map) in NSW is required under S. 10.3 of the Environment Planning and Assessment Act 1979 (EP&A Act)^{1 2 3}. S. 4.14 of the EP&A Act requires developments to comply with NSW Rural Fire Service (RFS) Planning for Bushfire Protection 2019 (PBP 2019)⁴ if any part of a development site is affected by a bush fire hazard as indicated within the BPL Map.

This development falls within bush fire affected land within the Coffs Harbour Council BPL Map which triggers development assessment provisions under S. 100B (1)(c) Rural Fires Act (1997) and compliance with PBP 2019. The consent authority may consult with the RFS under S. 4.15 of the EP&A Act for development in bush fire prone lands.

If the applicant determines that the project is integrated through the Development Application process, this document can support an application for *General Terms of Agreement* via a *Bush Fire Safety Authority* (BFSA) from NSW Rural Fire Service (RFS) as the report adheres to the requirements of S 45 of the *Rural Fires Regulation 2013*⁵ (RF Regs), Appendix 1, A2.1, A2.1.1 of PBP 2019.

The proposed development is listed in S. 100B (1)(c) *Rural Fires Act (1997)*⁶. The proposed development is not listed under s 46 of the *Rural Fire Regulation 2013 (RF Regs)* excluded from requirements for BFSA.

Site Particulars are illustrated within **Table 2 below** and **Figure 1, page 7**, and subdivision plans in **Appendix 1, page 29**.

2.1 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development includes 1 lot into 2 lot subdivision. As a result, the required objectives subdivision Development have been considered in this assessment.

2.2 OBJECTIVES OF ASSESSMENT

To assess the proposed development in consideration of s4.14 of the EP&A Act 1979, PBP 2019 and AS 3959:2018 to enable council to make a determination.

This report assesses whether the development meets the six objectives listed in section 1.1 of PBP 2019, which provide for the protection of human life and minimize impacts on property as follows:

¹ Environmental Planning & Assessment (1975) No 203 <https://legislation.nsw.gov.au/>

² Environmental Assessment Legislation Amendment Act (2002). Accessed online:

<https://www.legislation.nsw.gov.au/#/view/act/1979/203>

³ Environmental Planning & Assessment Amendment (Planning for Bush Fire Protection) Regulation 2007, accessed online:

<https://www.legislation.nsw.gov.au/regulations/2014-285.pdf>

⁴ NSW Rural Fire Service (2019). Planning for Bushfire Protection – A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners, NSW Rural Fire Service.

⁵ Rural Fires Regulation (2013), accessed online: <https://www.legislation.nsw.gov.au/#/view/regulation/2013/488>

⁶ Rural Fires Act (1997), Accessed online: <https://www.legislation.nsw.gov.au/#/view/act/1997/65>

1. Afford buildings and their occupants protection from exposure to a bushfire.
2. Provide for a defensible space to be located around buildings.
3. Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings.
4. Ensure appropriate operation access and egress for emergency services personnel and residents is available.
5. Provide for ongoing management and maintenance of Bush fire Protection Measures (BPMs); and
6. Ensure the utility services are adequate to meet the needs of firefighters.

2.3 SPECIFIC OBJECTIVES OF RESIDENTIAL AND RURAL RESIDENTIAL SUBDIVISIONS

The aims and objectives listed in section 1.1 of PBP 2019 remain applicable to residential and rural residential development, however further consideration has been given to these types of developments to ensure BPMs are fully incorporated at the design stage of the development. The specific objectives of residential and rural residential development are outlined in section 5.2 of PBP 2019 are:

- Minimise perimeters of the subdivision exposed to the bush fire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided).
- Minimise vegetated corridors that permit the passage of bush fire towards buildings.
- Provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests.
- Ensure that APZs between a bush fire hazard and future dwellings are effectively designed to address the relevant bush fire attack mechanisms; ensure the ongoing maintenance of APZs.
- Provide adequate access from all properties to the wider road network for residents and emergency services.
- Provide access to hazard vegetation to facilitate bush fire mitigation works and fire suppression; and
- Ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.

3 BROADER LANDSCAPE ASSESSMENT

Planning for Bushfire Protection (2019) is based on the worst-case scenarios for each of the bush fire behaviour elements of fire weather, vegetation, slope and assumes no human intervention. All development shall be assessed on an individual basis as broad-brush approaches of documents such as PBP 2019 may not be applicable in every instance.

The Broader Landscape Assessment (BLA) examines the area external to the requirements of the planning proposal, extending for approximately two kilometres. The assessment includes an understanding of the bushfire hazards (vegetation extent), the broader road network, proximity to townsites, emergency response capacities, urban areas and suitable destinations within a context of increasing fire behaviour and exposure within the life of the development. It provides a means of quantifying the characteristics and the potential for a landscape scale bushfire when considering the suitability and risk to the development. The BLA utilises a point-based assessment process to quantify the landscape risk. This enables the identification of the **actual** bushfire risk and determines if strict adherence to PBP 2019 is warranted, and if a proposed development is appropriate in the bush fire hazard context.

Table 2 Bush fire risk strategic study

ELEMENT	0 points	1 point	3 points	5 points	SCORE
LAND-USE					
Will the proposed development impact on adjoining lands	Positive impacts on the ability of adjoining landowners to implement Bush fire Protection Measures.	Reduce the requirements of adjoining landowners to implement Bush fire Protection Measures	Adjoining landowners will be required to increase Bush fire Protection Measures	Significantly inhibit adjoining landowners to implement Bush fire Protection Measures.	0
Will the proposed development impact on utilities or add hazards	Positive impacts on utilities or add hazards.	Minor impact on utilities or add hazards although considered within planning constraints.	Major impact on utilities or add hazards.	The wildfire risk profile of significant infrastructure will increase due to this development.	1
Community profile	High social-economic connected community	Rural disconnected community	Low social-economic connected community	Vulnerable development	1
Catastrophic landscape Wildfire Behaviour	Not possible given the broader landscape.	Unlikely given the broader landscape.	Likely given the broader landscape.	Very likely given the broader landscape.	1

ELEMENT	0 points	1 point	3 points	5 points	SCORE
EMERGENCY RESPONSE					
Proximity to potential built refuge	Within 5km	5-10km	10-50km	>50km	1
Impact on the ability of emergency services to respond, within fire growth period	Within 5-minutes of a fire stations (RFS or F&R)	Within 45-minutes of >5 fire stations (RFS or F&R)	Within 45mins-minutes of >5 fire stations (RFS or F&R)	<5 fire stations (RFS or F&R) within 45 hr	1
Proposed development within aviation response areas	Located within 15 minutes flight from a Large Air Tanker (LAT) airbase	located within 15-30 minutes flight from a Large Air Tanker (LAT) airbase	located more than 30-minute flight from a Large Air Tanker (LAT) airbase	It is unlikely aviation services deployed to this location.	1
WATER					
Water availability	Stand-alone, visual dedicated firefighting water provided	Relies on water system <70m of furthest elevation of building	Relies on water system >70m of furthest elevation of building	Relies on natural water supplies (dams, creeks etc.)	1
ACCESS					
Local road pattern is suitable during a bushfire	Multiple evacuation routes are possible and connect with the public road network in a direction away from the wildfire threat to refuge location.	More than one egress routes are provided from the property to a safer location.	One egress route is provided, which is <200m from the property to a safer location.	Only one access or egress route with no nearby safe location.	1
Relationship between hazard and vehicle access	Seamless integration with existing settlement - no effect on evacuation.	Short bushland pinch points that may restrict access temporarily or carry fire across roads. Unlikely impact on evacuation.	Pinch points that are likely to restrict access along evacuation routes for short periods (15-30mins) and carry fire across roads.	Large areas of bushland or multiple pinch points along evacuation routes that could block evacuation routes for an extended time.	1
FUEL HAZARD					
Vegetation continuity	Forested vegetation beyond 140m from the site is scattered with low	Forested vegetation beyond 140m from the site is scattered and isolated,	Patches of forested vegetation associated riparian and isolated	Continuous forested areas within mountainous terrain beyond 140m from the site	1

ELEMENT	0 points	1 point	3 points	5 points	SCORE
	continuity due to urban development.	forming a dominate fast moving grassland or open woodland fire event.	ridgelines beyond 140m from the site may result in localised forest fire event.	will result in broadscale landscape emergency management operations.	
Vegetation connectiveness	Forested vegetation corridors beyond 140m are restricted and do not enable landscape fire to enter and move through the site by a continuous fire path.	Forested vegetation corridors beyond 140m from the site exist, although separation >100m between forested vegetation restricting the fire head growth	Forested vegetation corridors beyond 140m from the site exist, although separations <100m existing providing some impact on fire head growth.	Forested vegetation corridors beyond 140m from the site provide for passage of landscape fire to enter and move through the site.	3
Vegetation Location	Wildfire within forests can only approach from one direction surrounded by a suburban, township or urban area managed in a minimum fuel condition.	Wildfire within forests can approach from two directions and the site is within a suburban, township or urban area managed in a minimum fuel condition.	Wildfire within forests can approach from several directions although gaps within forested vegetation are present.	Wildfire within forests can approach from several directions and have hours or days to grow and develop before impacting the site.	0
Separation	Hazard separation between forested hazard and buildings of greater than 100m.	Hazard separation between forested hazard and buildings of 50-100m	Hazard separation between forested hazard and buildings of 30-50m	Hazard separation between forested hazard and buildings of <30m	3
Vegetation flammability	Within the dominated fire direction, the fire fuel is restricted to surface, partially managed and separated through land use practises.	Within the dominated fire direction, the fire fuel is highly aerated, with significant separations (>50m) between these patches with partially managed vegetation between.	Within the dominated fire direction, the fire fuel is highly aerated, with <50m between these patches with partially managed vegetation between	Within the dominated fire direction, the fire fuel is highly aerated, continuous continuity vertically and horizontally with flammable species.	3
TOTAL					19

3.1 BROADER LANDSCAPE ASSESSMENT RECOMMENDATIONS

The BLA provides a quantifiable assessment of the landscape risk to guide the appropriate level of bushfire protection measures to mitigate bushfire risk to acceptable levels. Future changes in weather ^{7 8 9} have been considered within this assessment and the requirements for bushfire protection measures to be adequate for the life of the property.

The site has an accumulated score between **15 - 30** is considered **MODERATE** risk, strict compliance with PBP 2019 is not warranted and minor deviations from the acceptable solutions of PBP within prior consultation with NSW RFS through a PRE-DA process and applying fire engineering to calculated accurate radiant heat exposures are warranted to achieve acceptable risk level.

