



**Nambucca Valley Council**

**Planning Proposal  
Nambucca Local Environmental Plan  
Amendment No. 34**

**HOUSEKEEPING AMENDMENTS**

**Prepared by:**  
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## Preliminary

This planning proposal has been drafted in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, and 'Local Environmental Plan Making Guideline' (DoP, 2023) for amendment to the Nambucca Local Environmental Plan 2010 (LEP). A gateway determination under Section 3.34 of the Act is requested.

## Part 1 Objectives and Intended outcomes

The objectives and intended outcomes of this planning proposal are to implement housekeeping and policy amendments within the LEP to alter the zoning of various pieces of land, remove the need for a development application to close a public road, and increase the ability to erect dual occupancies within residential zones.

## Part 2 Explanation of Provisions

The intended outcomes will be achieved by undertaking the following amendments to the LEP:

- a. **Rezone Lot 481 DP 700681 - 2 South Arm Road, Bowraville from RE2 Private Recreation to RU5 Village, including associated amendments to the floor space ratio, lot size and height of building maps.**

This site contains the Bowraville Recreation Club which is in the process of relocating to the newly erected hub building on the adjoining land. An aerial photo of the site is below.



Regional Development Australia have approached Council on behalf of the Bowraville Recreation Club seeking an approval pathway to establish Core and Cluster housing on part of this site.

Currently the land is zoned RE2 Private Recreation under the LEP as shown on the below map.



Given the Recreation Club is in the process of relocating, it is considered to be in the communities' interest for the site to be redeveloped rather than the existing building being left abandoned on site. Unfortunately the proposed Core and Cluster development is not permissible within the RE2 zone. In order to make the proposal permissible, in addition to a range of other housing or commercial opportunities which are compatible with the surrounding area; it is proposed to rezone the lot to RU5 Village zone. This will be consistent with the rest of the existing Bowraville township as can be seen on the above map, with the existing RU5 zone coloured maroon.

It is considered that rezoning the land to RU5 will provide the greatest opportunity for the land to be redeveloped. In addition to rezoning the land, it is proposed to amend the floor space ratio, lot size and height of building maps so that they are consistent with the controls which apply to the existing RU5 zone on surrounding land. This includes a minimum lot size of 450m<sup>2</sup>, a maximum building height of 8.5m and a maximum floor space ratio of 0.55:1.

It is noted that this land is not publicly owned, as such the land does not need a reclassification.

**b. Permit subdivisions required for the closure of public roads to be undertaken as exempt development (not requiring development consent).**

When closing a road, Land Registry Services (LRS) require a plan of subdivision of the section of road to be closed to be registered as a new lot. To have it consolidated into the adjoining land, a separate plan of consolidation needs to be submitted once the road is closed/lot created. LRS do not allow boundary adjustments with roads.

The issue with this is that creating a lot falls within the definition of subdivision under the Environmental Planning & Assessment Act 1979 and there are no exempt provisions in clause 2.75 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or the State Environmental Planning Policy (Transport and Infrastructure) 2021 to create a lot for a road closure without consent (there are for boundary adjustments). This means that a development application is required to close a public road.

In the majority of cases the section of road to be closed will not meet the minimum lot size development standard contained within the LEP, resulting in the need for a clause 4.6 variation request to be submitted with the development application. However, if the road closure is within the RU1, RU2, RU3, RU4, RU6, R5, C2, C3, or C4 zones, a clause 4.6 variation cannot be approved to a lot which is less than 90% of the minimum lot size. Given the minimum lot sizes in these zones range from 1-100ha, this effectively means that roads cannot be closed in these zones as they would be highly unlikely to meet the minimum lot size provisions of clause 4.6. The exception to this would be in the rural zones (RU1-RU6) if it could be justified that the additional land from the road closure was for agricultural purposes under the rural subdivision clause of the LEP.

Not only is it unlikely that consent could be given to many road closures in these zones for the above reasons; if they could the administrative burden of getting consent is unnecessary given the established process for closing roads under the Roads Act 1993 as well as the process of making the closed road operational land under the Local Government Act 1993.

As such, it is proposed to make subdivisions required for the closure of public roads be made exempt development by adding an exempt provision in Schedule 2 of the LEP. It is not intended that this exemption provide any dwelling entitlement to the newly created lot resulting from the road closure. It will just enable the road to be closed (lot created) for it then to be consolidated into an adjoining lot owned by the person purchasing the closed road.

**c. Delete clause 7.2 so that a lot is not excluded from being able to contain a dual occupancy based on its lot size.**

Clause 7.2 of the LEP reads as follows:

**7.2 Minimum lot sizes for dual occupancies**

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*
- (2) *This clause applies to the following zones—*
  - (a) *Zone R1 General Residential,*
  - (b) *Zone R2 Low Density Residential,*
  - (c) *Zone R4 High Density Residential,*

(3) *Development consent may only be granted to development on a lot for the purpose of a dual occupancy if the area of the lot is equal to or greater than 600 square metres (excluding access handles).*

This control is considered to be unnecessary because the LEP and Nambucca Development Control Plan 2010 (DCP) already contain provisions relating to maximum floor space ratio, maximum building height, setbacks, overshadowing, privacy, deep soil zones, etc. These provisions adequately control residential densities in the applicable zones.

Furthermore, approval could be given to the erection of a dual occupancy on a lot less than 600m<sup>2</sup> if the lot was subdivided into 2 lots, as the minimum lot size provision under clause 4.1 of the LEP exempts such proposals from complying with the minimum lot size requirements. Having regard to this and that secondary dwellings, multi dwelling housing and residential flat buildings are permissible in these zones; it is not considered that the proposed amendment will result in any greater demand on public infrastructure than what existing permissible uses would.

