

HOUSEKEEPING – COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN (LEP) 2013 PERFORMANCE REVIEW

**SUMMARY OF ALL ITEMS CONSIDERED AS PART OF THIS
LEP 2013 PERFORMANCE REVIEW**

March 2015

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ISSUES SURROUNDING LEP 2013 CLAUSES AND SCHEDULES

ITEM NO. 1 – ADD ADVERTISING STRUCTURES AS DEVELOPMENT PERMITTED WITH CONSENT IN THE SP2 INFRASTRUCTURE ZONE.

LEP 2013 Provision / Clause / Zone	Permissibility of advertising structures within the SP2 zone under LEP 2013. Under LEP 2013 an <i>advertising structure</i> is a type of <i>signage</i>, and is defined as a structure used or to be used principally for the display of an advertisement.
Issue/s Raised:	This issue concerns the permissibility of advertising structures in the SP2 zone. Under Coffs Harbour Local Environmental Plan 2013, advertising structures are currently a prohibited land use in the SP2 zone.
Comment:	This highlights two separate issues – one being the permissibility of ‘advertising structures’ in the SP2 zone, and the other being the permissibility of ‘signage’ in the SP2 zone. It may not be considered to be appropriate to allow general advertising signage in the SP2 zone (i.e. in road corridors etc.), however it may be considered to be reasonable in some circumstances to allow the identification of services at an address adjacent to an SP2 zone (i.e. a service station). It would therefore seem appropriate that ‘signage’ in general is not appropriate in the SP2 zone as this would permit (with consent) general advertising anywhere along the highway for example, however ‘building identification signs’ and ‘business identification signs’ may be considered to be appropriate as these will simply relate to a relevant activity adjacent to, or on that particular site. It should also be noted that this course of action complies with State Environmental Planning Policy No 64—Advertising and Signage.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: That the LEP 2013 written instrument be amended to include ‘Building identification signs’ and ‘Business identification signs’ as permitted with consent in the SP2 Infrastructure zone.

ITEM NO. 2 – INCLUSION OF TEMPORARY EVENTS CLAUSE IN LEP 2013

LEP 2013 Provision / Clause / Zone	Potential clause allowing events without development consent (temporary events) within LEP 2013.
Issue/s Raised:	This issue concerns the inclusion of a clause within LEP 2013 allowing events without development consent (temporary events). Coffs Harbour LEP 2013 does not contain a temporary events clause. An example of a temporary events clause that has been used in other regional Councils in NSW reads as follows: <i>Events permitted without development consent</i> (1) <i>The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.</i> (2) <i>Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.</i> <i>Note. Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Lands Act 1989.</i> (3) <i>State Environmental Planning Policy (Temporary Structures) 2007 does not apply to development to which this clause applies.</i> (4) <i>In this clause:</i> <i>public reserve</i> <i>has the same meaning as in the Local Government Act 1993.</i> <i>temporary event</i> <i>means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than xx days (whether or not consecutive) in any period of 12 months.</i>
Comment:	The temporary events clause provides a documented process on how event organisers may hold an event on public land in Coffs Harbour. The clause identifies that public reserves and roads may be used for exhibitions, meetings, concerts or events without development consent. The clause provides the necessary documentation to determine what activities can and cannot occur. Clause 2.8 of LEP 2013 includes provisions that allow the temporary use of land with development consent on any land subject to requirements including a maximum period of 30 days in any 12 month period. Any additional clause should be consistent with this maximum time period.
Recommendation:	It is recommended that the following amendments be made to Coffs Harbour LEP 2013 as a result of this issue: That a temporary events clause, similar to that outlined above, be incorporated into the Coffs Harbour City LEP 2013 as clause 7.11 as follows: <i>7.11 Events permitted without development consent</i> (1) <i>The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.</i> (2) <i>Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a</i>

	<i>public reserve or public road without development consent.</i> <i>Note. Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Lands Act 1989.</i> <i>(3) State Environmental Planning Policy (Temporary Structures) 2007 does not apply to development to which this clause applies.</i> <i>(4) In this clause:</i> <i>public reserve</i> <i>has the same meaning as in the Local Government Act 1993.</i> <i>temporary event</i> <i>means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 30 days (whether or not consecutive) in any period of 12 months.</i> Subsequent clauses in Part 7 Additional Local Provisions be re-numbered to allow for the new clause 7.11 as outlined above.
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ITEM NO. 3 – ADDITIONS TO CLAUSE 4.2B OF LEP 2013

LEP 2013 Provision / Clause / Zone	LEP 2013 Clause 4.2B - Erection of dwelling houses on land in certain rural and environment protection zones.
Issue/s Raised:	This issue highlights the fact that Clause 4.2B of LEP 2013 should contain a provision that relates to lots created under LEP 2013.
Comment:	The existing clause 4.2B does not address lots created under LEP 2013, and should have a requirement as follows - 'is a lot created in accordance with Clause 4.1, 4.1AA and 4.1A of this plan'
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • Remove the full stop at the end of 4.2B(3)(e)(iii), and insert in its place “, or”; and • Insert a new clause - 4.2B(3)(f) is a lot created in accordance with Clause 4.1, 4.1AA and 4.1A of this plan.

ITEM NO. 4 – ADDITIONS TO CLAUSE 7.2 EARTHWORKS AND SCHEDULE 2 EXEMPT DEVELOPMENT

LEP 2013 Provision / Clause / Zone	LEP 2013 - Clause 7.2 - Earthworks Provision, additions to address “minor development”
Issue/s Raised:	This issue considers a review of earthworks provisions within LEP 2013 (clause 7.2), and suggests including requirements for earthworks in Schedule 2 (exempt development) of LEP 2013. Council has also received legal advice regarding clause 7.2 of LEP 2013. LEP 2013 includes clause 7.2 which addresses earthworks. Sub-clauses 7.7 (2) (a) & (b) read as follows: <i>2) Development consent is required for earthworks unless:</i> a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. Legal opinion has advised Council that <i>“if it is Council’s intent that earthworks of a minor nature should not require development consent, then clause 7.7(2)(now clause 7.2(2) under the adopted LEP) should be amended to include a subclause along the following terms:</i> <i>Development consent is required for earthworks unless:</i> ... <i>c) the work is of a minor nature.”</i> The legal advice goes on to say: <i>“If the Draft DCP (now the adopted DCP 2013) serves a definitional purpose, those considerations set out in the Draft DCP for determining what is “minor” should be set out in the Draft LEP itself”</i>
Comment:	As a result, it has been recommended that sub-clause 7.2(2) is expanded to include a point c) as follows: <i>2) Development consent is required for earthworks unless:</i> <i>c) The work is of a minor nature, as outlined in Schedule 2 of this plan.</i> Further, Schedule 2 Exempt Development should be expanded to include revised provisions of Component C6 of DCP 2013. The revisions are to ensure that the new LEP provisions comply with standard terminology.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: - Clause 7.2(2) of LEP 2013 be amended to include a point c) as follows: c) The work is of a minor nature, as outlined in Schedule 2 of this plan. - Schedule 2 (Exempt Development) of LEP 2013 include the following provisions

	(inserted alphabetically) into the schedule: i) Earthworks restricted to the following criteria are considered to be minor in nature and do not require the approval of the Consent Authority. ii) Minor earthworks must: • be for agricultural, industrial or commercial purposes only; • be located at least 900mm from each lot boundary; • if a retaining wall: – be not higher than one metre (including the height of any batters) above existing natural ground level; – if it is on a sloping site and stepped to accommodate the fall in the land, not be higher than one metre above existing natural ground level at each step; – have adequate drainage lines behind it; • be on land possessing a slope less than 15%; • not involve more than 100m³ of material in an Environmental Protection zone or 1,000m³ of material in any other zone; • not involve greater than one metre cut or fill at any point below or above the existing natural ground profile; • not redirect the flow of surface water onto an adjoining property; • cause surface water to be disposed of without causing a nuisance to adjoining owners; • be located at least one metre from any registered easement, sewer main or water main; • be located at least 40 metres from a river, creek or stream; • not be located on flood-prone land, adjoining the Solitary Islands Marine Park, or east of the foreshore building line; • not be constructed or installed on or in a heritage item or a draft heritage item; • not be located on land identified by the Environment Protection Authority or the Consent Authority as potentially contaminated or containing Class 1 or Class 2 acid sulphate soil; and • incorporate appropriate controls so that there are no adverse erosion and sedimentation issues.
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ITEM NO. 5 – ALLOW ENVIRONMENTAL PROTECTION WORKS AS DEVELOPMENT PERMITTED WITH CONSENT IN THE E2 ENVIRONMENTAL CONSERVATION ZONE

LEP 2013 Provision / Clause / Zone	Under LEP 2013, <i>environmental protection works</i> means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.
Issue/s Raised:	This issue gives consideration to environmental protection works as development permitted without consent in the E2 Environmental Conservation zone.
Comment:	Under LEP 2000 – Environmental protection works were permitted without consent. Under LEP 2013 Environmental protection works are permitted with consent. The two definitions (LEP 2000 and LEP 2013) are identical, although the LEP 2013 definition includes specific examples. Council staff state that it is impractical for Council to receive DA's for landholders trying to rehabilitate their E2 zoned land i.e. removal of camphor, privet etc. This would also create a lot of unnecessary paperwork for established environmental programs including Jaliigirr, Orara and Environmental Levy projects. According to LEP Practice Note PN09, environmental protection works may be permitted with or without consent.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: That the LEP 2013 written instrument be amended to include environmental protection works as development permitted without consent in the E2 Environmental Conservation zone.