Consider 4.15(1)(c) of the EP8&A act which provides a mandatory consideration of the ‘suitability of the site for the development’, and simply complying with PBP2019 may not be adequate for some sites. The BLA illustrates the site is suitable from a bushfire perspective.

⁷ Clarke, H., Lucas, C., Smith, P., 2012. Changes in Australian fire weather between 1973 and 2010, International Journal of Climatology. DOI: 10.1002/joc.3480

⁸ Douglas, G., 2017. Property Protection from Extreme Bushfire Events under the Influence of Climate Change. Doctor of Philosophy at the Western Sydney University, Sydney, Australia

⁹ Lucas, C. 2010. On developing a historical fire weather data-set for Australia. Australian Meteorological and Oceanographic Journal. 60.1-14

4 BUSHFIRE HAZARD ASSESSMENT

This section details the site assessment methodology in Appendix 1 of PBP2019 and includes the requirements of s44 of the RF Regs. It provides detailed analysis of the vegetation, slope, vegetation exclusions and downgrades to quantify the required Bush fire Protection Measures (BPMs).

4.1 FIRE DANGER INDEX

This assessment utilises Coffs Harbour Council area with a Forest Fire Danger Index (FFDI) of 80.

4.2 ASSESSMENT METHODOLOGY

The assessment of the vegetation, slope and other bush fire characteristics within and surrounding the site has been carried out with the aid of the following:

- Nearmap, sixmap aerial photograph interpretation.
- Kogan 6*25 laser distance finder.
- Photo theodolite application supported by contour and LiDAR DEMs terrain profiles¹⁰.
- Regional vegetation community mapping Sharing and Enabling NSW Environmental Data (SEED Portal)¹¹
- Site visit in September 2025.

4.3 VEGETATION ASSESSMENT

In accordance with PBP 2019, an assessment of the vegetation over 140m in all directions from the building was undertaken. Consideration is provided to any clearing, re-vegetation or landscaping likely to occur to obtain the worst-case scenario and derived maximum fuel loads.

Vegetation that may be considered a bush fire hazard was identified and classification based on available fuel loads for sub-formations are provided through vegetation fuel monitoring project administered by the University of Wollongong, University of Melbourne and CSIRO Ecosystems Science and Bush fire Dynamics and Applications. The results of this research are commonly referred to as the '*NSW Comprehensive Fuel Loads*'¹².

An arborist and/or a biodiversity report has not been provided to inform the vegetation assessment.

There are no stream order watercourses within the 140m assessment area in accordance with the *Water Management Act 2000* (WM Act)¹³.

Vegetation within the 140m Assessment area is identified within the Biodiversity Values (BV) Map provided in **Appendix 4, page 35**. This vegetation is not proposed to be impacted on by bush fire protection measures.

The area is identified within the Areas of Regional Koala Significance (ARKS).

¹⁰ Elevation Foundation Spatial Data (ELVIS), ANZLIC licence committee on survey and mapping. Accessed online: <https://elevation.fsd.org.au/>

¹¹ The Central Resource for Sharing and Enabling Environmental Data in NSW (SEED Portal) NSW Government State Vegetation Type Map (SVTM)- Current Release C1.1.M1.1 (December 2022) accessed online : <https://datasets.seed.nsw.gov.au/dataset/nsw-state-vegetation-type-map>

¹² NSW Rural Fire Service (2019). Comprehensive vegetation Fuel Loads, Fact sheet V8, NSW Rural Fire Service. Sydney

¹³ Water Management Act (2000), accessed online: <https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092>

SEED Portal (State Vegetation Type Mapping) and where available regional vegetation community mapping has been analysed to determine the vegetation in and around the development, which is illustrated in **Figure 3, below**.

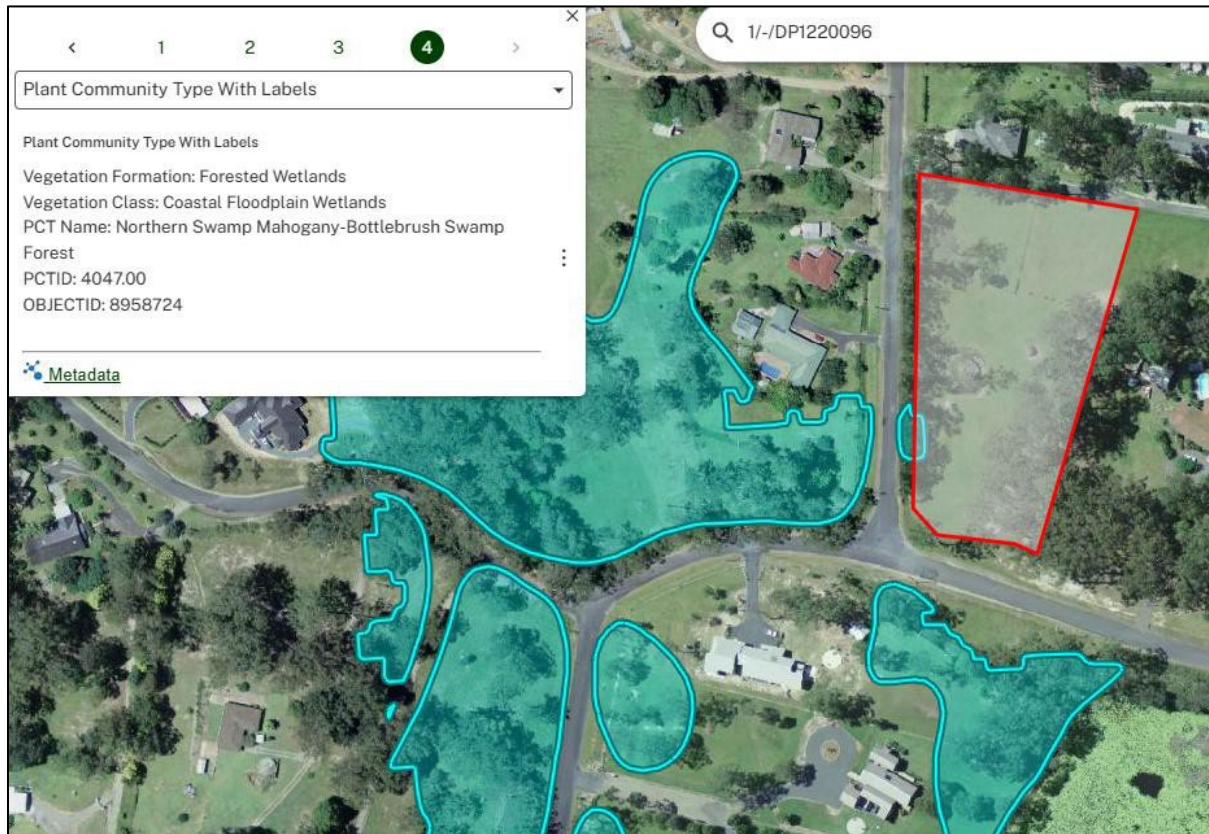


Figure 3 Vegetation in and around the site (Extract from the SEED Portal)

4.3.1 Vegetation classification, exclusions, and downgrades

The exposure to bushfires in urban reserves (vegetation surrounded by residential development) is significantly less than communities exposure to bushfire on the Wildland Urban Interface (urban development adjacent to contiguous native forested areas). Both elements of risk, being likelihood and consequence are significantly different in these scenarios due to the fire behaviour differences these situations. The vegetation to the north-east and south-west of the proposed development site does not satisfy A1.9; A1.10 or A1.11 of PBP 2019, although does not fulfill the vegetation criteria of a AS3959 fire (akin to a Wildland Urban Interface fire). To better reflect the fire behaviour and risk factors of small patches of urban vegetation, this vegetation has been downgraded to fire fuel loads akin to *Rainforest*.

4.3.2 Predominant Vegetation Classification

Vegetation in and around the site is classified as *Northern Swamp Mahogany-Bottlebrush*. In this case, the simplified analysis has been performed, hence the vegetation has been classified as *Rainforest* in accordance with *PBP 2019*.

4.4 SEPARATION ASSESSMENT

The separation between the proposed building envelope and the classifiable vegetation that creates bush fire threat one of the significant BPMs to reduce the risk of bush fire impacting on the development. The land within the separation must conform to the standards of an Asset Protection Zones to be accepted within the separation areas.

The separations between the classifiable vegetation and the proposed dwellings are provided in **Table 3, page 18**, illustrated in **Figure 2 page 8**.

4.5 SLOPE ASSESSMENT

This section details the site assessment methodology in Appendix 1 of PBP2019 to assess the effective slope (under classified vegetation) and site slope (slope between the vegetation and proposed development) within the 100m of the proposed building envelope.

The effective and site slopes use within this assessment are provided in **Table 3, page 18** illustrated in **Figure 2 page 8**.

4.6 EFFECTIVE AND SITE SLOPE ASSESSMENT

The slope of the land under the classified vegetation has a direct influence on the rate of fire spread the intensity of the fire and the ultimate level of radiant heat flux.

The effective slope is the slope of the ground under the hazard (vegetation). The slope between the vegetation and the proposed building envelope is the site slope. When identifying the effective and site slopes, it may be found that there are a variety of slopes covering different distances. The effective slope is the slope under the vegetation which will most significantly influence the bush fire behaviour for each aspect.

The topography of the site and surrounds has been assessed to identify the maximum slope present under the classified vegetation (hazard). Slope data has been calculated from a 1m light detection and ranging (LiDAR) digital elevation model. The source data sets have been captured to standards that are generally consistent with the Australian intergovernmental committee on survey and Mapping LiDAR¹⁴. Acquisition Specifications with require a fundamental vertical accuracy of at least 0.30m (95% confidence) and horizontal accuracy of at least 0.80m (95% confidence). The fire run arrows indicated in **Figure 4, page 18** represents the slope calculated across the length of the arrow (worst case scenario fire run) utilising LiDAR data within ERSI software. These values help determine the vegetation that poses a bush fire threat and the slope that influences fire behaviour.

4.7 SHIELDING

Where an elevation is shielded from direct radiant heat arising from bush fire attack, then the construction requirements for that elevation can be reduced to the next lower BAL rating. An elevation is deemed to be not exposed to the source of bush fire attack if all the straight lines between that elevation and the source of bush fire attack are obstructed by another part of the building.