As such, it is proposed to delete clause 7.2 of the LEP as it provides no benefit to good planning outcomes within the Nambucca Valley.

**d. Rezone Lot 1 DP 71614025 – 25 Egan Street, North Macksville from RU1 Primary Production to R1 General Residential, including associated amendments to the floor space ratio, lot size and height of building maps.**

Lot 1 DP 71614025 – 25 Egan Street, North Macksville has an area of 1006m<sup>2</sup> and contains an existing dwelling and sheds. The lot was created in 1985 and has an area that is consistent with surrounding residential lots. An aerial photo of the site is below.



The site is currently zoned RU1 Primary Production, with the surrounding residential lots with the same characteristics as the site zoned R1 General Residential as can be seen in the below zoning map.



It is proposed to rezone the site from RU1 Primary Production to R1 General Residential so that the zoning is consistent with the adjoining residential lots. It is also proposed to amend the floor space ratio, lot size and height of building maps so that they are also consistent with the controls which apply to the surrounding residential lots. This includes a minimum lot size of 450m<sup>2</sup>, a maximum building height of 8.5m and a maximum floor space ratio of 0.55:1.

- e. **Rezone Lot 7 DP 1177524 - Tilly Willy Street, Macksville from RU1 Primary Production to E4 General Industrial, including associated amendments to the lot size and height of building maps.**

Lot 7 DP 1177524 - Tilly Willy Street, Macksville is currently part of a holding which contains an approved industrial shed. An aerial photo of the site (outlined blue) is below.



The site is currently zoned RU1 Primary Production; however, the surrounding lots within the same holding which contain the existing industrial shed are zoned E4 General Industrial (formally IN2 Light Industrial until recent changes made by the NSW Department of Planning & Environment), as can be seen in the below zoning map.

The site is identified as containing High Environmental Value (HEV) land under the North Coast regional Plan 2041. However, as can be seen in the above photo the site is highly modified with the existing industrial built form with no natural environmental features remaining on the site.



It is proposed to rectify this anomaly by rezoning the site from RU1 Primary Production to E4 General Industrial, as well as amending lot size and height of building maps so that those controls are consistent with the existing E4 General Industrial zone on surrounding lots. Currently there is a 40ha minimum lot size for the RU1 zoned land and no minimum lot size for the industrial zoned land, and no maximum building height for the RU1 zoned land and a 14m maximum building height for the E4 zoned land. To be consistent with the existing E4 zone, it is proposed to amend the lot size map by removing a minimum lot size for the site and amend the building height map by adding a maximum 14m building height to the site.

- f. **Rezone Lot 3 DP 246173 and Lots 8, 9, 10, 13, 18, 19 & 20 DP 1007431 – Giinagay Way, Warrell Creek from SP2 Infrastructure to RU1 Primary Production, including the associated amendment to the lot size map.**

Lot 3 DP 246173 and Lots 8, 9, 13, 18, & 19 DP 1007431 – Giinagay Way, Warrell Creek are currently zoned SP2 Infrastructure as they formed part of the old Pacific Highway road reserve. Transport for NSW have advised Council that these lots are now residue lots located outside of the dedicated road boundary and are not needed for future road purposes. Below is an aerial photo of the lots currently owned by Transport for NSW which they have requested be rezoned.



In addition to the above lots, Lots 10 and 20 DP 1007431 are also zoned SP2 Infrastructure and are located outside of the dedicated road boundary. Transport for NSW have already sold these lots and they

are now in private ownership. These lots are located directly north of the above mentioned Transport for NSW lots and can be seen outlined blue in the aerial photo/zoning map below.



It is proposed to rezone all of the above mentioned lots from SP2 Infrastructure to RU1 Primary Production so that they are consistent with the adjoining RU1 zoned land which is coloured brown on the above map. It is also proposed to amend the lot size map by implementing a 40ha minimum lot size on the lots to be consistent with the minimum lot size control placed on the existing RU1 zoned land. Currently there is no minimum lot size control on these lots.

### **Part 3 Justification of strategic and site-specific merit**

#### ***Section A – Need for the Planning Proposal***

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

No.

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

Yes, it is considered that the proposed amendment to the Nambucca Local Environmental Plan 2010 is the best means of achieving the intended outcomes as they cannot be achieved without the planning proposal.

#### ***Section B – Relationship to strategic planning framework.***

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

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

##### Objective 1: Provide well located homes to meet demand

The proposed rezoning of Lot 481 DP 700681 - 2 South Arm Road, Bowraville from RE2 Private Recreation to RU5 Village provides an opportunity for the redevelopment of the site with residential development. Given the sites location to the centre of Bowraville and surrounding public open space and services; the site offers an opportunity for increased residential supply in a convenient and well serviced location.

The site is on the edge of the urban growth area boundary as illustrated in the below extract.