ITEM NO. 6 – ADDITIONS TO SCHEDULE 1 ADDITIONAL PERMITTED USES OF LEP 2013

LEP 2013 Provision / Clause / Zone	Inclusion of additional item to LEP 2013 - Schedule 1 Additional permitted uses
Issue/s Raised:	This issue examines the existing density controls relating to the shop contained within the Big Banana site located at 351 Pacific Highway Coffs Harbour. These controls are currently outlined in the Coffs Harbour Development Control Plan (DCP) 2013 and should be removed from the DCP and included as an addition to Schedule 1 of LEP 2013.
Comment:	The North Coffs DCP came into force on the 1 June 2012 however this Plan was not subsequently included within the <i>Coffs Harbour DCP 2013</i>. As part of the DCP review process, the controls within the North Coffs DCP have been considered for inclusion within the revised DCP (<i>Coffs Harbour DCP 2014</i>). The density controls within the North Coffs DCP include the following provision: <i>- Retail development is limited to 200m² per shop with a provision for two shops to have an individual floor space of 500m².</i> The Big Banana Site (the main tourist component adjoining the Pacific Highway) is zoned SP3 Tourist under the <i>Coffs Harbour LEP 2013</i>. Shops are not permissible within this zone under this Plan. In this regard, the above density provision would have no effect as it is inconsistent with the provisions of the <i>Coffs Harbour LEP 2013</i>. Given that <i>Coffs Harbour DCP 2014</i> is subservient to the <i>Coffs Harbour LEP 2013</i>, it is recommended that the above control is included within the <i>Coffs Harbour LEP 2013</i>. Such inclusion should be via an enabling clause (Schedule 1 – Additional Permitted Uses) as shops are not an appropriate land use for the only other land parcel zoned SP3 Tourist under the <i>Coffs Harbour LEP 2013</i> (Pet Porpoise Pool). Caution should be applied when drafting this enabling clause so that it applies only to the land zoned SP3 Tourist under the <i>Coffs Harbour LEP 2013</i> within Lot 4 DP 270533 (the Big Banana site).
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: WRITTEN INSTRUMENT: Schedule 1 Additional permitted uses - insert the Big Banana site retail development provision as outlined above as item number 10 and re-number all items occurring thereafter in Schedule 1 of LEP 2013. MAP: - That Additional Permitted Uses Map – Sheet APU_006B - insert Item 10 (as identified above) on the Additional Permitted Uses Map, and re-number additional permitted uses maps accordingly

ITEM NO. 7 – ADDITIONS TO SCHEDULE 1 ADDITIONAL PERMITTED USES OF LEP 2013

LEP 2013 Provision / Clause / Zone	Inclusion of additional item to LEP 2013 - Schedule 1 Additional permitted uses
Issue/s Raised:	This issue surrounds Schedule 1 of LEP 2013, and suggests that it be amended to allow land contained within the SP2 Infrastructure zone at Howard Street, Coffs Harbour to be used as a community facility (prohibited use in the SP2 zone). The issue has been identified by the Coffs Harbour Men's Shed (MS) who currently have a licence for 20 years to occupy and develop a different site, however the use of this land is not consistent with plans for the development of a depot at this site. Relocation of the MS to a different site is desirable. To do this Council has needed to find an alternative site for the MS. Numerous potential sites/layouts have been identified at the end of Howard street, and the preferred land comprises LEP 2013 zones SP2 Infrastructure (lot 5 DP 90246) and IN1 General Industrial (lot 2 DP 555949).
Comment:	The preferred licence area for the MS from an operational point of view straddles both the IN1 and SP2 land. Development of the SP2 zone must be consistent with the LEP 2013 land use table for the SP2 zone. In this instance it is restricted to use for the Sewage Treatment works, and therefore Council cannot process and approve a Development Application (DA) for the MS on the SP2 zoned land. CHCC could process a DA for the MS if the work was contained entirely on the IN1 land. To facilitate development on the SP2 land LEP2013 will need to be amended to include this as an additional permitted use. A rezoning of lot 5 DP 90246 (Howard Street Coffs Harbour) was identified as being inappropriate as this is not supported by the Local Growth Management Strategy (Industrial Lands, Our Living City Settlement Strategy), and rezoning a small piece of the adjoining land is also not a preferred course of action. The most appropriate way forward was determined to be through an addition to Schedule 1 of LEP 2013 which would recognise that a defined area of the land was able to be used for a use (Community Facility) that was otherwise not permissible in the SP2 zone.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: WRITTEN INSTRUMENT: Schedule 1 Additional permitted uses - insert the Howard Street site as outlined above as item number 7 and re-number all items occurring thereafter in Schedule 1 of LEP 2013. MAP: - That Additional Permitted Uses Map – Sheet APU_006B - insert Item 7 (as identified above) on the Additional Permitted Uses Map, and re-number additional permitted uses maps accordingly

LEP 2013 MAPPING ISSUES

ITEM NO. 8 – AMEND E2 ENVIRONMENTAL CONSERVATION ZONE BOUNDARY AT 45 RUTLAND STREET, BONVILLE.

LEP 2013 Provision / Clause / Zone	Amendment of E2 Environmental Conservation zone at Lot 19 DP 1126372 at 45 Rutland Street, Bonville, as shown below: 
Issue/s Raised:	This issue concerns the zoning of land at Lot 19, DP 1126372 - 45 Rutland Street, Bonville. Development Application No. 876/12 for subdivision into one residential torrens title lot, plus 13 residential community title lots and 1 community lot at this location was approved by the Land and Environmental Court on 31 October 2014. The conditions of approval also referred to a bio-banking agreement which outlined management recommendations for existing native vegetation on the site, including native vegetation to be removed. The biobanking agreement also indicates where the E2 zone should apply on the site. Resolution CP14/6 of the Council meeting held on 27 February 2014 also required the E2 zoning to be reviewed on the subject site, as per Council's resolution of 15 June 2006.
Comment:	The development application (DA876/12) has been approved by the Land and Environmental Court (LEC) on 31 October 2014, proceeding No. 14/10211. The implications of the LEC ruling means that the E2 zoning is to be applied to the whole of the site, apart from the approved development footprint including the boundary road and APZ at the southern extent of the approved development. While the resolution contained within the adopted minutes of the Planning, Environment and Development Committee meeting held on 15 June 2006 does not contain a specific reference to the environmental protection zoning on the subject site, the body of the report does contain the following reference: <i>"2. The proposed amendment is inconsistent with Clause 9 of the North Coast Regional Environmental Plan, which requires detailed analysis for alteration of Environmental Protection Zones.</i> <i>Comment</i> <i>The alteration of Environmental Protection Zones encompasses three of the proposed map amendments (rezonings). Of those three proposed map amendments, all 7A zonings have been demonstrated to be inappropriately applied in each circumstance. It is proposed to provide additional specific information on each of the proposed altered Environmental Protection Zones.</i> <i>With regard to the addition of land on Lyons Road into the Environmental Protection</i>

7A Zone, this report will remove the proposed amendment from LEP30. This is due to the lack of detailed analysis undertaken at this point in time specifically to this proposed amendment. The issue of zoning of this and other properties in the immediate area will be examined in the review of zonings in the North Bonville area.”

It is considered that the detailed analysis of the environmental protection zoning as it applies to the land has been undertaken as part of DA 876/12, and reinforced as part of the LEC ruling.