The shielding of an elevation shall apply to all the elements of the wall but shall not apply to subfloors or roofs. The construction requirements for a shielded elevation shall not be less than that required for BAL-

¹⁴ Elevation Foundation Spatial Data (ELVIS), ANZLIC licence committee on survey and mapping. Accessed online: <https://elevation.fsdf.org.au/>

12.5 unless the building has been assessed as being BAL-LOW. The reduced construction requirements do not apply where any elevation is BAL-FZ.

Outcomes of the Bushfire Attack Level assessment implementing Method 1 PBP 2019 are outlined in **Table 3, below**.

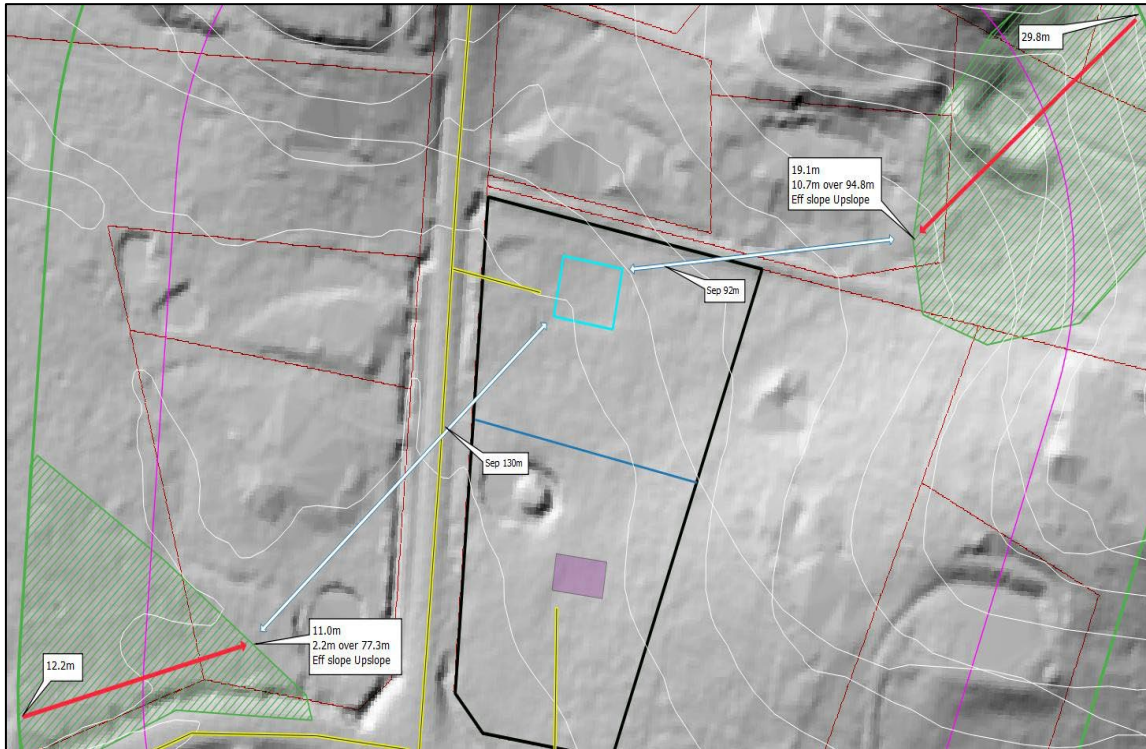


Figure 4 LiDAR slope analysis

Table 3 Bushfire Hazard Assessment (Method 1 PBP 2019)

Elements	Method (unit)	Fire Run 1	Fire Run 2
Vegetation	PBP 2019	Rainforest	Rainforest
Separation	Spatial analysis	130	92
Effective slope	Site visit – Theodolite (°)	Upslope	Upslope
Fire Danger Index	Council Area	80	80
OUTPUTS - Table A1.12.6 of PBP 2019			
BAL FZ		<7m	<7m
Separation to Achieve BAL 40		7 - < 9m	7 - < 9m
Separation to Achieve BAL 29		9 - < 14m	9 - < 14m
Separation to Achieve BAL 19		14 - < 20m	14 - < 20m
Separation to Achieve BAL 12.5		20 - < 100m	20 - < 100m
Bush fire Attack Level (BAL)		BAL -LOW	BAL 12.5

5 ADDITIONAL S. 45 RURAL FIRES REG

S. 45 of the RF Reg indicates the assessment requirements for S. 100B RF Act developments to obtain a bush Fire Safety Authority. This section illustrates the remaining elements identified within S. 45 of the RF Reg that are not covered within bush fire hazard assessment process (section 3 and 4 of this report) or within the performance criteria of PBP 2019 (section 6 of this report).

5.1 CL (2) (E) AND (F) S.45 RF REGS - THREATENED SPECIES, POPULATIONS AND COMMUNITIES

A search on the NSW Government Central Resource for Sharing and Enabling Environmental Data for significant environmental values was completed.

The search identified no Critical Endangered Ecological Communities (CEEC) or species listed under the *Biodiversity Conservation Act 2016* near or within the site.

The results of the Sharing and Enabling Environmental Data is provided in **Appendix 3, page 34**.

There will be no additional impacts on natural heritage values.

Vegetation within the 140m Assessment area is identified within the Biodiversity Values (BV) Map provided in **Appendix 4, page 35**. This vegetation is not proposed to be impacted by the application of bushfire protection measures (such as APZ and access).

A search of the Aboriginal Historic Information Management System (AHIMS) was completed on the 26th September 2025 which indicated the development area is not known to have any Aboriginal significance.

The output of the search is provided in **Appendix 5, page 36**.

There will be no additional impacts on cultural heritage values.

5.2 CL (2) (G) ADDITIONAL BUSH FIRE ASSESSMENT

The capacity of nearby public roads to handle increased volumes of traffic when a bush fire emergency occurs.

The surrounding public road system is two-way, sealed with multiple routes to safer places away from the bush fire threat. This designed will be able to accommodate the elevated level of traffic created by this development.

Whether or not nearby public roads that link with the fire trail network have two-way access.

No linkages between the public road system and fire trails exist within the assessment area.

The adequacy of sprinkler systems and other fire protection measures to be incorporated into the development.

There are no bushfire spray systems or fire protection measure proposed outside the performance criteria.

Registered fire trails on the property.

No registered fire trails are located on the property.

6 BUSHFIRE ASSESSMENT AND PERFORMANCE MEASURES

This section assesses Bushfire Performance Measures (BPMs) for the proposed development at 82 Smiths Road, Emerald Beach, NSW, 2456 - Lot 1 / DP 1220096 in consideration of the acceptable solutions required for each performance criteria within PBP 2019. Outcomes are outlined in **Table 4**, below. Where acceptable solutions are not met details of the performance-based solution are provided.

Table 4 Planning for bush fire protection compliance (PBP 2019) - Chapter 5 – Rural and Residential subdivisions developments on bushfire prone lands

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTION	COMPLIANCE for 82 Smiths Road, Emerald Beach, NSW, 2456 - Lot 1 / DP 1220096
APZs	Potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m ² on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI.	COMPLIES - ACCEPTABLE SOLUTION A 9m APZ is provided in accordance with Table A1.12.3.
	APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4.	At the commencement of building works and in perpetuity the APZ identified in Figure 2 of this report shall be maintained as an inner protection area (IPA) as outlined within Appendix 4 of PBP 2019 and the NSW RFS document standards for asset protection zones ¹⁵ .
	The APZs is provided in perpetuity	APZs are wholly within the boundaries of the development site	COMPLIES - ACCEPTABLE SOLUTION The APZ is not wholly within the site boundaries, although complies with section 3.2 of PBP 2019.
	APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees.	COMPLIES - ACCEPTABLE SOLUTION The APZ is not located on land >18 degrees slope.

¹⁵ NSW Rural Fire Service (2005). Standards for Asset Protection Zones. NSW Rural Fire Service, Sydney.

ELECTRICITY	Location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.	• Where practicable, electrical transmission lines are underground; and • Where overhead, electrical transmission lines are proposed as follows: ○ Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and ○ No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.	COMPLIES - ACCEPTABLE SOLUTION The existing electrical supply to the local area is via overhead electrical transmission. Periodic inspection should be undertaken to ensure the lines into the private property are not fouled by the growth of trees. Landscaping and vegetation should be maintained to comply with Energy Australia 'Vegetation Safety Clearances' (NS179, April 2002)¹⁶.
GAS	Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	• Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used. • All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side. • Connections to and from gas cylinders are metal. • Polymer-sheathed flexible gas supply lines are not used; and • Above-ground gas service pipes are metal, including and up to any outlets	COMPLIES - ACCEPTABLE SOLUTION Any reticulated or bottled gas shall be installed and maintained in accordance with the below requirements as outlined in Table 7.4a of PBP: ▪ Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014¹⁷ and the requirements of relevant authorities, and metal piping is used. ▪ All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side. ▪ Connections to and from gas cylinders are metal. ▪ Polymer-sheathed flexible gas supply lines are not used; and ▪ Above-ground gas service pipes are metal, including and up to any outlets.
LANDSCAPING	Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential	• Landscaping is in accordance with Appendix 4; and • Fencing is constructed in accordance with section 7.6.	COMPLIES - ACCEPTABLE SOLUTION The identified APZ within the subdivision surrounding proposed building envelopes currently complies with Asset Protection Zone standards' as of Appendix 4 of PBP 2019.

¹⁶ Minimum Vegetation Clearances for Power Lines, ISSC3 - NSW Resources and Energy - NSW Government Accessed online: <https://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/electricity-networks/safety/ISSC3-guideline-for-managing-vegetation-near-power-lines.pdf>

¹⁷ Councils of Standards Australia (2002), AS 1596:2002: Storage and handling of LPG Gas. SAI Global

	for wind-driven embers to cause ignitions.		
ACCESS (GENERAL REQUIREMENTS)	Firefighting vehicles are provided with safe, all-weather access to structures.	• Property access roads are two-wheel drive, all-weather roads. • Perimeter roads are provided for residential subdivisions of three or more allotments. • Subdivisions of three or more allotments have more than one access in and out of the development. • Traffic management devices are constructed to not prohibit access by emergency services vehicles. • Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient. • All roads are through roads. • Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end; • Where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road. • Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; and • One way only public access roads are no less than 3.5 metres wide and have designated	MADE CONDITION OF CONSENT Firefighting vehicles access shall: • Subdivisions of three or more allotments have more than one access in and out of the development. • Traffic management devices are constructed to not prohibit access by emergency services vehicles. • Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient. • All roads are through roads. • Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end. • Where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road. • Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; • One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

	parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.	
The capacity of access roads is adequate for firefighting vehicles	The capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating.	MADE CONDITION OF CONSENT Firefighting vehicles shall meet the follow requirement: The capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating.
There is appropriate access to water supply	- Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression. - Hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021 - Fire hydrant installations System design, installation and commissioning; and - There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.	COMPLIES - ACCEPTABLE SOLUTION Reticulated water is not provided. A hardened ground surface suitable access for a Category 1 fire appliance to within 4m of the static water supply is provided. Section 5 of AS2419.1:2021 Fire Hydrant Installation provides design requirements of static water supplies. Section 5 stipulates that the static water supply is configured so no less than 50% of the storage is available during maintenance and the required amount of water is available if classified as a shared tank; located not less than 10m from a non-sprinkler protected building; outlets facing the hardstand which is within 4.5m and not within the 10m separation from the building.