However, in accordance with appendix B of the Regional Plan, the proposed variance to this is considered acceptable for the following reasons:

- Providing housing on this site will be consistent with the objectives and outcomes in the Regional Plan as it will deliver additional housing and housing options in Bowraville in an environmentally sustainable manner. Housing on the site will not be contrary to any Section 9.1 Direction, SEPP or local growth management strategy.
- The proposal would result in approximately 30 new dwellings. The site is already serviced by reticulated sewer, water, power, and telecommunications and public road access; all of which has sufficient capacity to accommodate the potential increase in demand from the residential use of the site. There will be no cost to government for the delivery infrastructure to the site.
- The site also adjoins the Bowraville Sporting Hub which comprises a golf course, sporting fields, hard courts, playgrounds and amenities. The location of the site within such close proximity to this significant area of public open space within Bowraville will ensure future development of the site will result in the most efficient use of existing infrastructure and facilities.
- The site does not contain any areas of high environmental value and water quality sensitivity, riparian land or of Aboriginal and non-Aboriginal heritage. The site is highly modified and is currently developed as a bowling club.
- The site is not subject to flooding, bushfire, slope instability or acid sulfate soils.
- The site is not located on the coastal strip.
- The site is adjacent to other residential uses and public open spaces. It is not considered that there are any potential for adverse landuse conflict with the proposed rezoning.
- Having regard to the site being highly modified and its size and location; it is not considered that the proposal will impact on important farmland.

In addition to the above, Lot 1 DP 71614025 – 25 Egan Street, North Macksville is also on the edge of the urban growth area boundary as illustrated in the below extract.



In accordance with appendix B of the Regional Plan, the proposed variance to this is considered acceptable for the following reasons:

- The site is an existing 1006m<sup>2</sup> residential lot and will not be inconsistent with the objectives and outcomes in the Regional Plan as the proposed rezoning will not alter the existing use of the site

or its residential character. Housing on the site will not be contrary to any Section 9.1 Direction, SEPP or local growth management strategy.

- The proposal would not result in any increased demand on public infrastructure. Currently a dual occupancy is permitted on the land with development consent; with no maximum building height or floor space ratio controls. The proposed amendments will implement these controls which will restrict the potential demand on public infrastructure, as well as activate residential development controls within the Nambucca Development Control Plan 2010 which are not currently applicable due to the rural zoning of the land.
- The site does not contain any areas of high environmental value and water quality sensitivity, riparian land or of Aboriginal and non-Aboriginal heritage. The site is highly modified and is currently developed with a dwelling house.
- The site is not subject to any significant flooding, bushfire, slope instability or acid sulfate soils risks.
- This is a minor variation to the urban growth area with no alteration to the existing character of the site to result from the amendment due to the sites existing residential use.
- It is not considered that there are any potential for increased land use conflict resulting from the proposed rezoning as the site already contains an existing dwelling house.
- While the site is mapped as important farmland, it is considered that this is an error as the site is highly modified. It has an area of 1006m<sup>2</sup> and contains an existing lawful dwelling. Having regard to this its value is considerably higher than what it would be if it was used for agricultural uses. As such, it is not considered that this land will ever be used for agricultural purposes.

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

Following on from objective 1, Lot 481 DP 700681 - 2 South Arm Road, Bowraville location and access to existing services provides an opportunity for more affordable housing supply.

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

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

It is noted that the Tilly Willy Street, Macksville site (proposed amendment e) is identified as containing High Environmental Value (HEV) land under the North Coast Regional Plan 2041. However, the site is highly modified with the existing industrial built form with no natural environmental features remaining on the site. The identification of this site in the North Coast Regional Plan 2041 is considered to be an error.

#### Objective 4: Understand, celebrate and integrate Aboriginal culture

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

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

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

#### Objective 6: Create a circular economy

This objective is not considered relevant to the proposal.

#### Objective 7: Promote renewable energy opportunities

This objective is not considered relevant to the proposal.

#### Objective 8: Support the productivity of agricultural land

The two proposed amendments at 25 Egan Street, North Macksville and Tilly Willy Street, Macksville will result in RU1 Primary Production zoned land being rezoned to residential and industrial zones. However, the intent of the respective rezoning is to better reflect the existing uses of the lots which are not supportive of productive agricultural uses.

It is noted that the Giinagay Way, Warrell Creek rezoning will increase the amount of RU1 Primary Production zone which will enable the transfer of redundant road reserves to adjoining agricultural holdings which will increase the productivity of these holdings.

#### Objective 9: Sustainably manage and conserve water resources

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

#### Objective 10: Sustainably manage the productivity of our natural resources

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

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

This objective is not considered relevant to the proposal.

Objective 12: Create a diverse visitor economy

This objective is not considered relevant to the proposal.

Objective 13: Champion Aboriginal self-determination

This objective is not considered relevant to the proposal.

Objective 14: Deliver new industries of the future

The proposed amendment to the Tilly Willy Street, Macksville site will ensure new industries looking to establish within the existing industrial building are not impeded by the incorrect zoning of part of the site/building.

Objective 15: Improve state and regional connectivity

This objective is not considered relevant to the proposal.

Objective 16: Increase active and public transport usage

This objective is not considered relevant to the proposal.

Objective 17: Utilise new transport technology

This objective is not considered relevant to the proposal.

Objective 18: Plan for sustainable communities

This objective is not considered relevant to the proposal.

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

This objective is not considered relevant to the proposal.

Objective 20: Celebrate local character

The proposed amendments will not impact local character.

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

Given the minor nature of the proposed amendments to the LEP, it is not considered that they are contrary to the provisions of the Nambucca Local Strategic Planning Statement (LSPS).