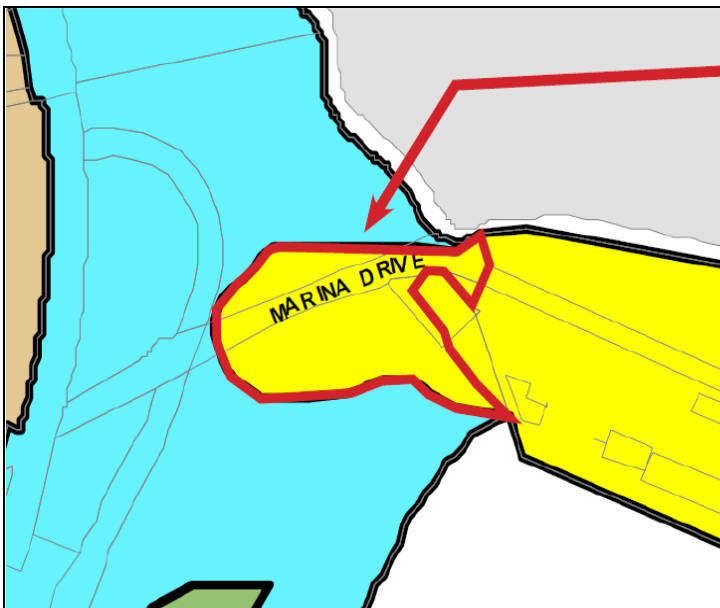
Recommendation:

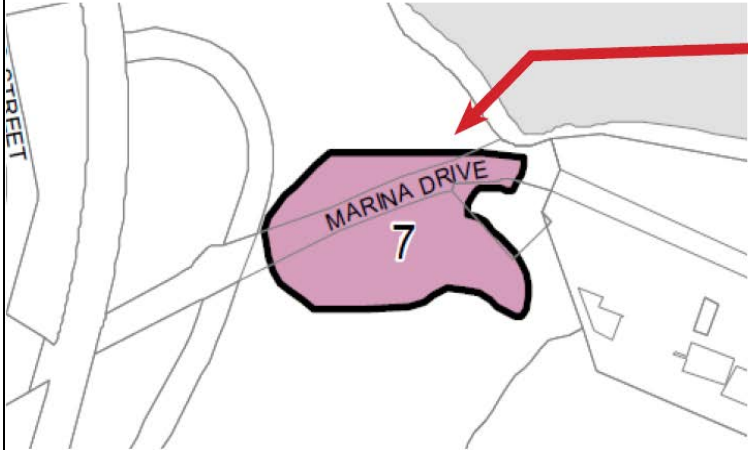
It is recommended that the following amendments be made to LEP 2013 as a result of this issue:

- That Land Zoning Map – **Sheet LZN_006D** be amended to show the E2 zone applied to the whole of the site, apart from the approved development footprint and APZ including the boundary road at the southern extent of the approved development, as shown below; and
- That Lot Size Map – **Sheet LSZ_006D** be amended to show the extents of the E2 zone at 45 Rutland Street Bonville as minimum lot size data of AB – 40ha.



ITEM NO. 9 - MAPPING AMENDMENTS TO CONFORM TO JETTY4SHORES PROJECT

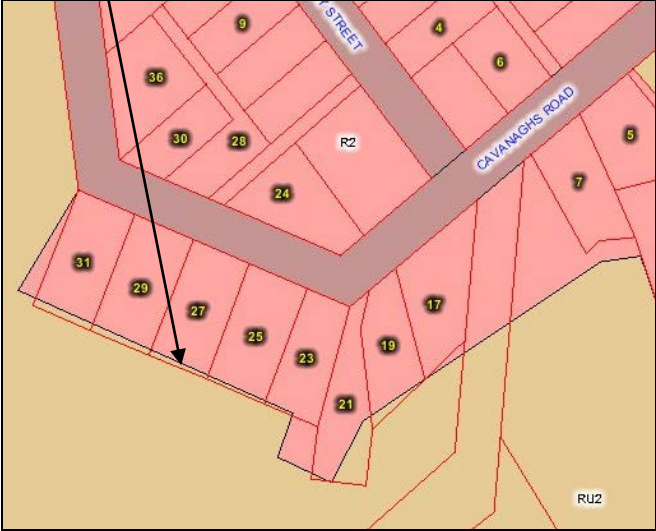
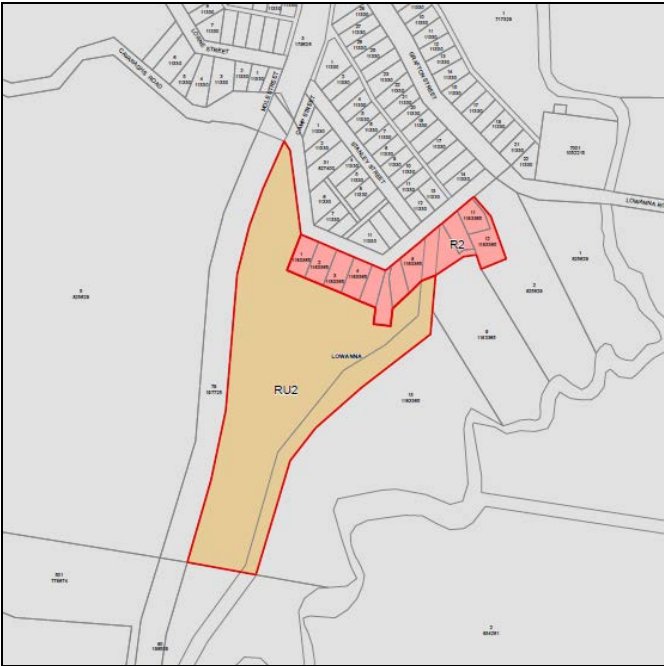
LEP 2013 Provision / Clause / Zone	Amendment to Coffs Harbour LEP 2013, in accordance with Council resolution CP 13/36, meeting of Council on 24 October 2013, Resolution 267, item 9.
Issue/s Raised:	This issue surrounds an amendment to LEP 2013 to address inconsistencies between the LEP and the Jetty4Shores Concept Plan. An amendment to Coffs Harbour LEP 2013 is required in order to address the inconsistency between the Jetty4Shores Concept Plan (which provides for public domain improvements) and existing LEP provisions (which provides for residential built form) for the RE1 Public Recreation Zone within the study area. REQUESTED AMENDMENTS: WRITTEN INSTRUMENT: Schedule 1 - remove item 7 (AND THEN RE-NUMBER ALL OTHER ITEMS AND RE-DO MAP NUMBERS), which reads: 7 Use of certain land at Marina Drive, Coffs Harbour (1) This clause applies to land at Marina Drive, Coffs Harbour, being Part Lot 21, DP 850150 (Marina Drive Coffs Harbour Jetty Foreshore), shown as “7” on the Additional Permitted Uses Map. (2) Development for the purposes of hotel or motel accommodation, serviced apartments, shops and wharf or boating facilities that support tourism, marine and wharf or boating activities is permitted with development consent. MAPS (see images below): HOB map 006D - amend height of buildings back to 5.4 metres over Marina Drive to accord with the RE1, RE2 and IN4 shapes APU map 006D - remove Item 7 (as identified below) from the Additional Permitted Uses Map  HOB map 006D Replace area outlined in red with a blue 5.4m height limit; instead of the current 11m height limit (shown yellow) NOTE follow shape of the RE1 zone, around the RE2 and IN4 zones (see below) RE2 IN4 RE1

	 APU map 006D Remove area 7 from the additional permitted uses map
Comment:	The amendment as illustrated above will address the inconsistency between the Council's adopted Jetty4Shores Concept Plan and the LEP. Area 7 (see above) currently incorporates RE1 Public Recreation, RE2 Private Recreation and IN4 Working Waterfront land zones. An 11 metre height limit applies to each of the zones within area 7. However, a 5.4 metre (blue) height limit applies to development in the immediate surrounding area despite sharing the same zone. As part of the Jetty4Shores Concept Plan it is important that building heights are amended back to 5.4 metres over Marina Drive to accord with the RE1, RE2 and IN4 shapes. Remove item 7 from the additional permitted uses map.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue. WRITTEN INSTRUMENT - Schedule 1 - remove item 7, and re-number all other items occurring thereafter in Schedule 1 of LEP 2013, and re-number additional permitted uses map accordingly. MAPS (see images above): - That Height of Buildings Map – Sheet HOB map 006D – be amended to show height of buildings back to 5.4 metres over Marina Drive to accord with the RE1, RE2 and IN4 shapes. - That Additional Permitted Uses Map – Sheet APU map 006D - be amended to remove Item 7 (as identified below) from the Additional Permitted Uses Map.