PERIMETER ROADS	Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface.	• Are two-way sealed roads. • Minimum 8m carriageway width kerb to kerb. • Parking is provided outside of the carriageway width. • Hydrants are located clear of parking areas. • Are through roads, and these are linked to the internal road system at an interval of no greater than 500m. • Curves of roads have a minimum inner radius of 6m. • The maximum grade road is 15 degrees and average grade of not more than 10 degrees. The road crossfall does not exceed 3 degrees; and • A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.	N/A Perimeter roads are only required for residential subdivisions of three or more allotments. Section 3.4.1 of PBP 2019 indicates '<i>perimeter roads should be provided to separate bush land from urban area</i>'. Perimeter roads are not required for rural subdivision as long as a safe, all-weather access to the hazardous side of the structures which is provided in the recommendations within this report. This proposal is a rural subdivision and perimeter roads are not required. The consent authority shall be made aware of <i>Werry v Kiama Municipal Council</i> [2022] NSWLEC 1230 where it was indicated the alignment and profile of fire trail (access) is something which has warranted quite precise consideration and bushfire consultants are unable to confirm compliance independently.
NON-PERIMETER ROADS	Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating.	• Minimum 5.5m carriageway width kerb to kerb. • Parking is provided outside of the carriageway width. • Hydrants are located clear of parking areas. • Roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m. • Curves of roads have a minimum inner radius of 6m. • The road crossfall does not exceed 3 degrees; and • A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.	N/A Perimeter roads are only required for residential subdivisions of three or more allotments. Section 3.4.2 of PBP 2019 indicates non-perimeter roads are the interconnecting roads between the perimeter road and the existing and/or broader road network'. As perimeter roads are not provided, this development does not require non-perimeter roads. The consent authority shall be made aware of <i>Werry v Kiama Municipal Council</i> [2022] NSWLEC 1230 where it was indicated the alignment and profile of fire trail (access) is something which has warranted quite precise consideration and bushfire consultants are unable to confirm compliance independently.

PROPERTY ACCESS	Firefighting vehicles can access the dwelling and exit the property safely. • There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles. In circumstances where this cannot occur, the following requirements apply: • Minimum 4m carriageway width. • In forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay. • A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches. • Provide a suitable turning area in accordance with Appendix 3. • Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress. • The minimum distance between inner and outer curves is 6m. • The crossfall is not more than 10 degrees. • Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and • A development comprising more than three dwellings has access by dedication of a road and not by right of way.	MADE CONDITION OF CONSENT The access between the public road and boundary of proposed lot 2 shall: • Private property access shall be two-wheel drive, all weather roads. • The capacity of private property access of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating. • Minimum carriageway width of 4m, • A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, • The minimum distance between inner and outer curves is 6m, • The crossfall is not more than 10°, • Maximum grades for sealed roads do not exceed 15° and not more than 10° for unsealed roads, <i>Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. the gradients applicable to public roads also apply to community style development property access roads in addition to the above.</i>
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WATER SUPPLIES	Adequate water supplies is provided for firefighting purposes.	• Reticulated water is to be provided to the development where available. • A static water and hydrant supply is provided for non-reticulated developments or where reticulated water supply cannot be guaranteed; and static water supplies shall comply with Table 5.3d.	COMPLIES - ACCEPTABLE SOLUTION Static water supplied for firefighting purposes. Section 5 of AS2419.1:2021 Fire Hydrant Installation provides design requirements of static water supplies. Section 5 stipulates that the static water supply is configured so no less than 50% of the storage is available during maintenance and the required amount of water is available if classified as a shared tank; located not less than 10m from a non-sprinkler protected building; outlets facing the hardstand which is within 4.5m and not within the 10m separation from the building.
	Water supplies are located at regular intervals, and The water supply is accessible and reliable for firefighting operations.	• Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2021. • Hydrants are not located within any road carriageway; and • Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.	N/A Static water supply provided. NCC requires Static water Supply (SWS) signage shall be provided at the entrance gate from the public road system, at junctions of the private road system along the route and on the static water supply to direct emergency services. SWS signage available for free from your local NSW RFS fire control office.
	Flows and pressure are appropriate	• Fire hydrant flows and pressures comply with Table 2.2 of AS 2419.1:2021.	N/A This report has not tested or determined if the fire hydrant flow and pressures to comply with Table 2.2 of AS 2419.1:2021.
	The integrity of the water supply is maintained	• All above-ground water service pipes are metal, including and up to any taps; and • Above-ground water storage tanks shall be of concrete or metal.	MADE CONDITION OF CONSENT All above-ground water service pipes are metal, including and up to any taps.

7 CONCLUSION AND RECOMMENDATIONS

It is clear from this investigation and assessment that the site is located within Bush fire Prone Land. An assessment in accordance with Appendix 1 of PBP2019 has been undertaken. This BFAR found the classifiable vegetation of *Rainforest* as described by PBP 2019 upslope to the north and west of the site creates a bush fire threat.

In accordance with the provisions of PBP 2019, the recommendations outlined within this assessment will reduce the risk of damage and/or harm in the event of a bush fire event to acceptable levels. Compliance with the below recommendations can be achieved or practically implemented without substantial change to the proposed layout or construction methodology. It is recommended that development consent be granted subject to the following conditions:

Asset Protection Zones

At the commencement of building works and in perpetuity both proposed lots shall be maintained as an inner protection area (IPA) as outlined within Appendix 4 of PBP 2019 and the NSW RFS document standards for asset protection zones:

Landscaping

The identified APZ within the subdivision surrounding proposed building envelopes currently complies with Asset Protection Zone standards' as of Appendix 4 of PBP 2019.

Construction

BE of >225m² within a BAL 29 or lower area is provided on proposed lot 2 and complies with acceptable solutions.

Access

Access to the property and development site is noted on **Figure 2, page 8** of this report and in the site plan provided in **Appendix 1, page 29**.

The access between the public road and boundary of proposed lot 2 shall:

- Private property access shall be two-wheel drive, all weather roads.
- The capacity of private property access of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating.
- Minimum carriageway width of 4m,
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches,
- The minimum distance between inner and outer curves is 6m,
- The crossfall is not more than 10°,
- Maximum grades for sealed roads do not exceed 15° and not more than 10° for unsealed roads,

Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. the gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water Supply

The proposed layout provides ample opportunity for future residential development on proposed lot 2 to comply with static water acceptable solutions.

A compliant static water supply is provided for the existing dwelling on proposed lot 1.

Electricity services

Where possible electricity should be placed underground. If overhead power supply is provided, lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

Gas services

The proposed layout provides ample opportunity for future residential development to comply with gas acceptable solutions.

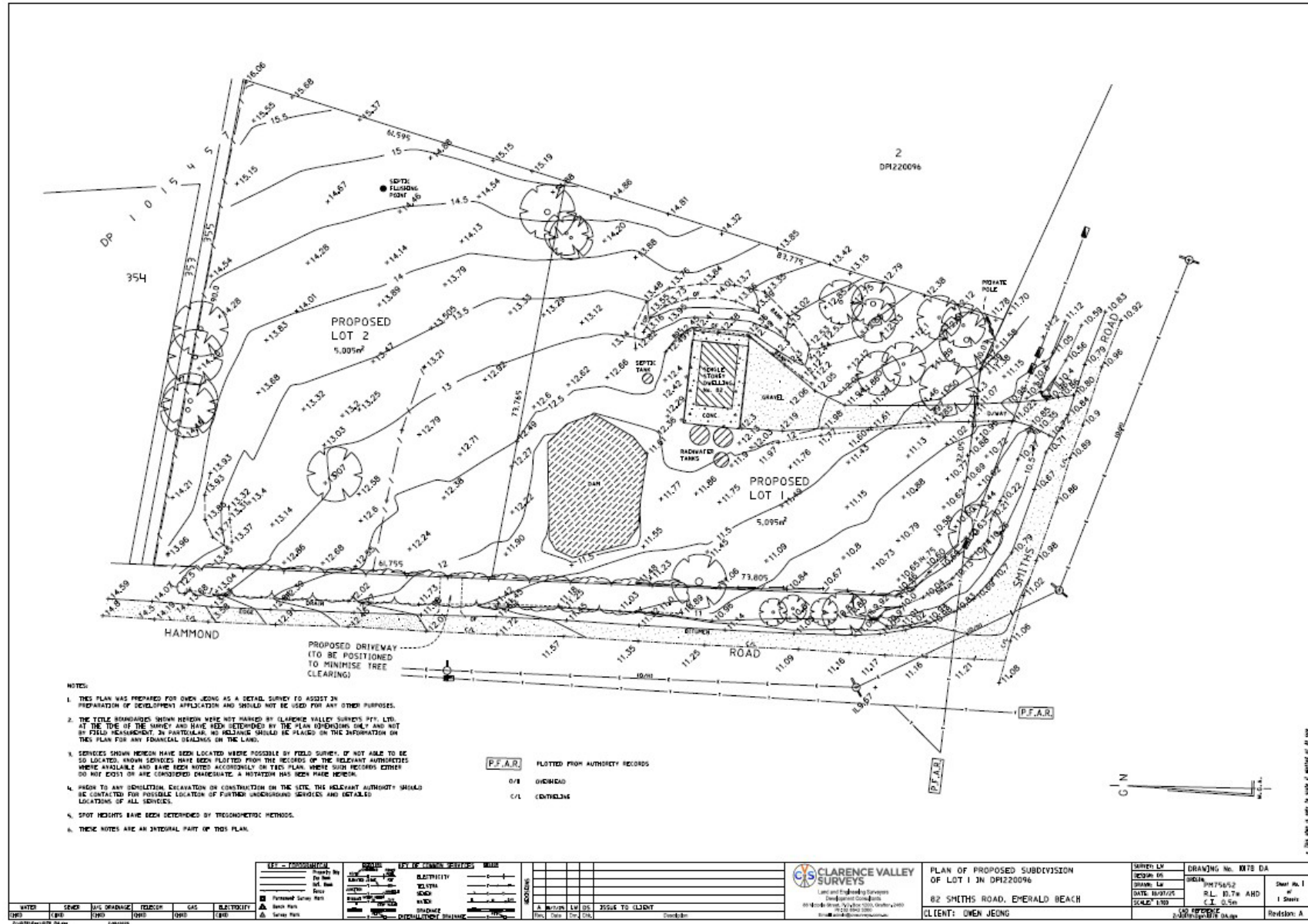
Emergency Management

There are no performance criteria requirements for this type of development within PBP 2019.