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

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

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

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

SEPP	Complies	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	The proposed amendments will not result in the clearing of any native vegetation or impact any koala habitat.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	
State Environmental Planning Policy (Housing) 2021	Yes	The rezoning of the 2 South Arm Road, Bowraville and the 25 Egan Street, North Macksville sites will facilitate

		residential accommodation permitted under this SEPP to be undertaken in a manner which is consistent with the surrounding area.
State Environmental Planning Policy (Industry and Employment) 2021	Yes	The proposed amendments will not alter the existing application of signage controls under this SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	N/A	
State Environmental Planning Policy (Planning Systems) 2021	N/A	
State Environmental Planning Policy (Primary Production) 2021	Yes	The proposed amendments will increase the amount of land available for primary production land uses.
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	The proposed amendments will not result in any adverse impacts within the coastal zone or promote development on land not suitable or capable of being made suitable for permitted uses.
State Environmental Planning Policy (Resources and Energy) 2021	Yes	The proposed amendments will not inhibit the establishment or operation of mining, petroleum production or extractive industries.
State Environmental Planning Policy (Sustainable Buildings) 2022	N/A	
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	The proposed amendments will not facilitate any development which is contrary to this policy.

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

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

### **Direction 1.1 - Implementation of Regional Plans**

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

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning and Public Spaces.

Direction:

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

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

### **Direction 1.3 - Approval and Referral Requirements**

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

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

Direction:

1. A planning proposal to which this direction applies must:
  - (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and

(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:

- i. the appropriate Minister or public authority, and
- ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and

(c) not identify development as designated development unless the relevant planning authority:

- i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
- ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

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

### **Direction 3.1 – Conservation Zones**

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

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

Direction:

1. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
2. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of “Rural Lands”.

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

### **Direction 3.2 – Heritage Conservation**

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

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

Direction:

1. A planning proposal must contain provisions that facilitate the conservation of:
  - (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
  - (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
  - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

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

### **Direction 3.5 – Recreation Vehicle Areas**

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

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

Direction:

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

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

#### **Direction 4.1 Flooding**

The objectives of this direction are to:

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

This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Direction:

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

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

(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the dwelling density of that land,
- (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
- (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
- (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.

(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

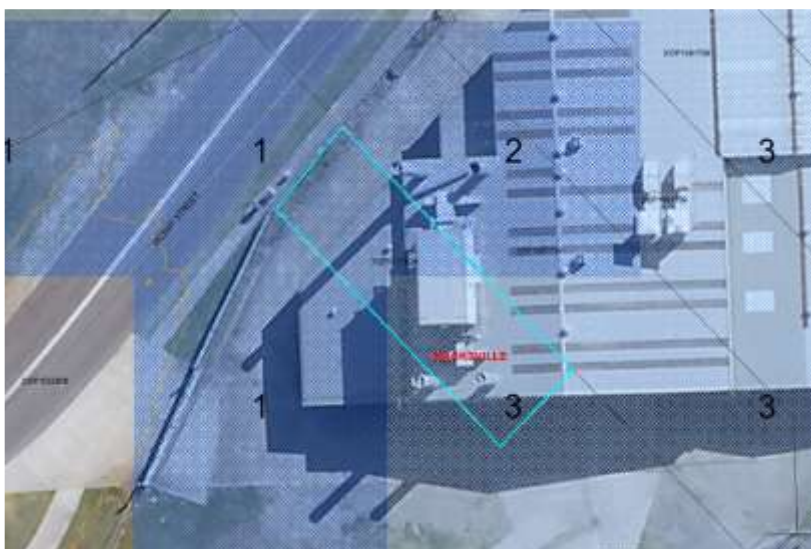
*Comment:* The proposed rezoning of the 25 Egan Street, North Macksville and the Tilly Willy Street, Macksville sites are contrary to this direction as they result in the rezoning of land in a rural zone to a residential and employment zone.

However, the direction also provides the following:

*“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 Floodplain Development Manual 2005”.*

Nambucca Valley Council adopted the ‘Nambucca Shire Floodplain Risk Management Plan’ (the Plan) in 2017 in accordance with the principles and guidelines of the Floodplain Development Manual 2005. The existing development on both sites and any potential development on these sites which would be permitted by the proposed rezoning will not be contrary to the Plan for the following reasons:

- The flood hazard classification of the sites as illustrated in the below map extracts do not exceed H3.
- Subdivision and filling can be undertaken on the 25 Egan Street site (proposed residential) without any restrictions aside from ensuring future habitable buildings floor level is above the FPL.
- The continued use of the existing part of the building on the Tilly Willy Street site for industrial uses will not change as a result of the proposed rezoning to E4 General Industrial. Any redevelopment of the existing building will not be impacted under the Plan as a result of the rezoning.



#### **Direction 4.2 – Coastal Management**

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

This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Direction:

1. A planning proposal must include provisions that give effect to and are consistent with:
  - (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;
  - (b) the NSW Coastal Management Manual and associated Toolkit;
  - (c) NSW Coastal Design Guidelines 2003; and
  - (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.
2. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:



- (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or
  - (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:
    - i. by or on behalf of the relevant planning authority and the planning proposal authority, or
    - ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.
3. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
  4. A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:
    - (a) Coastal wetlands and littoral rainforests area map;
    - (b) Coastal vulnerability area map;
    - (c) Coastal environment area map; and
    - (d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

*Comment:* This planning proposal is not contrary to the provisions of this direction as it is not contrary to the Coastal Management Act, management manual, design guidelines, or coastal management program and does not include the amendment to any listed maps.