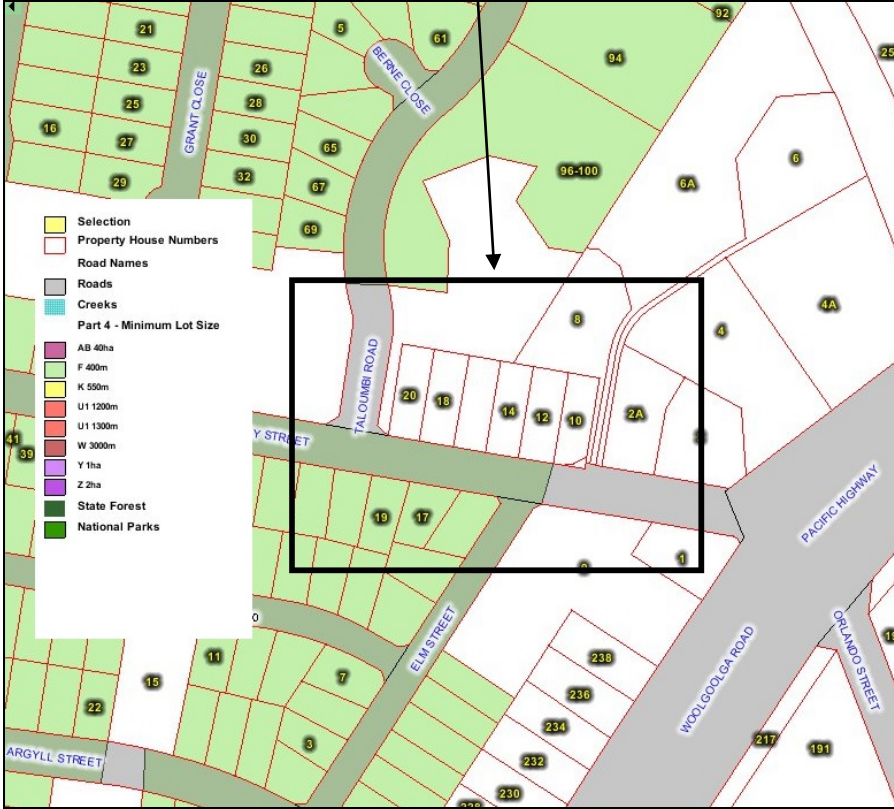
ITEM NO. 10 – CORRECT HERITAGE MAP INACCURACIES & CLARIFICATION OF SCHEDULE 5 OF LEP 2013

LEP 2013 Provision / Clause / Zone	LEP Mapping (Heritage Maps HER004 & HER006) & Schedule 5 of LEP 2013.
Issue/s Raised:	This issue surrounds the content of Schedule 5 of LEP 2013, and the associated heritage layer map: • I55 (14 Ford Street Red Rock) is missing from the heritage layer map (HER004); • I92 (Upper Orara War Memorial) is inaccurately described in Schedule 5 of LEP 2013 as being on the same property as the Upper Orara Hall, and subsequently located with the Upper Orara community hall on the heritage layer map (HER006). The war memorial is correctly located on Lot 1 DP 127149; • The Sawtell Heritage Conservation Area as shown on the heritage layer map does not include properties to the north of Second Avenue Sawtell (as shown in Schedule 6, diagram 1 of LEP 2000); • I94 (Woolgoolga Buoys) are shown on the wrong Beach Street road reserve land parcel; and • I3, I4, I8 & I9 are out of order as shown in Schedule 5 of LEP 2013. • I34 has been subject to subdivision (boundary adjustment) and is now known as Lot 4 DP1196909.
Comment:	The corrections to Schedule 5 of LEP 2013, as outlined above should be corrected as part of the house-keeping review.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • Insert item I55 (14 Ford Street Red Rock) on heritage layer map Sheet HER map_004; • Insert the Upper Orara War Memorial as a separate item in Schedule 5 of LEP 2013 (as I92 – Upper Orara Road / Lot 1 DP 127149) and re-number items I93-I97 accordingly, and amend the heritage layer maps (HER006 & HER005F) accordingly; • Extend the coverage of the Sawtell Heritage Conservation Area as shown on the heritage layer map (Sheet HER map_006C) to include properties to the north of Second Avenue Sawtell (L100 DP 1165632, L8 DP 857331, L19 DP 659125 & LB DP 420494); • Change the heritage layer map (Sheet HER map_005C) to show item I94 (I95 after amendment) (Woolgoolga Buoys) on the correct Beach Street road reserve land parcel; and • Change the map numbers / locations of items (to reflect their sequence in Schedule 5 of LEP 2013) of I3 – I20 on the LEP 2013 heritage maps.

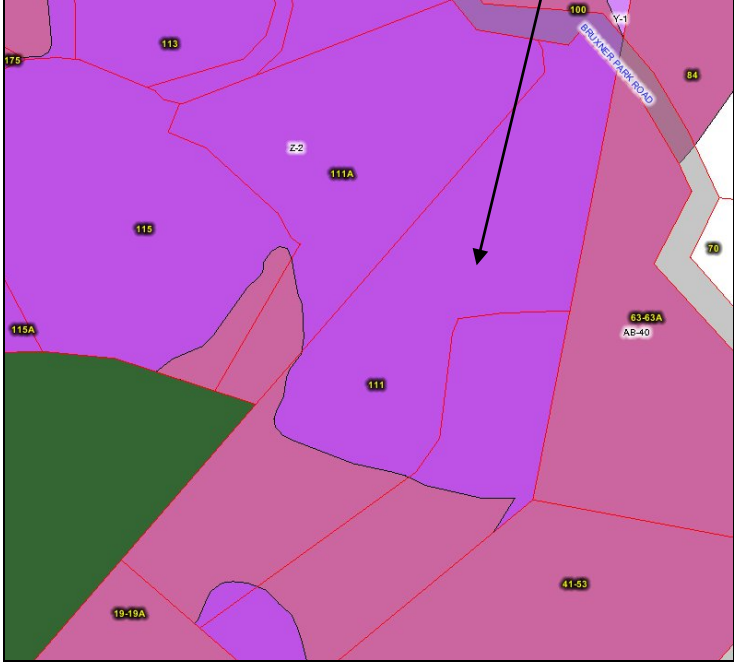
ITEM NO. 11 – MATCH ZONING WITH CADASTRE AT 7-31 CAVANAGHS RD LOWANNA

LEP 2013 Provision / Clause / Zone	Zone boundaries of land located at 7 - 31 Cavanaghs Road Lowanna, as shown below: 
Issue/s Raised:	This issue examines cadastral mapping that does not match the zone boundaries at 7 - 31 Cavanaghs Road Lowanna.
Comment:	GIS amendment is required.
Recommendation:	It is recommended that the following amendments be made to Coffs Harbour LEP 2013 as a result of this issue: That Land Zoning Map – Sheet LZN_001A be amended to match the zone boundaries of the various land parcels with the cadastral boundaries, as shown below: 

ITEM NO. 12 – AMENDMENT TO MINIMUM LOT SIZE MAP AT 10-20 BRAY STREET COFFS HARBOUR

LEP 2013 Provision / Clause / Zone	Bray Street Lands zoned R2 – No minimum lot size shown for properties at 10-20 Bray Street Coffs Harbour, as shown below: 
Issue/s Raised:	This issue surrounds the fact that there are currently no minimum lot sizes for a number of properties on the Lot Size Map LSZ_006D. The missing detail is part of land zoned R2 Low Density Residential.
Comment:	A number of lots at 10-20 Bray Street Coffs Harbour do not contain relevant minimum lot size data. The lots identified above are part of a R2 Low Density Residential Zone. They should therefore have a minimum lot size of 400 (sq m).
Recommendation:	It is recommended that the following amendments be made to Coffs Harbour LEP 2013 as a result of this issue: That Lot Size Map – Sheet LSZ_006B be amended to show the lots located at 10-20 Bray Street Coffs Harbour as minimum lot size data of F 400m.