8 APPENDIX 1 SUBDIVISION PLANS





9 APPENDIX 2 PLATES (PHOTOGRAPHS)

Plates 1 – 6 depict the elements in and around the site that are considered within the bush fire hazard assessment. The classified vegetation, separations, effective and site slope are identified in **Table 3**, **page 18** and displayed in **Figure 2**, **page 8**.



Plate 1 (P1) Access along Smith Road



Plate 2 (P2) Access along Hammond Road



Plate 3 (P3) Entrance into existing property proposed lot 1



Plate 4 (P4) Compliant Static water supply to existing dwelling on proposed lot 1

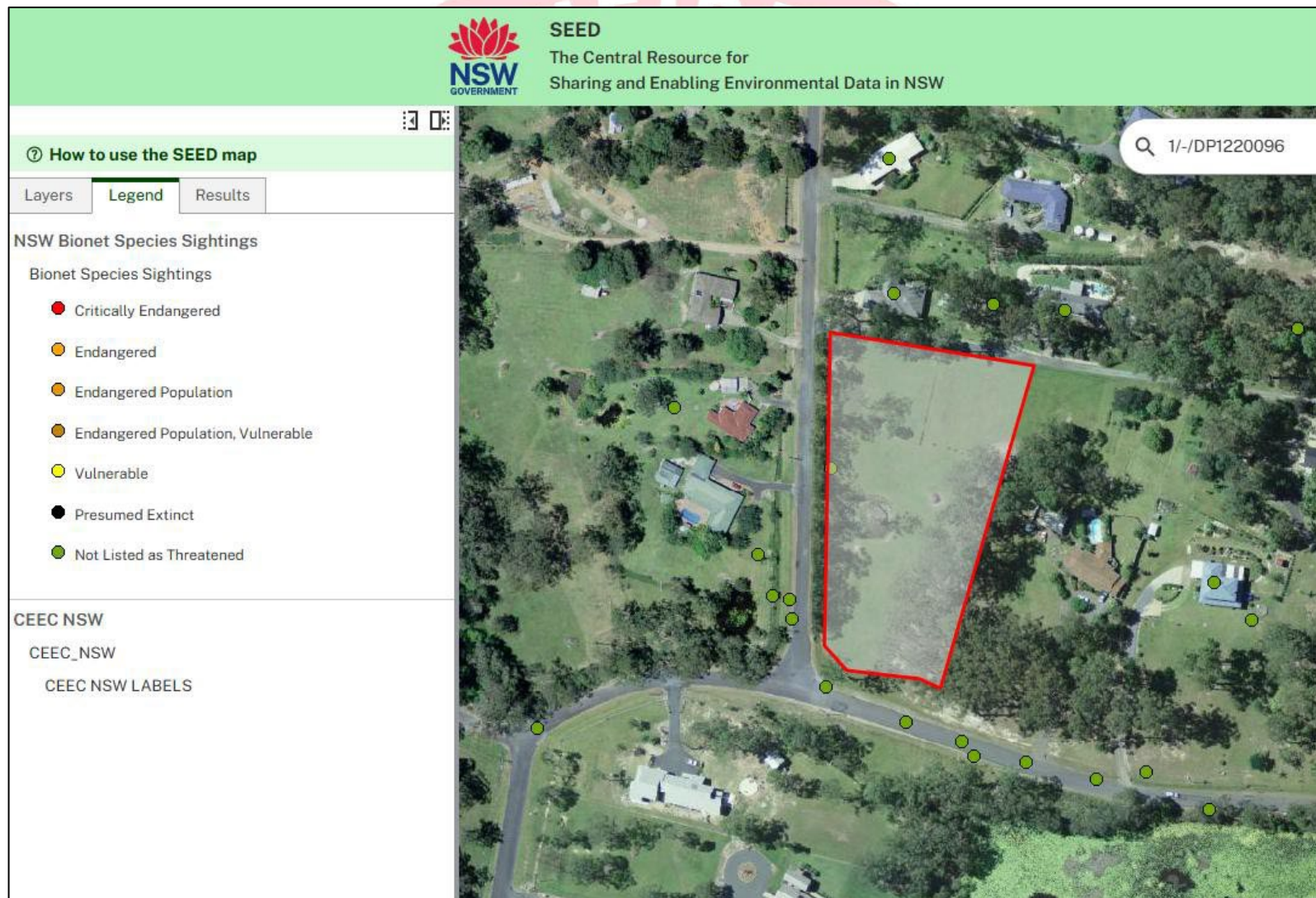


Plate 5 (P5) Vegetation that creates a bushfire threat to the north-east



Plate 6 (P6) Example of managed under storey under canopy in surrounding lots

10 APPENDIX 3 NSW SHARING AND ENABLING ENVIRONMENTAL DATA



11 APPENDIX 4 BIODIVERSITY MAP

Biodiversity Values Map and Threshold Tool

The Biodiversity Values (BV) Map and Threshold Tool identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing.

The map forms part of the Biodiversity Offsets Scheme threshold, which is one of the factors for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. You can use the Threshold Tool in the map viewer to generate a BV Threshold Report for your nominated area. The report will calculate results for your proposed development footprint and determine whether or not you will need to engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR) for your development.

This report can be used as evidence for development applications submitted to councils, native vegetation clearing not requiring development consent in urban areas and areas zoned for environmental conservation under State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 vegetation in non-rural areas.

What's new?

For more information about the latest updates to the Biodiversity Values Map and Threshold Tool go to the updates section on the [Biodiversity Values Map webpage](#).

Map Review: Landholders can request a review of the BV Map where they consider there is an error in the mapping on their property. For more information about the map review process and an application form for a review go to the [Biodiversity Values Map Review webpage](#).

If you need help using this map tool see our [Biodiversity Values Map and Threshold Tool User Guide](#), or contact the Map Review Team at map.review@environment.nsw.gov.au or on 1800 001 490.

12 APPENDIX 5 AHIMS SEARCH



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Coffs Harbour

Client Service ID : 1049292

Duncan Scott-Lawson

Date: 26 September 2025

Attention: Duncan Scott-Lawson

Email: duncan@emconsultancy.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP1220096, Section : - with a Buffer of 50 meters, conducted by Duncan Scott-Lawson on 26 September 2025.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

13 APPENDIX 6 NSW BUSHFIRE PLANNING PROTECTION MEASURES

The following information on building survivability and the application of Bushfire Protection Measures is provided for the landowners and should be considered continually for the life of the development. These measures facilitate meeting the aims and objectives of PBP 2019 and mitigating bushfire risk.

Why do buildings burn during bush fires?

Research has been undertaken over the last decades to analyse and determine the elements that determine the survivability of a building during a bush fire event. As the research is validated, these elements are incorporated into planning documentation that guides construction in bush fire prone areas, such as Australian Standard 3959 and NSW RFS Planning for Bushfire Protection.

Research has illustrated that there are three ways a bush fire impacts a building:

1. Direct flame contact,
2. Radiant heat from the bush fire, and
3. Embers generated by the bush fire.

Most people expect direct flame contact to be the biggest risk to homes in a bush fire, but this is not the case. Over 80% of house loss during bush fires occurs because of ember attack; the burning firebrands of bark, leaves and twigs with winds drive away from the main fire front. They find weaknesses in houses such as gaps, cracks to combustible construction materials and can quickly lead to ignition of the building.

Significantly, vegetation that is established adjacent to the building and within the Asset Protection Zone following the construction of the building, which provides fuel for burning embers to ignite and increase the ignitability of the building. It is critical that the Asset Protection Zone are maintained throughout the life of the property, so that wildfire is not encouraged closer to the building.

The research has illustrated three main passive protection measures are critical to the survivability of a building to a bushfire attack:

1. **The size of the separation between the bushfire threat (unmanaged vegetation) and building;**
2. **The standard of landscaping and vegetation management within the above separation; and**
3. **The construction standards of the building.**

In terms of the above, the following principles should be applied throughout the lifetime of the building:

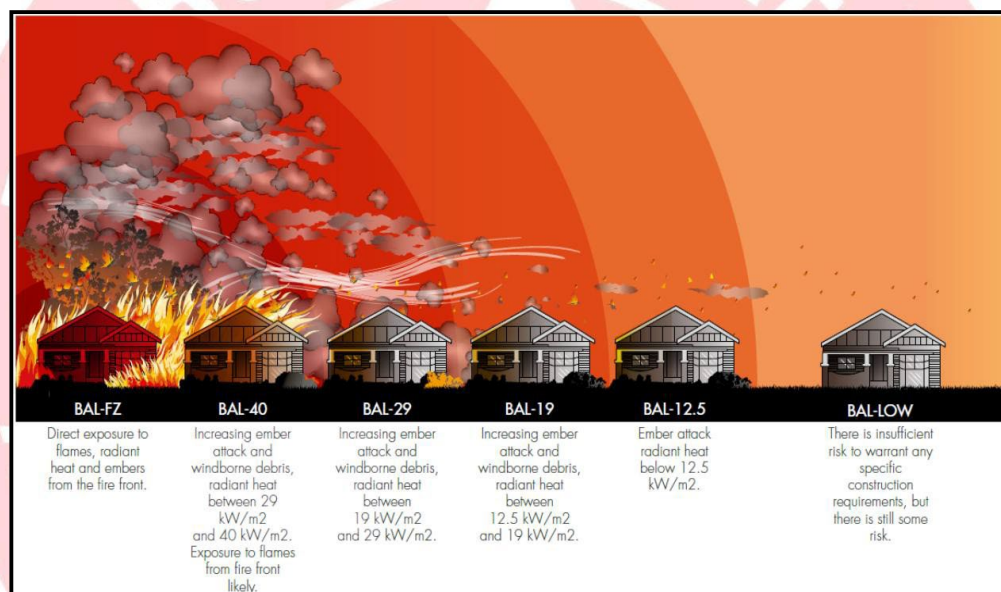
1. Any future alterations and additions to the building are undertaken with materials that comply with the relevant BAL of the building at the time of construction.
2. The separations between the building and bush fire threat (known as the Asset Protection Zones (APZ)) are maintained to low flammability. This means restricted gardens and combustible elements such as timber landscaping and furnishings. It is critical to maintain 'fire hygiene' around the building.