#### **Direction 4.3 Planning for Bushfire Protection**

The objectives of this direction are to:

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

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

Direction:

1. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
  - (a) have regard to Planning for Bushfire Protection 2019,
  - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
  - (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
    - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,

(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

(d) contain provisions for adequate water supply for firefighting purposes,

(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,

(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

*Comment:* Only Lot 8 DP 1007431 is mapped bushfire prone. This lot will be zoned RU1 Primary Production and it will not be permissible for residential accommodation on the lot. Having regard to this, the planning proposal will not be contrary to Planning for Bushfire Protection 2019. Furthermore, consultation will occur with the RFS once a gateway determination has been received.

#### **Direction 4.4 – Remediation of Contaminated Land**

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

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

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

*Comment:* With regards to proposed amendments a (2 South Arm Road, Bowraville) and proposed amendment d (25 Egan Street, North Macksville), it is not considered that this direction applies for the following reasons:

- a) The land is not within an investigation area within the meaning of the Contaminated Land Management Act 1997.
- b) 2 South Arm Road, Bowraville contains a bowling club and 25 Egan Street, North Macksville contains a dwelling house. Both of these land uses are not listed within Table 1 of the contaminated land planning guidelines. There are no land uses listed within Table 1 that have been undertaken on either lot.
- c) There are no land uses listed within Table 1 that have been undertaken on either lot. The Bowraville lot was part of a public reserve prior to the establishment of the bowling club. The Macksville lot contains an existing dwelling house. The planning proposal will not result in the change of use of the lot, just correct the anomaly of it not being zoned residential given its consistency with adjoining residential zoned lots.

#### **Direction 4.5 - Acid Sulfate Soils**

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

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

Direction:

1. The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.
2. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
  - (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or
  - (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.
3. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.
4. Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).

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

#### **Direction 5.1 Integrating Land Use and Transport**

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

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

This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.

Direction:

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

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

*Comment:* The proposed residential, village and industrial zones are within existing urban areas which have good access to transport and services which are consistent with the above documents.

#### **Direction 5.2 - Reserving Land for Public Purposes**

The objectives of this direction are to:

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

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

Direction:

1. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).
2. When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:
  - (a) reserve the land in accordance with the request, and
  - (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and
  - (c) identify the relevant acquiring authority for the land.
3. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:
  - (a) include the requested provisions, or
  - (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.
4. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

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

### **Direction 6.1 – Residential Zones**

The objectives of this direction are to:

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

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

Direction:

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

*Comment:* The planning proposal is not considered to be contrary to this direction as it will broaden the choice of building types and increase housing supply in suitable areas utilising existing infrastructure and

services. Existing provisions within the LEP relating to servicing future development regulate residential density will be retained.

### **Direction 6.2 Caravan Parks and Manufactured Home Estates**

The objectives of this direction are to:

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

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

Direction:

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

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

### **Direction 7.1 Employment Zones**

The objectives of this direction are to:

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

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

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

Direction:

A planning proposal must:

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

*Comment:* The planning proposal includes E4 zoned land on the Tilly Willy Street site. This will support the existing industrial land which surrounds it as well as the existing industrial shed located on the site.

## **Direction 9.1 Rural Zones**

The objective of this direction is to protect the agricultural production value of rural land.

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).

Direction:

A planning proposal must 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.

*Comment:* The proposed rezoning of the 25 Egan Street, North Macksville and the Tilly Willy Street, Macksville sites are contrary to this direction as they result in the rezoning of land in a rural zone to a residential and employment zone.

However, the direction also provides the following:

*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:*

*(d) is of minor significance.*

The proposed rezoning of these sites is only intended to reflect the existing use of these sites. The proposed E4 zoned site already contains an existing building which expands onto adjoining E4 zoned land and is used for industrial purposes. The proposed residential site contains an existing dwelling house and can already be developed with a dual occupancy with no height of building or floor space ratio controls. The proposed amendment will regulate the residential density of the site so that it remains consistent with surrounding residential development.

Having regard to the above, it is considered that the planning proposals inconsistency with this direction is of minor significance.

## **Direction 9.2 Rural Lands**

The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.

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 Greater Sydney Commission Act 2015) 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.

Direction: 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 State Environmental Planning Policy (Primary Production) 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.

*Comment:* The planning proposal is not considered to be contrary to this direction as the land being rezoned from rural to residential and employment zones are not productive agricultural land and are not currently used or capable of being used for agricultural land uses.

## **Section C – Environmental, social and economic impact**

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

It is not considered that the proposal will have any adverse effects on threatened species, populations, communities or their habitats as the proposal will reduce potential impacts.

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

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

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

The proposed amendments will address anomalies in the current LEP which will result in positive social and economic outcomes.

## **Section D – Infrastructure (Local, State and Commonwealth)**

### **11 *Is there adequate public infrastructure for the planning proposal?***

Sufficient public utility infrastructure is available to the relevant sites within this planning proposal.