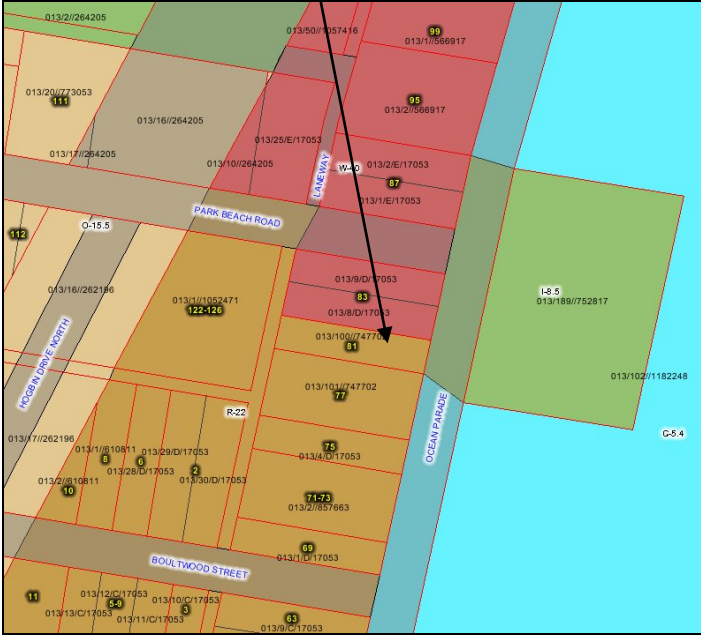
ITEM NO. 13 – AMENDMENT TO MINIMUM LOT SIZE MAP AT 111 BRUXNER PARK RD KORORA

LEP 2013 Provision / Clause / Zone	Amendment to the Minimum lot size map as it relates to Lot 1 DP1152336 (111 Bruxner Park Road Korora), as shown below: 
Issue/s Raised:	This issue concerns a change to the minimum lot size map for this land. The proposed change is from a 2 hectare minimum lot size to a 1 hectare minimum lot size.
Comment:	The Korora Rural Residential Development Control Plan came into force on 27 February 2004. One of the controls contained within the Korora DCP was the application of a minimum subdivision lot size of either 1 or 2 hectares depending on the slope of the land in that particular location. On steeper slopes (generally >15%), minimum sized lots were required to be 2 ha, and lots <15% could be as low as 1ha. An examination of issues such as land slope, effluent disposal, visual amenity and the minimum lot size standard of other lots in the immediate vicinity of the subject land has been provided at the landowner expense. A stand-alone single site related Planning Proposal is not considered necessary in this case. The extensive infrastructure works that has already occurred on the land, coupled with the justification that the landowner submission provides, including slope analysis (generally <15% across the corresponding land), Council can support progressing the request.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: That Lot Size Map – Sheet LSZ_005F be amended from Z - 2 ha to Y – 1ha as it applies to Lot 1 DP1152336 (111 Bruxner Park Road Korora).

ITEM NO. 14 – REMOVAL OF FLOOR SPACE RATIO CONTROLS AT LAND SURROUNDING KORFE ST, HILL ST AND ALBANY ST COFFS HARBOUR

LEP 2013 Provision / Clause / Zone	Removal of floor space ratio controls from R4 High Density Residential zone areas, located at and surrounding Korfe Street, Hill Street and Albany Street Coffs Harbour, as shown below: 
Issue/s Raised:	This issue examines the floorspace ratio controls for the R4 High Density Residential zoned areas located within Coffs Harbour.
Comment:	Under early iterations of the then draft <i>Coffs Harbour LEP 2013</i>, floor space ratio (FSR) controls applied to residential zoned land. However it was later determined that such controls should be removed from residential zoned land due to the presence of other development controls attempting to achieve a similar outcome. As part of the initial DCP 2013 review process it had been identified that FSR controls were relevant and should apply to land zoned R4 High Density Residential under the <i>Coffs Harbour LEP 2013</i>. Due to existing height controls within the <i>Coffs Harbour LEP 2013</i> and proposed controls within the <i>Coffs Harbour DCP 2014</i> in relation to density and setbacks, it has now been determined that FSRs are not required for land zoned R4 High Density Residential under the <i>Coffs Harbour LEP 2013</i>. It is therefore recommended that floorspace ratio controls should be removed from the R4 High Density Residential zoned areas located within Coffs Harbour.
Recommendation:	It is recommended that the following amendment be made to LEP 2013 as a result of this issue: That the Floor Space Ratio Map – Sheet FSR_006B be amended by removing all floor space ratio controls for the R4 High Density Residential zoned areas as shown above.

ITEM NO. 15 – AMEND HEIGHT OF BUILDING CONTROLS AT 81 OCEAN PARADE COFFS HARBOUR

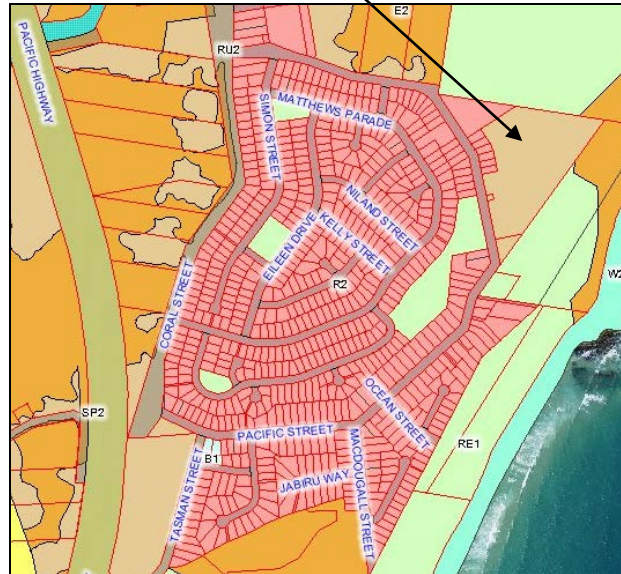
LEP 2013 Provision / Clause / Zone	Amend Height of Building controls at 81 Ocean Parade Coffs Harbour – Lot 100 DP 747702, as shown below:  The height controls are proposed to be amended from R-22 to W-40.
Issue/s Raised:	This issue examines height of building controls at 81 Ocean Parade Coffs Harbour. The proposed change is also in accordance with an adopted Council resolution.
Comment:	The Council report (and resolution) which adopted LEP 2013 dated 13 December 2012 included the following about the subject land: Submission P23: 83 - 85 Ocean Parade, Coffs Harbour <i>The site be afforded additional height and FSR controls to what is currently permitted on the land and it includes the narrow block of land to the south of the site (being Lot 100, DP747702, 81 Ocean Parade).</i> <i>The submission states that the site was previously identified as a pivotal ‘gateway’ site under the Park Beach DCP 2003, and as such, it was afforded similar development controls (building height restrictions of 21 metres) to that land opposite it on the northern side of Park Beach Road (being 87 Ocean Parade). Now the land at 87 Ocean Parade to the north is permitted to be developed to a 40 metre height, but the subject site at 83 - 85 Ocean Parade is now limited to a 22 metre height.</i> <i>Council has no readily accessed height information for the existing high-rise buildings on lands to the north and south of the subject site; however, heights can generally be determined from number of storeys in a building.</i> <i>Council must therefore decide what extent of added height is feasible. The draft LEP as exhibited allows for 22 metres (say six storey residential); the submission requests 40 metres (say 11 storey residential over a permissible commercial use at street level, acting as a gateway entry into the precinct); the building to the south is roughly 30 metres (eight storey residential). It is therefore considered that</i>

	<i>somewhere between 30 (eight storey) and 40 metres (12 storey) would be acceptable. Given the Obstacle Height Limitation Surface over the centre of the site is 48 metres, a building height of 40 metres would be acceptable.</i> <i>It is recommended that:</i> <i>1. The Height of Buildings Map (Sheet HoB_006B) be amended to show Lots 8 and 9, DP17053 and Lot 100, DP747702 with a building height of 40 metres.</i> <i>2. A statement be made to NSW P&E (contained within the Section 68 Report which requests that the Plan be made) that the inconsistency with 117(2) Direction 4.3 is justified in the circumstances.</i> Council subsequently endorsed these actions at this meeting. Despite the above, Lot 100 DP 747702 remained R-22 (22 metres). It is therefore recommended that given the information above, and in accordance with Council's resolution at the meeting dated 13 December 2012, the Height of Buildings map should be amended as part of the LEP 2013 housekeeping review.
Recommendation:	It is recommended that the following amendment be made to LEP 2013 as a result of this issue: That the Height of Buildings Map – Sheet HOB_006B be amended from R-22 to W-40 at Lot 100 DP 747702 (81 Ocean Parade, Coffs Harbour).