The risk to an existing building, and what improvements can be made can be assessed through The Resilient Building Council found at <https://rbccouncil.org/> and the Bushfire Resilience Rating Home Self-Assessment App <https://rbccouncil.org/resilience-ratings/>.

Australia Standard 3959 Construction of buildings in Bush fire prone areas and Bush fire Attack Level (BAL)

Bush fire Attack Level (BAL) ratings refer to the fire intensity your house is likely to be subjected to in a bush fire, expressed in terms of radiant heat. The BAL assessment forms the construction component of the bush fire assessment process. The other component is the Bush fire planning, which includes Asset Protection Zones (APZ), separation to provide defensible spaces, access, water, electricity, gas, landscaping and emergency management.

Furthermore, the measures contained in the *Australian Standard 3959 Construction of buildings in Bushfire Prone Areas* for each BAL construction level are not for fire resistance. The building will burn. The construction standards are aimed at slowing the ignition and fire spread of the building to provide adequate time to enable occupants to shelter within the building as the bushfire front passes. The degree of vegetation management within the APZ, the unpredictable nature of behaviour of fire, and extreme weather conditions make building adjacent to vegetation very dangerous.



Relationship between fire behaviour and BAL (Western Australian Government, (2017) The WAPC's Guidelines for Planning in Bushfire Prone Areas (Guidelines), [https://www.planning.wa.gov.au/dop/pub/pdf/Bushfire Guidelines Version 1.2 Aug2017.pdf](https://www.planning.wa.gov.au/dop/pub/pdf/Bushfire%20Guidelines%20Version%201.2%20Aug2017.pdf))

Design and Siting

The design and siting of a building can be of critical importance during bush fire attack event. The appropriate design and siting can reduce the impact of bush fire attack mechanisms of direct flame, radiant heat, ember attack, smoke, and wind.

NCC 2022 indicates that the class 1 buildings should be protected from other building fires and provides a minimum 900mm separation between the boundary and dwelling. Consideration should be given to increasing the side-set back to 6m to neighbouring buildings to limit the potential of building-to-building fires. If this separation is not possible, upgrading the elevation facing the adjacent building to BAL40 standards, reducing glazing-to-glazing construction between buildings and other fire protection measures such as sprinklers should be considered when the residential developments are designed.

Key principles to consider when designing and siting a new development include the following:

- Avoid building on ridges, saddles and build on level ground wherever possible.
- Utilise cut-in benches, rather than elevating the building when building on sloping land.
- Avoid raised floors and protect the sub-floor areas by enclosing or screening.
- Provide an appropriate shelter room that is located on the lowest or non-bush fire hazard side of the building, near building exits and provides the occupant views of the outside environment.
- Reduce bulk of building, limit re-entrant corners¹⁸, and incorporate simplified roof that can self-clean of debris.
- No gutters on second or consecutive storeys of building and avoid box gutters.
- If gutters are installed, incorporate gutter guards with a flammability index more than 5 when tested to AS1530.2, or aluminium, bronze, or stainless steel with maximum aperture of 5mm.
- Limit glazing elements on the sides of the building exposed to the bush fire threat and use shutters to protect glazing elements.
- Carparking provided in a location that does not interfere with escape routes.
- Position development so any gas supplies and overhead electricity are positioned not to impede egress to and from the site.
- Class 10a buildings (such as shed, carport, and garages) should be a minimum of 6m away from any other building. Consider the storage of hazardous materials (petrol, kerosene, alcohol, LPG, natural gas, acetylene, vehicle, machinery etc.) within Class 10a buildings when siting in proximity to Class 1a occupied building and escape routes.
- Provide unobstructed access around the entire building supported by a minimum 1.5m wide concreted path to the external wall.

Asset Protection Zones

An APZ is an area surrounding a development that is managed to reduce the bushfire hazard to an acceptable level to mitigate the risk to life and property. The required width of the APZ varies with slope and the type of hazard. An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bush fires. Maintenance to the below standards should be undertaken on an annual basis, in advance of the fire season, as a minimum.

For a complete guide to APZs and landscaping, download the NSW RFS document Standards for Asset Protection Zones at www.rfs.nsw.gov.au/resources/publications.

An APZ can consist of both an Inner Protection Area (IPA) and an Outer Protection Area (OPA) as indicated below. An APZ can include footpaths, lawns, swimming pools, driveways, open space / parkland, car parking, and suitable class 10 structures (fences, pools decks etc).

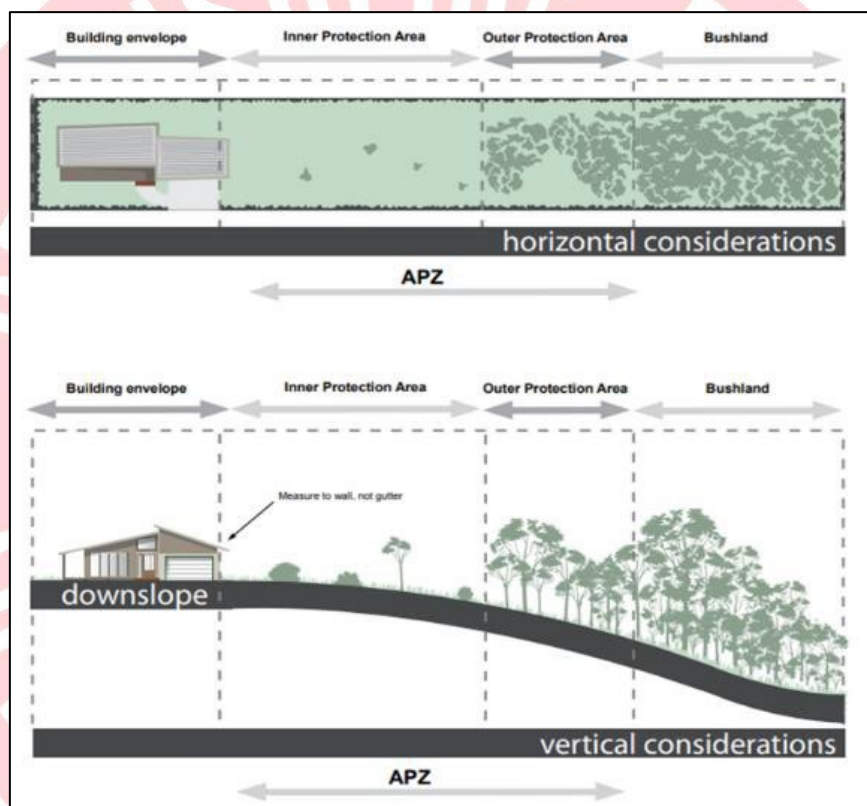
Isolated areas of shrub and timbered vegetation are generally not a bush fire hazard as they are not large enough to produce fire of an intensity that will threaten dwellings. These areas include narrow strips of vegetation along road corridors.

Any areas that are designated Asset Protection Zones, should be delineated by rural fencing, signposted or bollards (whatever is practical in the circumstances) to ensure vegetation creep does not occur and further landowners and ground management are aware that the area is to be maintained for Bush fire protection purposes.

¹⁸ Quarles, S.L., Christine Standohar-Alfano. C., Hedayati, F., Gorham, D. J., 2023. Factors influencing ember accumulation near a building. International Journal of Wildland Fire 32(3) 380-387 <https://doi.org/10.1071/WF22132>



Definition of Asset Protection Zones



Components of an APZ (Figure A4.1 - PBP 2019)

Inner Protection Area (IPA)

The IPA extends from the edge of the OPA to the development. The IPA is the area closest to the asset and creates a fuel-managed area which can minimise the impact of direct flame contact and radiant heat on the development and be a defensible space. The intent of an IPA is to stop the transmission of flame and reduce the transmission of radiant heat by the elimination of available fire fuel. This area also allows airborne embers to fall safely without igniting further outbreaks and provides a safer firefighting position and is operationally important for implementation of clear fire control lines.

In practical terms the IPA is typically the curtilage around the dwelling, consisting of a mown lawn and well-maintained gardens. When establishing and maintaining an IPA the following requirements apply:

- Vegetation within the IPA should be kept to a minimum level. Litter fuels (leaves and vegetation debris) within the IPA should be continually removed and kept below 1cm in height and be discontinuous. There is minimal fine fuel at ground level which could be set alight by a bushfire.
- Canopy cover should be less than 15% (at maturity). Trees (at maturity) should not touch or overhang the building and should be separated by 2 to 5m.
- Lower limbs of canopy trees should be removed up to a height of 2m above ground.
- Preference should be given to smooth barked and evergreen trees.
- Large discontinuities or gaps in the shrub vegetation shall be established to slow down or break the progress of fire towards buildings.
- Shrubs should not be located under trees and not form more than 10% ground cover
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grasses should be kept mown (as a guide grass should be kept to no more than 100mm in height), and
- Woodpiles, wooden sheds, combustible material storage areas, large areas / quantities of garden mulch, stacked flammable building materials etc. are not permitted in the IPA.

Outer Protection Area (OPA)

An OPA is located between the IPA and the unmanaged vegetation. Vegetation within the OPA can be managed to a more moderate level. The reduction of fuel in this area substantially decreases the intensity of an approaching fire and restricts the pathways to crown fuels, reducing the level of direct flame, radiant heat and ember attack on the IPA.

Because of the nature of an OPA, they are only applicable in forest vegetation.

In practical terms the OPA is an area where there is maintenance of the understorey and some separation in the canopy. When establishing and maintaining an OPA the following requirements apply:

- Tree canopy cover should be less than 30%, canopies should be separated by 2 to 5m
- Shrubs should not form a continuous canopy and form no more than 20% of ground cover
- Grasses should be kept to no more than 100mm in height with leaf and other debris should be mown, slashed or mulched.

Furthermore, the edge of the APZ should be clearly delineated to ensure vegetation creep does not occur over time, reducing the separation between the bushfire hazard and building.