## **Section E – State and Commonwealth Interests**

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

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

## **Part 4 Maps**

**Lot 481 DP 700681 - 2 South Arm Road, Bowraville**

Location Map



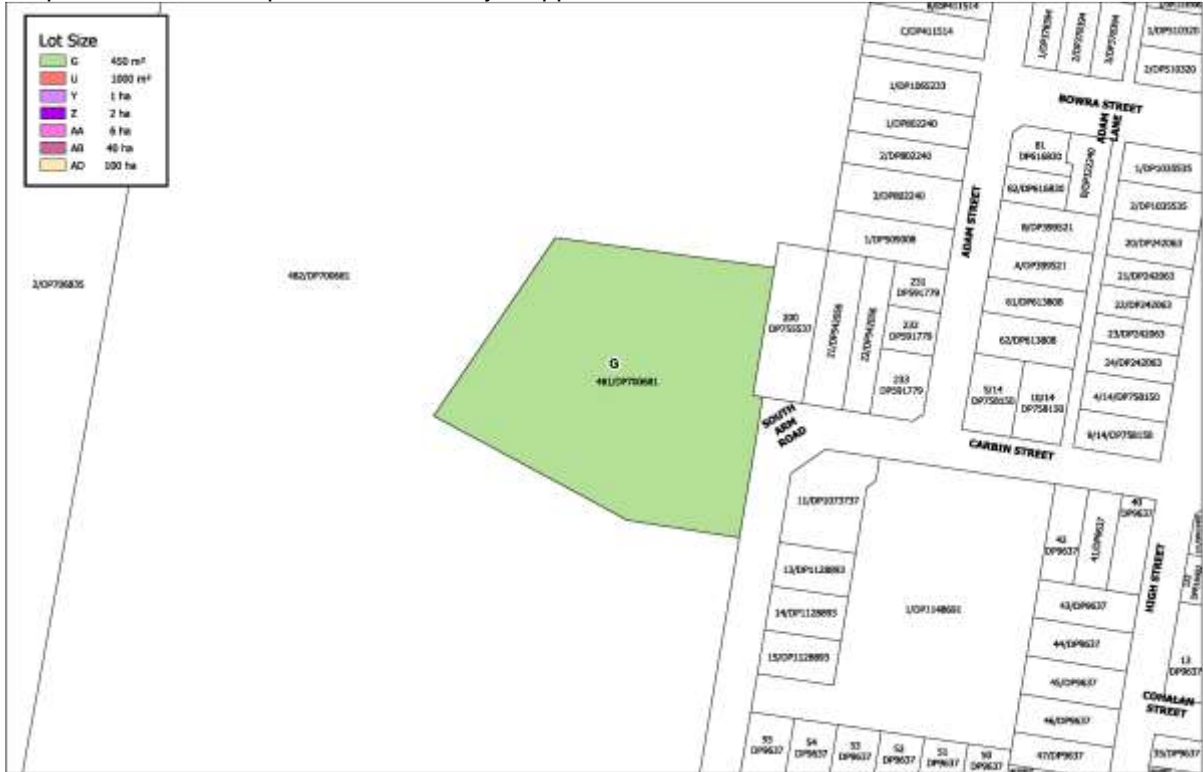
Existing zoning map



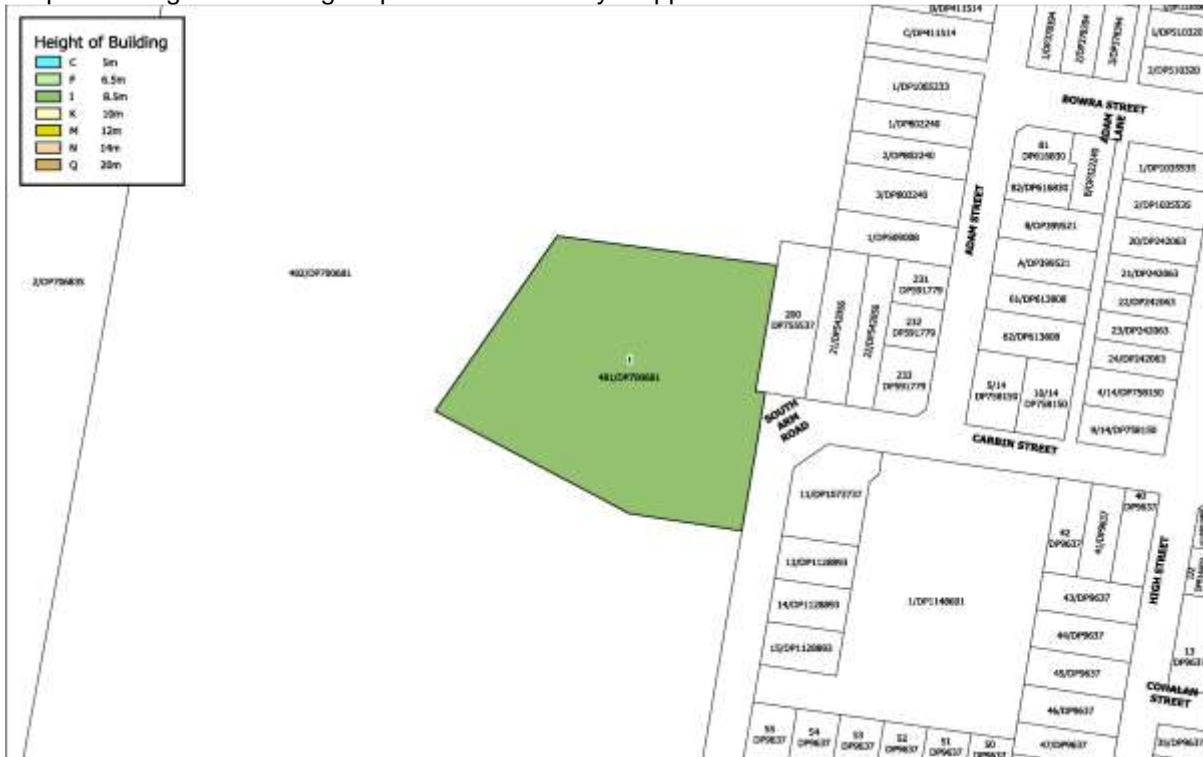




Proposed Lot Size map. Site not currently mapped.



Proposed Height of Building map. Site not currently mapped.