ITEM NO. 16 - REZONING FROM RU₂ RURAL LANDSCAPE ZONE TO B₁ NEIGHBOURHOOD CENTRE ZONE AT 97 PACIFIC ST CORINDI BEACH

LEP 2013 Provision / Clause / Zone

Review of the zone that applies to 97 Pacific Street Corindi Beach – Lot 372 DP 1026829, as shown below:



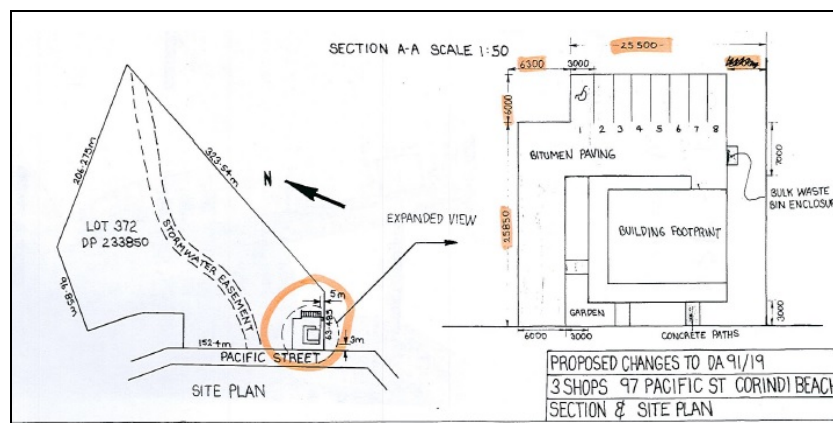
Issue/s Raised:

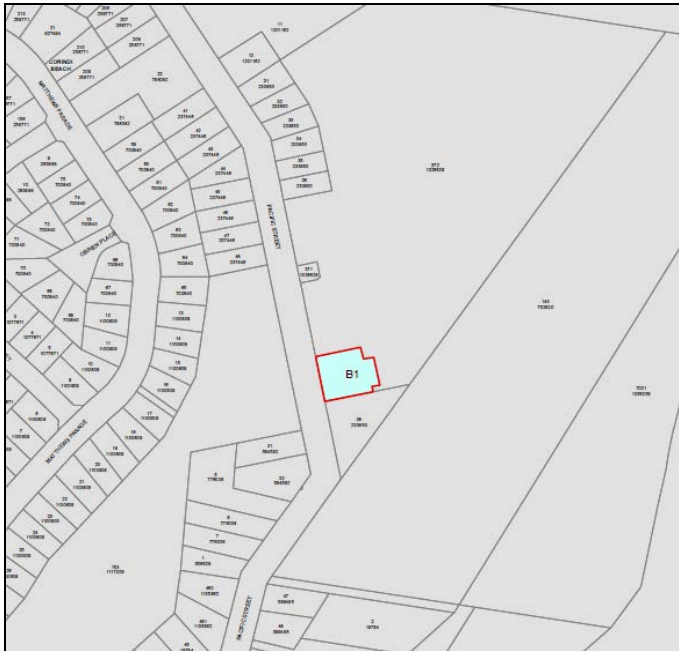
This issue examines the RU₂ Rural Landscape zone that applies to Lot 372 DP 1026829, and looks to include part of the subject property as a business zone.

This issue relates to the rezoning of part of the site to a B₁ Neighbourhood Centre zone. The owner/s of the site have requested that a 2 hectare portion of the site be rezoned to a B₁ zone, stating that the growing needs of the Corindi Beach area justify the 2ha sized area.

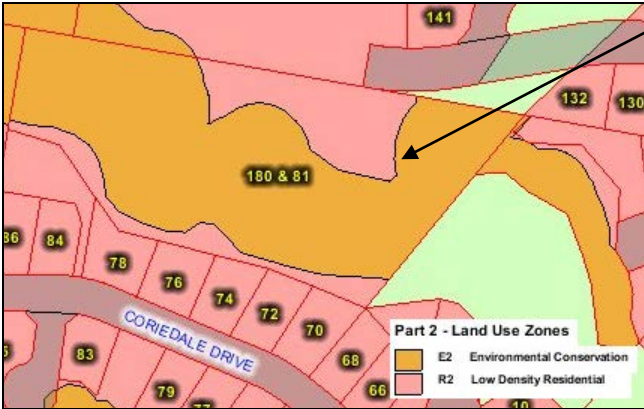
Council has previously committed to considering a rezoning to a B₁ zone for the area covered by the shops and curtilage of a site at Corindi - Lot 372 DP 1026829 (97 Pacific Street Corindi Beach).

The land in question is currently zoned RU₂ Rural Landscape, and benefits from an approval to construct shops on the land (see plan below) issued under a previous Planning Instrument (in an adjacent Council area, prior to realignment of LGA boundaries). A Business zone will more appropriately reflect the actual land use of that part of the site.

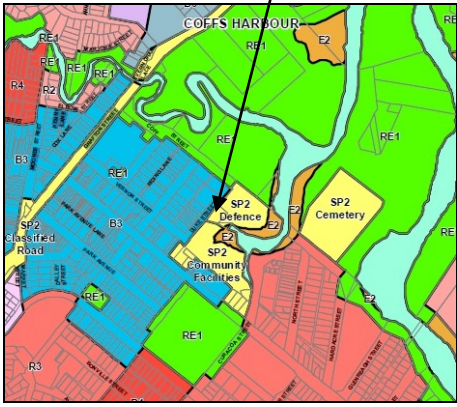


Comment:	There are currently only three lots in Corindi Beach zoned B1 Neighbourhood Centre. These three lots are currently undeveloped and are located along Tasman Street, Corindi Beach. The subject land is removed from the highway, and is located well beyond the current B1 zone. The site is positioned at Corindi's most North East point, and is subsequently surrounded by a number of different zones, including R2 Low Density Residential, RE1 Public Recreation and E2 Environmental Conservation. The Business Lands Hierarchy Review (2011) suggests that a B1 Neighbourhood Centre Zone is appropriate in outer-lying centres such as this as they will provide commercial services to the local neighbourhood. It is considered that this zone, if applied to the extents and curtilage of the business development approved on the site will provide more appropriate land use controls to lot 372 than its current RU2 Rural Landscape zoning. A request has been received to zone a larger area (up to 2 ha) of the land to a business zoning but a rezoning of that size is considered to be outside the scope of this "housekeeping" Planning Proposal process.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • That Land Zoning Map – Sheet LZN_004A be amended to show a B1 Neighbourhood Centre zone be applied to the extents and curtilage of the business development approved on the site at land located at Lot 372 DP 1026829, 97 Pacific Street Corindi Beach, as shown below; • That Lot Size Map – Sheet LSZ_004A be amended by removing the minimum lot size provisions for the corresponding parts of the site; and • That Floor Space Ratio map – Sheet FSR_004A be amended to show D – 0.5 for the corresponding parts of the site. 

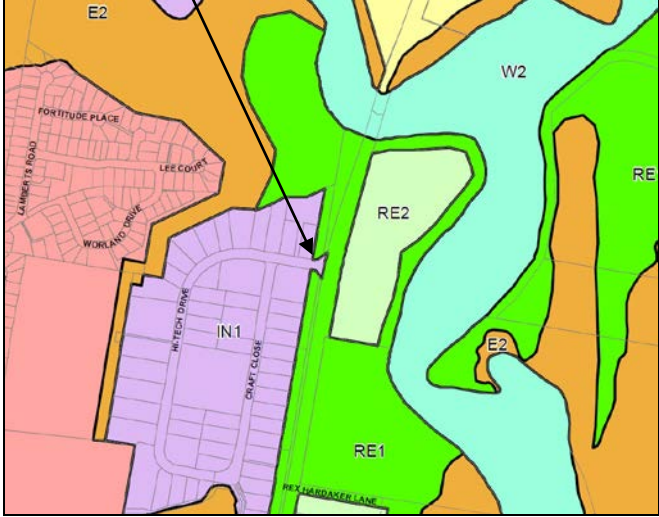
ITEM NO. 17 - REZONING FROM R₂ LOW DENSITY RESIDENTIAL / E₂ ENVIRONMENTAL CONSERVATION TO RE₁ PUBLIC RECREATION AT 180 SHEPHARDS LANE COFFS HARBOUR

LEP 2013 Provision / Clause / Zone	Review of the zones that apply to Lot 71 DP1203025, including a change from an R₂ / E₂ zone to an RE₁ zone at 180 Shephards Lane, Coffs Harbour. 
Issue/s Raised:	This issue looks to review the zoning of the subject land in response to the land being dedicated to Council for use as a park. The land formed part of residue allotment from a residential subdivision and was recently dedicated to Council for use as parkland.
Comment:	The land contains riparian vegetation as indicated by the former E₂ zoned land over the site. Consultation with Council's Property and Recreational Services sections confirm that the most appropriate zone for the land post dedication is RE₁ Public Recreation. This will see the inclusion of the land in Council's Open Space Strategy which includes appropriate protection and management strategies for significant vegetation within public open space areas.
Recommendation	It is recommended that the following amendments be made to Coffs Harbour LEP 2013 as a result of this issue: - That Land Zoning Map – Sheet LZN_006A be amended to show Lot 71 DP1203025 included in the RE₁ Public Recreation zone, as shown below; and - That all attributes from Lot Size Map – Sheet LSZ_006A be removed from Lot 71 DP1203025. 