Gardens and vegetation within the APZ

All vegetation will burn under the right conditions.

In choosing plants for landscaping consideration should be given to plants that possess properties, which help to protect buildings. If the plants themselves can be prevented from ignition, they can improve the defence of buildings by:

- Filtering out wind-driven burning debris and embers.
- Acting as a barrier against radiation and flame, and
- Reducing wind forces.

Consequently, landscaping with vegetation of the site should consider the following:

- Meet the specifications of an Inner Protection Area (IPA) detailed in PBP 2019.
- Priority given to retaining or planting species which have a low flammability and high moisture content.

- Priority given to retaining or planting species which do not drop much litter in the bushfire season, and which do not drop litter that persists as ground fuel in the bush fire season, and
- Create discontinuous or gaps in the vegetation to slow down or break the progress of fire towards the dwellings.
- Avoid gardens within 10m of the exterior building envelop.
- Trees and shrubs within 40m are not continuous, but instead arranged as discrete patches separated by a ground layer with low fuel hazard, such as mown grass.
- Position courtyards, gardens, and grassed areas in locations that facilitate the protection of the building.
- Install pebble/rock garden beds avoiding the use of mulch and wood chip.

Consideration should be given to vegetation fuel loads present on site. Careful thought must be given to the type and physical location of any proposed site landscaping.

Inappropriately selected and positioned vegetation has the potential to ‘replace’ any previously removed fuel load.

Whilst it is recognised that fire-retardant plant species are not always the most aesthetically pleasing choice for site landscaping, the need for adequate protection of life and property requires that a suitable balance between visual and safety concerns be considered. **The below list of known ground fire-retardant plants is intended as a guide only, check with your local council for information more specific to your area.**

<i>Lomandra longifolia</i>	<i>Dampiera</i>
<i>Lomandra hystrix</i>	<i>Scaevola aemula</i>
<i>Anigozanthos</i> hybrids	<i>Succulents (most)</i>
<i>Agapanthus orientalis</i>	<i>Carpobrotus (Pigface)</i>
<i>Liriope muscari</i>	<i>Cotyledon</i>
<i>Carpobrotus glaucescens</i>	<i>Ajuga australis</i>
<i>Casuarina glauca</i>	<i>Myoporum</i>
<i>Ajuga</i>	<i>Nepeta (catmint)</i>
<i>Brachyscome</i>	<i>Mesembryanthemum</i>

Strategically positioned elevated vegetation (fire-retardant tree and shrub species) can act as ‘windbreaks’ and ‘ember filter’, reducing wind velocities and suppressing the density of embers attacking a building. It is critical that this vegetation is:

- On flat ground place >30m from the building (ideally 40m forming the outer perimeter of the IPA).
- >20m separation from the hazardous vegetation.
- Located on the side of the bush fire hazard.
- No gardens or shrubs under the trees.
- Shrub patches no greater than 10m².

The below list of know fire-retardant trees and shrubs is intended as a guide only, check with your local council for information more specific to your area:

<i>Melia azederach (Cape Lilac)</i>	<i>Citrus trees</i>
<i>Brachychiton aecerifolius (Flame tree)</i>	<i>Loquat</i>
<i>Magnolia grandiflora</i>	<i>Arbutus Quercus (only the deciduous oak)</i>
<i>Pyrus (most ornamental pears)</i>	<i>Feijoa</i>
<i>Magnolia Little Gem</i>	<i>Gleditzia</i>
<i>Ulmus chinensis (Chinese Elm)</i>	<i>Ficus (all including edible)</i>
<i>Acacia howitii</i>	<i>Aloe (all)</i>
<i>Cercis (Judus Tree)</i>	<i>Correa</i>
<i>Acmena smithii (Lilypily)</i>	<i>Acacia iteaphyla</i>
<i>Prunus (all including ornamental)</i>	<i>Scaevola crassifolia</i>
<i>Cupaniopsis anacardiopsis (Tuckeroo)</i>	<i>Viburnum tinus</i>
<i>Malus (apple trees)</i>	<i>Atriplex (saltbush)</i>
<i>Eleocarpus</i>	<i>Escallonia</i>
<i>Mullberry</i>	<i>Maireana (Cottonbush)</i>
<i>Eremophila (Emu bush)</i>	<i>Leucophyta brownii</i>
<i>Melaleuca nodosa</i>	<i>Plectranthus</i>
<i>Syzygium (lilypilly)</i>	<i>Santolina</i>
<i>Photinia</i>	<i>Coprosma</i>
<i>Rhagodia (saltbush)</i>	<i>Strelitzia</i>
<i>Acacia Cyclops</i>	<i>Senna (Silver Cassia)</i>

Recent post-fire research from the 2019/20 bushfire season suggests greenness factor (the extent to which plants are actively growing) had an impact on building survivability to a bushfire, indicating that maintained green grasses and landscape watering features are beneficial during a bushfire.

It is essential that any vegetation and landscaped areas and surrounds are subject to ongoing fuel management and reduction to ensure that fine fuels do not build up.

Best practise landscaping features within the APZ

A combination of hard (materials) and soft (design) landscaping will benefit the survivability of a building during a bushfire event. The type, quantity and condition of fuel has a very important effect on bushfire behaviour in proximity to a building. Poorly located vegetation that burns readily may expose a house to increased levels of radiant heat and flame contact. Best practise landscaping is:

- All outbuildings are located >10m from the dwelling and any deck stair and building attachments. There is no flammable material (garden or landscaping) within the 10m separation.
- If the outbuildings are located <10m the elevation of both buildings facing each other should be upgraded to a 60/60/60 FRL.

- A 1.5m clear egress is provided around the immediate curtilage of the dwelling and any deck stair and building attachments.
- Provide clear pedestrian egress with no flammability within 6m either side (evacuation route) from the public road (or driveway if public road is >70m from dwelling) to the dwelling.
- Remove other flammable objects within 6m of the dwelling¹⁹. These include caravans, outdoor furniture, barbeques, gas bottles, wood piles and organic mulch.
- Fencing and gates in BAL 29 or within 6m of a building should be of non-combustible materials.
- Avoid flammable mulches within the entire APZ. Alternatives include gravel, coffee rock, scoria, pebbles, shells or recycled crushed bricks.
- Use non-combustible, moveable containers and pots that can be relocated within 6m of the building.
- Restrict the use of timber and use materials such as brick, earth, stone, concrete and galvanised iron
- An intensive area of planting perpendicular to the bush fire vegetation centred on a contoured garden mound provide in the outer limits of the inner protection area can be effective screening.
- Clumping shrubs and trees so they do not form a continuous canopy in a direction towards the buildings and are separated by areas of low fuel (maintained green grass lawn).

Further information can be found here - [Landscaping for bushfires](#)

Access Requirements

In the event of a serious bushfire threat to the proposed development, it will be essential to ensure that adequate ingress/ egress and the provision of defendable space are afforded in the development/building design.

Local Area Traffic Management (LATM)

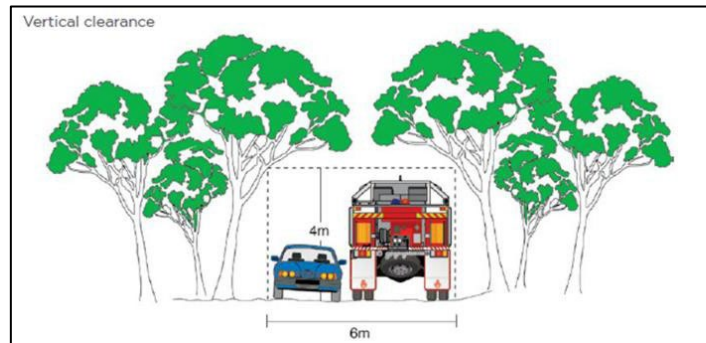
The objective of LATM is to attain an acceptable level of speed, volume, and composition of traffic within a local area and reduce the number of road accidents. This is achieved by modifying the street environment through the installation of various traffic control devices. LATM devices by their nature are designed to restrict and or impede the movement of traffic, especially large vehicles, which conflicts with the intent for access required by the NSW RFS and may significantly increase response times for emergency services.

Where LATM devices are provided they are to be designed so that they do not impede fire vehicle access.

Vertical clearance

An unobstructed clearance height of 4 metres should be maintained above all access ways including clearance from building construction, archways, gateways/doorways, and overhanging structures (e.g., ducts, pipes, sprinklers, walkways, signs and beams). This also applies to vegetation overhanging roads and fire trails.

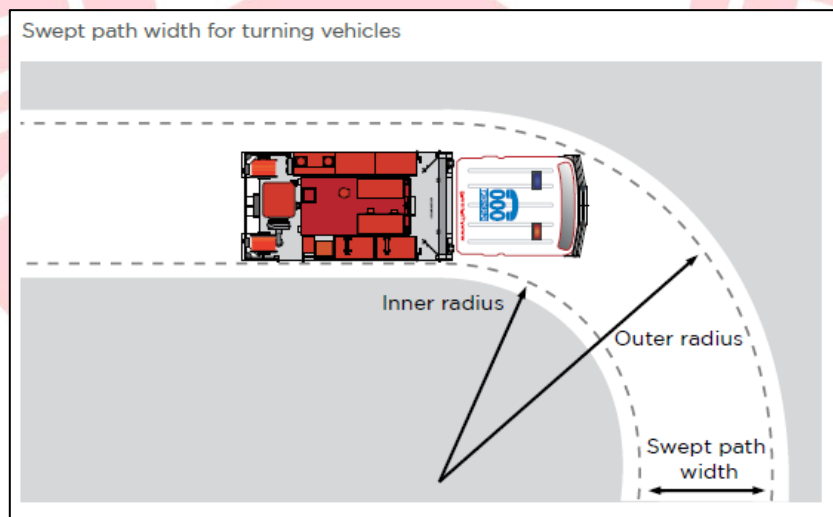
¹⁹ Hedayati F., Stansell C., Gorham D.J., Quarles S.L., 2018. Near-Building Non-combustible Zone. (Insurance Institute for Business & Home Safety). Available at https://ibhs.org/wp-content/uploads/member_docs/Near-Building_Noncombustible_Zone_Report_IBHS.pdf