# Lot 1 DP 71614025 – 25 Egan Street, North Macksville

Location Map



Existing zoning map





Existing Lot Size map



Proposed Lot Size map



Proposed Height of Building map. Site not currently mapped.

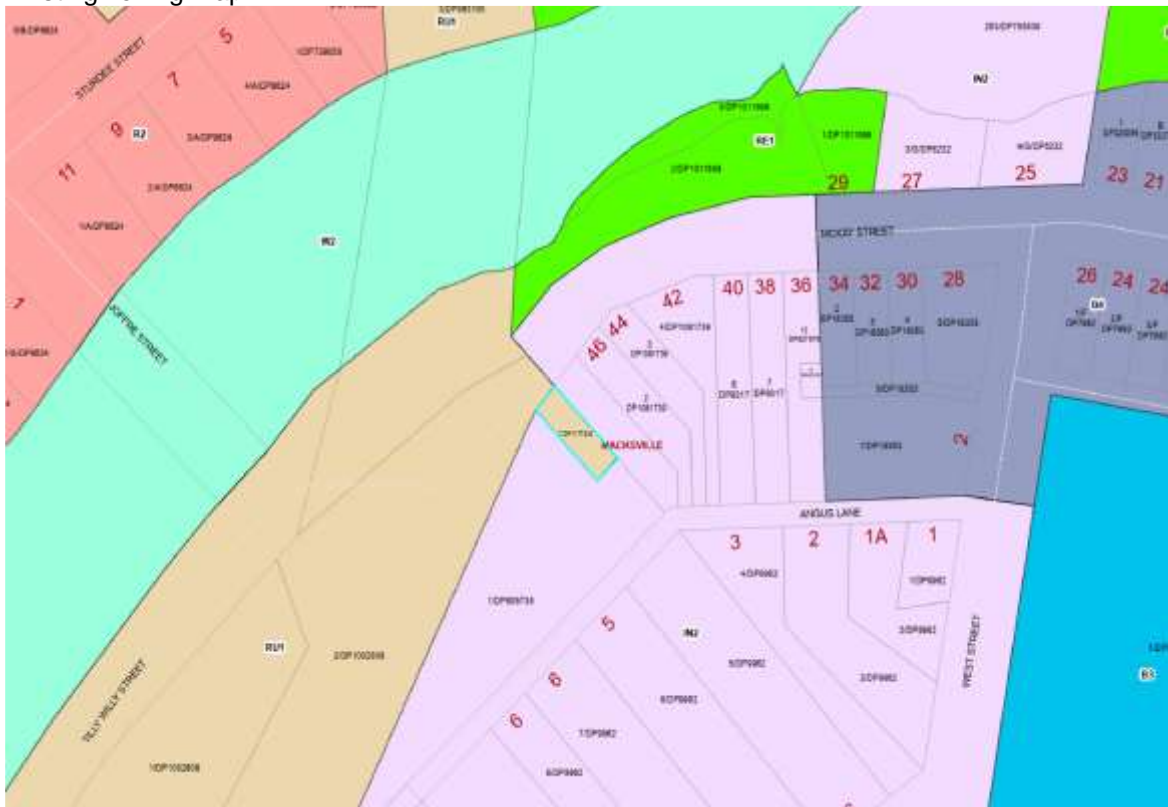


### Lot 7 DP 1177524 - Tilly Willy Street, Macksville

Location Map



Existing zoning map



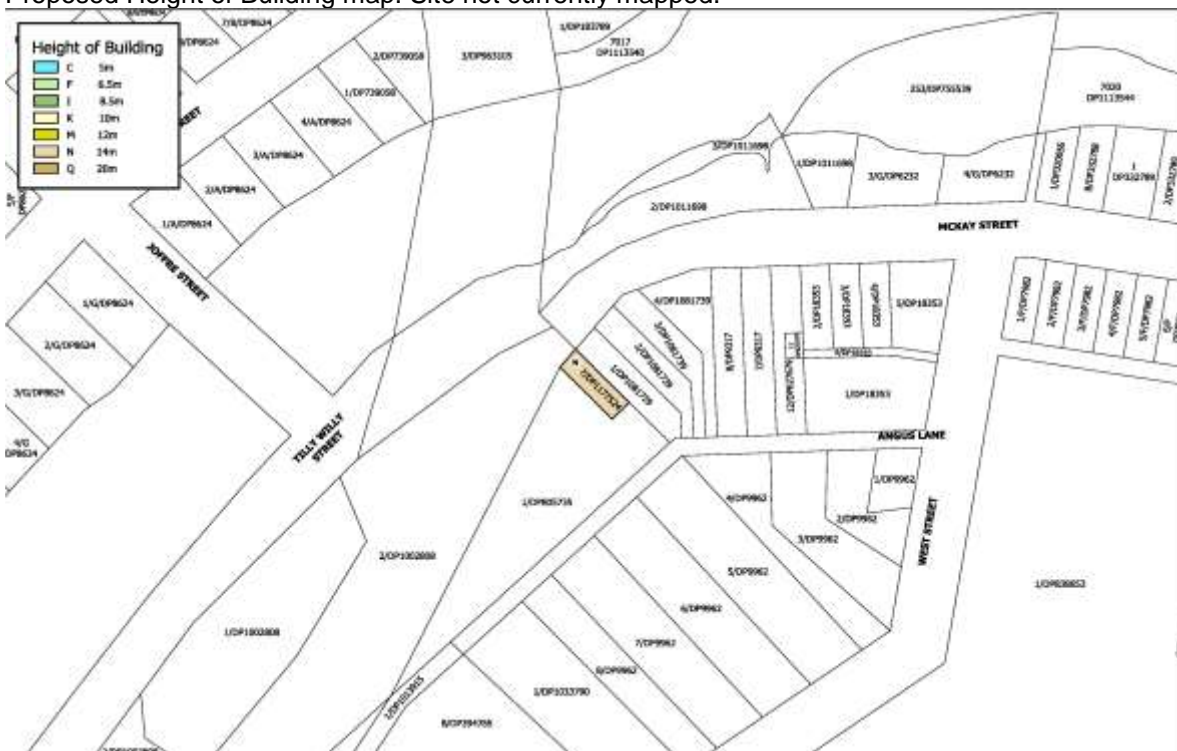
Proposed zoning map. Refer to 'Existing zoning map' above for zoning of surrounding lots.