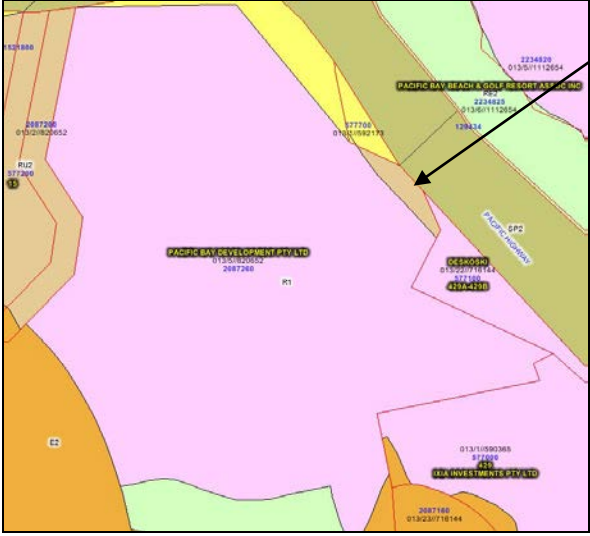
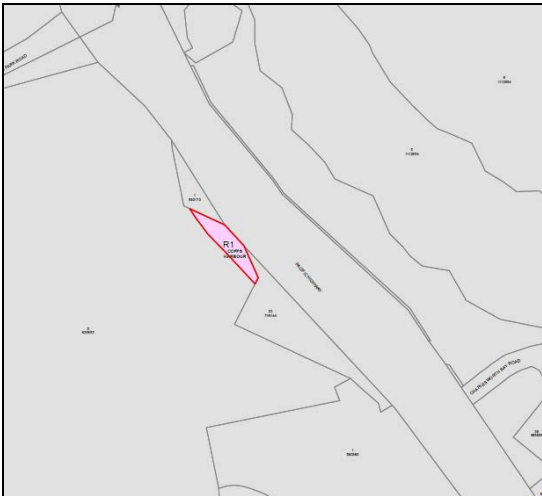
ITEM NO. 18 – INCORRECT ZONING AT 22 DUKE ST COFFS HARBOUR

LEP 2013 Zone	Review of zone at Lot 100 DP 1052469 – 22 Duke Street, Coffs Harbour (Council Car Park) as shown below: 
Issue/s Raised:	This issue looks to review the zone that applies to the subject land to better reflect the actual use of the land. Memo from Executive Manager, Business Units: <i>“It has come to my attention that the above land which Council purchased from Defence some years ago has been incorrectly zoned SP1 Defence.</i> <i>Would you please list the land to be rezoned at the first opportunity that presents itself.”</i>
Comment:	The subject property (L 100 DP 1052469) is currently included within the SP2 Infrastructure Zone. The Defence land located to the north (L 101 DP 1052469) is also zoned SP2. The Council / Crown lands located to the south of the site (L102 DP 1058414) is also zoned SP2. Proclaim includes all the above land as simply SP2 zone with no reference to specific use at all. The “as gazetted maps” include the subject land as being in the SP2 Defence zone.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: That Land Zoning Map – Sheet LZN_006B be amended to show Lot 100 DP 1052469 – 22 Duke Street, Coffs Harbour as SP2 Community Facilities, as shown below. 

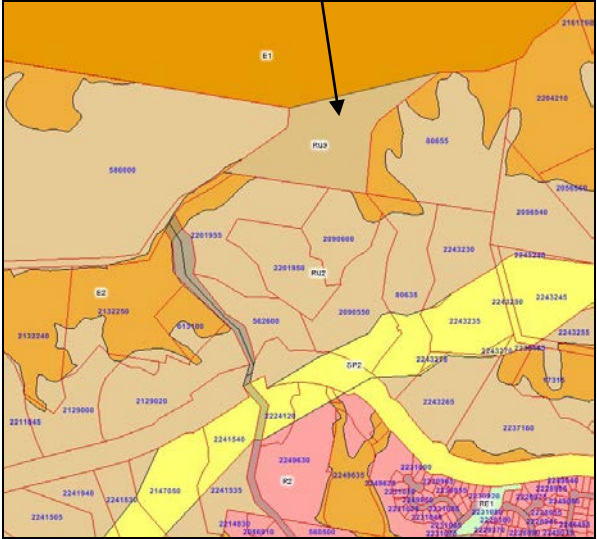
ITEM NO. 19 – INCORRECT ZONING AT THE JUNCTION OF HIGH TECH DVE AND HOGBIN DVE TOORMINA

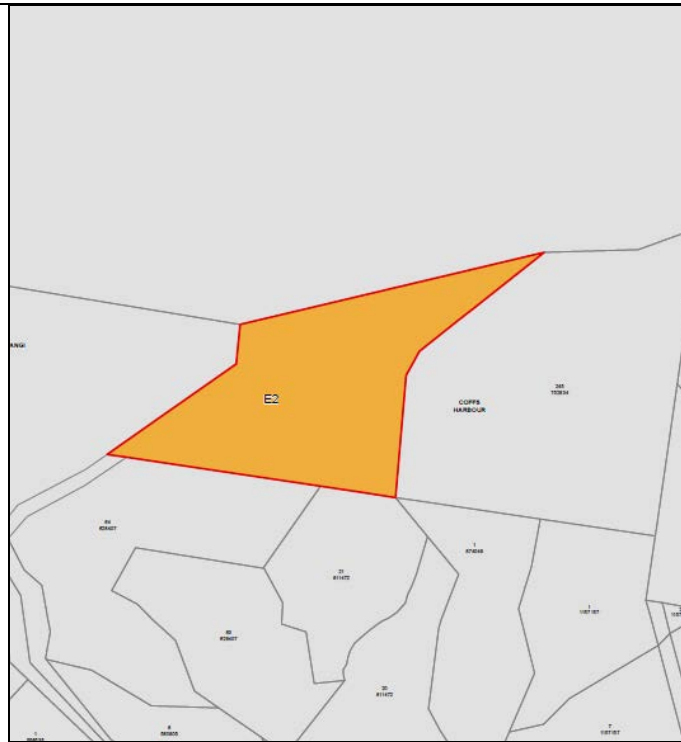
LEP 2013 Zone	Review of zone of road reserve at the junction of High-Tech Drive and Hogbin Drive as shown below: 
Issue/s Raised:	This issue examines the zone that applies to the road reserve at the junction of High-Tech Drive and Hogbin Drive.
Comment:	The land is currently included in the IN1 zone, and should be zoned the same as the land contained in the Hogbin Drive road corridor i.e. RE1 Public Open Space as this will match the zone that extends along the edge of Hogbin Drive.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • That Land Zoning Map – Sheet LZN_006C be amended to show the road reserve at the junction of High-Tech Drive and Hogbin Drive as shown above as RE1 Public Open Space, as shown below; and • The Height of Buildings Map – Sheet HOB_6C be amended to include the land as 1 - 8.5m. 

ITEM NO. 20 – INCORRECT ZONING AT PACIFIC HIGHWAY COFFS HARBOUR (PACIFIC BAY WEST)

LEP 2013 Provision / Clause / Zone	Review of zone at (part of) Lot 5 DP 820652, as shown below: 
Issue/s Raised:	This issue examines the zoning on the subject land. The majority of the Pacific Bay (western lands) property is zoned R1 General Residential. A zoning anomaly has been identified where a small portion of the land that fronts the Pacific Highway is zoned RU2 Rural Landscape as shown above.
Comment:	The RU2 zoned portion of the land does not sit over any particular rural activity. The section of land has essentially the same attributes as the rest of the R1 zoned land. The land should therefore be zoned the same as the rest of the R1 zoned land ie. R1 General Residential.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: That Land Zoning Map – Sheet LZN_005F be amended to show (part of) Lot 5 DP 820652 as R1 General Residential, as shown below. 