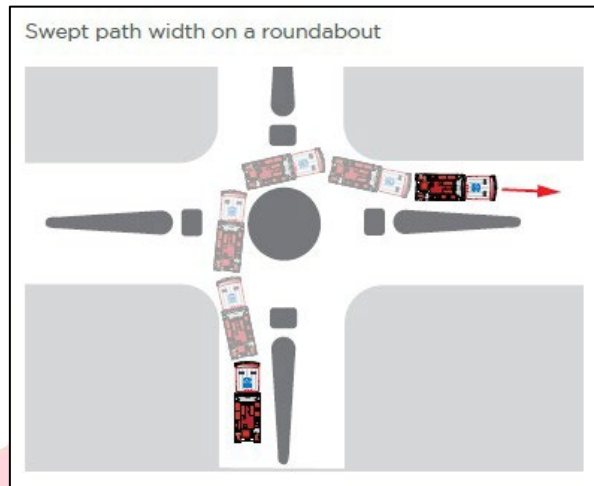


Vehicle Turning Requirements

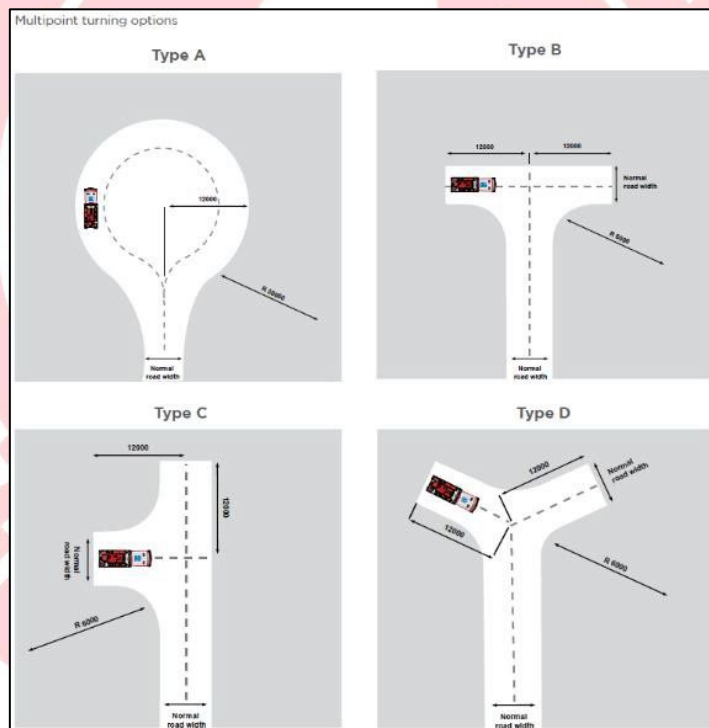
Fire crews must have rapid access and egress for vehicles, therefore curved carriageways should be constructed using the minimum swept path. The below diagrams from PBP2019 provide indication of the requirements to be achieved.

Minimum curve radius (inside edge (m))	Swept path (m) wide
<40	4.0
40 - 69	3.0
70 - 100	2.7
>100	2.5





Where a turning head is proposed the NSW RFS requires that dead ends having a length greater than 20 metres should be provided with a turning head area which avoids multipoint turns.



Passing Bays

The construction of passing bays, where required, shall be 20m in length, provide a minimum trafficable width at the passing point of 6m.



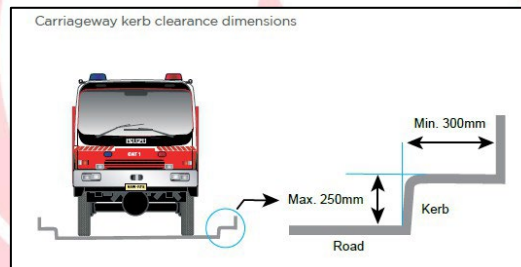
Parking

Parking can create a pinch point within the road reserve. The location of parking should be carefully considered to ensure fire appliance access is unimpeded. Hydrants should be located clear of any parking areas to ensure that access is always available.



Kerb Dimensions

All kerbs constructed around access lanes should be no higher than 250mm and free of vertical obstructions at least 300mm back from the kerb face to allow clearance for front and rear body overhang.



Road Types

Property access is required to be 4m wide all-weather road. Can be sealed or unsealed.



Water Supply

The intent of water measures is to provide adequate services of water for the protection of dwellings during and after the passage of a bush fire. Reticulated water (street hydrants) is the preferred option although pressure loss is common during large fires and the provision of an alternative water supply provides obvious benefits to fire suppression.

A static water supply for fire-fighting purposes should be above-ground, accessible, clearly marked and manufactured from concrete or metal. If raised, the tank stand should be made from non-combustible material. These static water supplies (tanks) should be positioned on the non-hazard side of the building and have 65mm Storz outlet with a ball valve fitted to the outlet within the IPA. If not appropriate, they should be appropriately shielded to protect the tank and fire fighters accessing the water. Category 1 fire appliances should be able to access within 4 m of static water supply with a hardened ground surface to support this access.

All exposed water pipes, valves, taps and fittings should be metal and the supply line from tank to ball valve have the same bore size.

Where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump and are shielded against bush fire attack. Any hose and reel for firefighting connected to the pump shall be 19mm (internal diameter), and fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels and installed in accordance with AS 2441:2005 Installation of fire hose reels.

Where static water supply is the only water supply for firefighting purposes provided the following signage should be installed at the front gate and at a location that is clearly visible (assume smoke) to approaching emergency services to guide them to the static water supply.

STATIC WATER SUPPLY (SWS) PROGRAM

During bush fires, firefighters often have difficulty accessing water to protect lives and property, with mains supply often not adequate during major bush fires.

The Static Water Supply (SWS) program aims to identify properties with sources of water that can be used for firefighting purposes.

Static water supplies include:

- Swimming pools
- Creeks
- Dams
- Rainwater tanks

If your house or property has a water source, such as a swimming pool, tank or dam, you can assist firefighters by prominently displaying a SWS plate at your property boundary so that it is readily visible from the road.

! SWS signs are provided free of charge.

Being a part of the SWS program may assist fire fighters to protect you and your neighbours' properties should a fire threaten.

If you have a pool, tank or dam with at least 3,000 litre capacity and wish to participate in the SWS Program, please contact your nearest NSW RFS Fire Control Centre.

NSW RURAL FIRE SERVICE

SWS

For more information on what you can do to prepare for bush fire this season:

NSW Rural Fire Service Website
www.rfs.nsw.gov.au
www.myfireplan.com.au

Your nearest NSW RFS Fire Control Centre:

Bush Fire Information Line
 1800 NSW RFS (1800 679 737)

NSW GOVERNMENT | NSW RURAL FIRE SERVICE | FIRE & RESCUE

PREPARE ACT SURVIVE
 NSW RURAL FIRE SERVICE

Electricity, Gas supplies and Hazardous materials

The intent of electricity, gas and hazardous material measures is to locate these utilities and materials so as not to contribute to the risk of fire to a building.

Electricity

Location of electricity services should limit the possibility of igniting the surrounding bush land or the fabric of buildings. Where practicable, electrical transmission lines are underground. If overhead, electrical transmission lines are installed with short pole spacing (30m), unless crossing gullies, gorges, or riparian areas, then no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

For further information visit <https://www.electricalsafety.com.au/>

Gas

Any reticulated or bottled gas should be installed and maintained according to the requirements of the relevant authorities and AS/NZS 1596:2014. All fixed gas cylinders are kept clear of all flammable materials to 10m and shielded on the hazard side. All above-ground pipes and connections to and from gas cylinders are metal, and polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not permitted. Furthermore, if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion. Gas utilities should be positioned to not impede fire fighters accessing water supplies while undertaking suppression operations.

Hazardous Materials

Hazardous materials are any materials that can fuel the fire, such as leaf litter, grass, garden mulch and woodpiles. They can also be made up of solid combustibles or flammable liquids and gases such as petrol, kerosene, alcohol, LPG, natural gas, and acetylene. Vehicle, machinery, and other mechanical equipment that utilise fuels for operations can also be considered hazardous. The incorrect design and placement of carport and garages in residential developments could propagate fire towards the residential dwelling. Any liquids or fuels that are considered hazardous should be positioned away from the dominant bush fire threat. If located in a building/structure, it should be a minimum of 6m away from any other building. Vegetation surrounding these locations shall be maintained to IPA standards and the construction standards shall minimise the impact of ember attack to ignite the structure.

Construction Requirements

Groundwork and Sub-structure construction phase

During the ground phase potential ignition sources of the subject development may include hot works, incorrect disposal of cigarette butts and hot exhausts from vehicles, electrical failures, and sparks from metal contact.

Groundwork and Sub-structure construction phase fire management plan should be developed. Preparation of the site should include mitigating fire ignition sources. This should include vegetation management such as slashing and mowing long grasses in and around the development site, car parking and access tracks. This is especially important during summer months where Rates of Spread of fire can significantly increase due to the prevailing weather condition.

Handheld fire extinguishers should be carried on each vehicle and on site for quick access and suppression of fires.

Where neither reticulated water nor an existing static water supply is available during the construction phase, a temporary 10,000 litre Static Water Supply within proximity of the development site shall be provided before the commencement of any construction works. This temporary supply will allow for the replenishment of attending fire services which will facilitate the rapid suppression of any potential ignitions. The temporary supply may be removed when the prescribed fire-fighting water supply is installed.

Ongoing Operations

Routine inspections of bush fire safety measures through the implementation of a Bushfire management Plan. Ideally these inspections should occur moving out of the colder months in preparation for the bushfire season. The most common types of inspections that are required are surface, near surface (grasses and debris) and elevated (shrub), regenerating trees which all contribute to accumulating fire fuel levels in the APZs. Ensuring flammable vegetation and landscaping (beyond the prescription within the consent condition for the development) is not introduced into the APZ is essential.

Developing and annually reviewing a Bushfire Management Plan, no matter how big or small the development, is critical to the ongoing maintenance of the Bushfire Protection Measures identified within this report.



APPENDIX 9 – GATEWAY DETERMINATION

Gateway Determination

Planning proposal (Department Ref: PP-2026-19): to amend the Coffs Harbour Local Environmental Plan 2013 Lot Size Map for Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach.

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 amend the Lot Size Map for Lot 1 DP 1220096, 82 Smiths Road, Emerald Beach 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 within nine (9) months of the date of this Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the supporting flood risk assessment report is to be updated to confirm the hazard levels and inundation time for proposed Lot 2 in a PMF event.
2. 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).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Development Coordination Authority – Environment, Biodiversity and Heritage Advisory (biodiversity)
- Development Coordination Authority – Hazards and Resources Advisory (bushfire)
- Department of Climate Change, Energy, the Environment and Water (flooding)

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.

4. 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 26 June 2026



Craig Diss
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