Existing Lot Size map. Proposed not to have site mapped.



Proposed Height of Building map. Site not currently mapped.



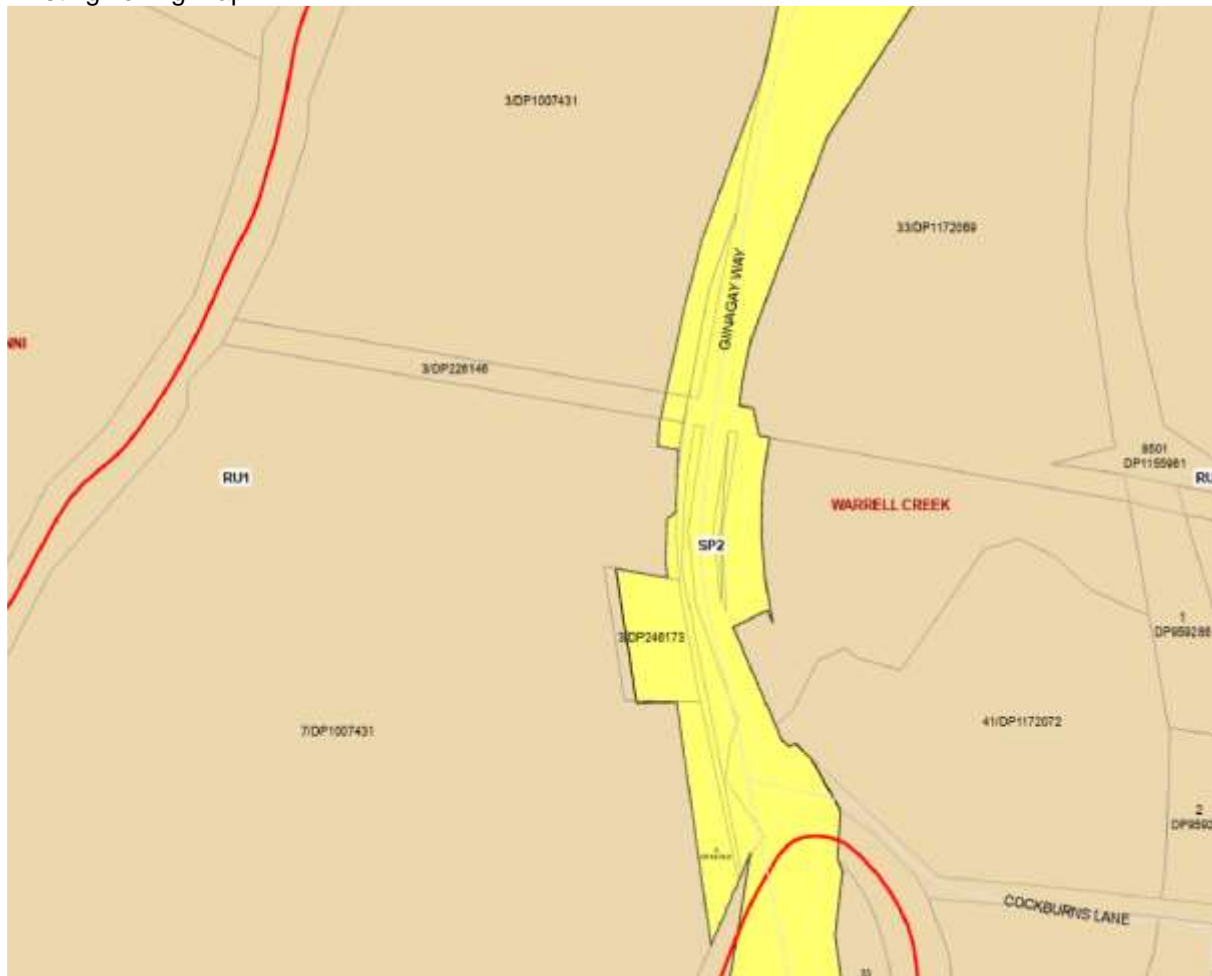


**Lot 3 DP 246173 and Lots 8, 9, 10, 13, 18, 19 & 20 DP 1007431 – Giinagay Way, Warrell Creek**

Location Map



Existing zoning map



Proposed zoning map. Refer to 'Existing zoning map' above for zoning of surrounding lots.



Existing Lot Size map



Proposed Lot Size map



## **Part 5 Community Consultation**

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

## **Part 6 Project Timeline**

May 2024	Gateway determination issued by Department of Planning & Environment
June 2024	Public exhibition of planning proposal and consultation with government agencies
July 2024	Analysis of public submissions and agency responses Preparation of Council report
August 2024	Endorsed planning proposal submitted to Department of Planning and Environment for finalisation.