ITEM NO. 21 – INCORRECT ZONING AT SHEPHARDS LANE COFFS HARBOUR

LEP 2013 Provision / Clause / Zone	Review of zone applying to crown reserve 63790, located at Shephards Lane Coff's Harbour as shown below: 
Issue/s Raised:	This issue examines the zoning on the subject land. NSW Crown Lands have contacted Council stating that fire trail construction work is proposed on a Crown Reserve at Shephards Lane, Coff's Harbour. The Department intends constructing the proposed trail as per section 48 of the Infrastructure SEPP 2007. In checking the mapping of the Coff's Harbour LEP 2013 it was noted that Crown Reserve 63790 is zoned RU3 – Forestry, however the land is not a State Forest having been revoked by gazette on the 15 February 1929. They have requested that the issue is addressed in any future updates to the LEP.
Comment:	A number of ecological values have been identified on the subject land, including endangered ecological communities and high value arboreal habitat. It is recommended that the land therefore be zoned E2 Environmental Conservation.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • That Land Zoning Map – Sheet LZN_005 be amended to show the land as E2 Environmental Conservation as shown over the page, • The Lot Size Map – Sheet LSZ_005 be amended to include the land as AB – 40 (ha), • The Maximum Building Height Map – Sheet HOB_005 be amended to include the land as I – 8.5 (m), and • the “state forest” polygon be removed from the cadastral map attributes on Council’s mapping system.



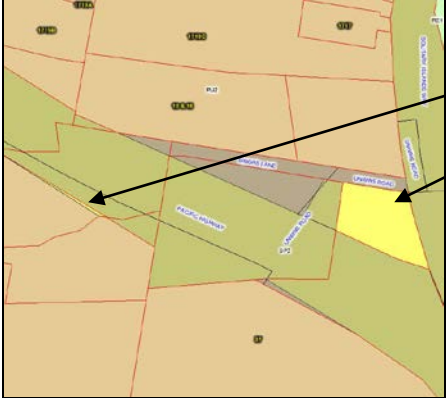
ITEM NO. 22 – INCORRECT ZONING AT 544-590 SOLITARY ISLANDS WAY MOONEE BEACH

LEP 2013 Provision / Clause / Zone	Review of zone at Lot 7 DP 1140702 and Lot 1 DP 1142657 (544-590 Solitary Islands Way Moonee Beach), as shown below: 
Issue/s Raised:	This issue looks to review the zone applying to the subject land. This land was zoned Residential 2A Low Density under LEP 2000, and was then rezoned to SP2 Infrastructure under LEP 2013 to accord with the then use of the land as part of the Pacific Highway upgrade project. The land is now not required as part of the recently completed Highway upgrade and should be zoned to the equivalent of its original zoning under LEP 2000.
Comment:	Given the recent completion of the Pacific Highway upgrade from Sapphire Beach to Arrawarra, the land is no longer needed for infrastructure purposes, and the land should therefore be zoned as per the zone that applied prior to the highway upgrade project (R2 Low Density Residential). An R2 zone is also consistent with adjacent R2 Low Density Residential zoned land.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • That Land Zoning Map – Sheet LZN_005E be amended to show land located at Lot 7 DP 1140702 and Lot 1 DP 1142657 as R2 Low Density Residential, as shown below. • That Lot Size Map – Sheet LSZ_005E be amended to show Lot 7 DP 1140702 and Lot 1 DP 1142657 as minimum lot size data of F-400. 

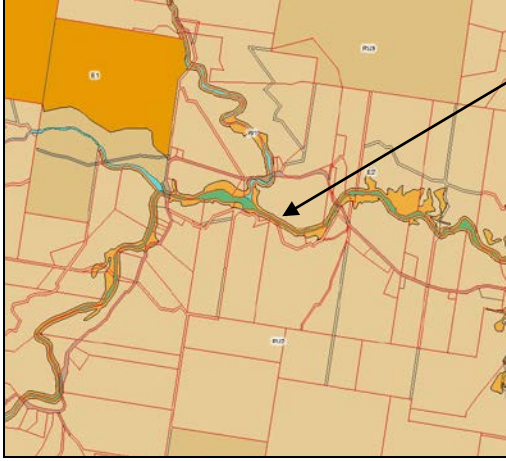
ITEM NO. 23 – INCORRECT ZONING AT ARRAWARRA RD & THE BOULEVARDE MULLAWAY

LEP 2013 Provision / Clause / Zone	Review of zone at Lot 43 DP 816998 (Arrawarra Road, Mullaway) and Lot 1 DP 1197028 (The Boulevarde Mullaway), as shown below: 
Issue/s Raised:	This issue looks to review the zone applying to the subject lands. Both parcels of land were zoned RE1 Public Recreation under LEP 2013 and Open Space 6A Public Recreation under LEP 2000. The land is now under the ownership of the Minister administering the National Parks and Wildlife Act 1974 and should be included in the E1 National Parks and Nature Reserves zone.
Comment:	An E1 zone is appropriate given the adjacent zoning of land under the same ownership. The use of adjacent land is also of a similar nature.
Recommendation:	It is recommended that the following amendment be made to LEP 2013 as a result of this issue: That Land Zoning Map – Sheet LZN_004B be amended to show the land located at Lot 43 DP 816998 and Lot 1 DP 1197028 as E1 National Parks and Nature Reserves, as shown below: 

ITEM NO. 24 – INCORRECT ZONING AT PACIFIC HWY & UNWINS RD WOOLGOOLGA

LEP 2013 Provision / Clause / Zone	Review of zone of Part Lot 59 DP 1145438 (Pacific Highway Woolgoolga) and Lot 104 DP 1144462 (Unwins Road Woolgoolga), as shown below: 
Issue/s Raised:	This issue looks to review the zone applying to the subject lands. The two parcels of land were zoned Rural 1A Agriculture under LEP 2000, and were then rezoned to SP2 Infrastructure under LEP 2013 to accord with the then use of the land as part of the Pacific Highway upgrade project. The land is now not required as part of the recently completed Highway upgrade and should be zoned to the equivalent of its original zoning under LEP 2000.
Comment:	Given the recent completion of the Pacific Highway upgrade from Sapphire Beach to Arrawarra, the land is no longer needed for infrastructure purposes, and the land should therefore be zoned as per the zone that applied prior to the highway upgrade project (RU2 Rural Landscape). An RU2 zone is also consistent with adjacent R2 Low Density Residential zoned land.
Recommendation:	It is recommended that the following amendments be made to LEP 2013 as a result of this issue: • That Land Zoning Map – Sheet LZN_005C be amended to show the land located at Part Lot 59 DP 1145438 and Lot 104 DP 1144462 as RU2 Rural Landscape, as shown below. • That Lot Size Map – Sheet LSZ_005C be amended to show Part Lot 59 DP 1145438 and Lot 104 DP 1144462 as minimum lot size data of AB-40. 

ITEM NO. 25 – INCORRECT ZONING OF WATERWAY FRONTING LAND AT 63A-760 DAIRYVILLE RD UPPER ORARA / DAIRYVILLE

LEP 2013 Provision / Clause / Zone	Review of zone applied over a waterway (the Urumbilum River) that fronts 63A – 760 Dairyville Road Upper Orara / Dairyville, as shown below: 
Issue/s Raised:	This issue looks to review the zone applying to the waterway mentioned above. Part of this waterway located in the Orara Valley, adjacent to Dairyville Road has been incorrectly zoned E1 National Parks and Nature Reserves under LEP 2013 and should be included in the W1 Natural Waterways zone.
Comment:	This is a recently identified error. The E1 zone has been incorrectly applied and should be rezoned to W1 Natural Waterways.
Recommendation:	It is recommended that the following amendment be made to LEP 2013 as a result of this issue: That Land Zoning Map – Sheet LZN_001 & Sheet LZN_002 be amended to show the portion of the waterway located in the Orara Valley, adjacent to Dairyville Road, as shown above and currently zoned E1 National Parks and Nature Reserves, be changed to W1 Natural Waterways, as shown below: 