

Proposed residential rezoning for part Lot 3 DP 270533, Coffs Harbour

Proposal Title : **Proposed residential rezoning for part Lot 3 DP 270533, Coffs Harbour**

Proposal Summary : **A single allotment of rural zoned land off Dress Circle, Coffs Harbour (The Summit), is proposed to be rezoned to residential to facilitate residential development of the site.**

PP Number : **PP_2013_COFFS_001_00** Dop File No : **13/09042**

Proposal Details

Date Planning Proposal Received : **24-May-2013** LGA covered : **Coffs Harbour**

Region : **Northern** RPA : **Coffs Harbour City Council**

State Electorate : **COFFS HARBOUR** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Dress Circle**

Suburb : **Coffs Harbour** City : **Coffs Harbour** Postcode : **2450**

Land Parcel : **Lot 3 DP 270533**

DoP Planning Officer Contact Details

Contact Name : **Luke Blandford**

Contact Number : **0266416614**

Contact Email : **luke.blandford@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Grahame Fry**

Contact Number : **0266484654**

Contact Email : **grahame.fry@chcc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha)	0.14	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	1	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The final Draft Coffs Harbour Local Environmental Plan (LEP) 2013 is currently with the Department and should be published in June 2013. Accordingly the Planning Proposal seeks to amend the applicable provisions under this Draft LEP.**

The land was deferred from a larger residential release due to additional site specific studies being required in regard to servicing, bushfire protection and visual amenity due to slope. These additional studies form part of the planning proposal package.

The proposal does not relate to the entire parcel for Lot 3 DP 270533. This allotment also incorporates land zoned E2 Environmental Conservation and R1 General Residential under the Draft LEP. No amendment is sought to these zoned areas.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcome of the proposal are provided and adequately addressed.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

2.2 Coastal Protection

* May need the Director General's agreement

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
North Coast REP 1988**

e) List any other matters that need to be considered : **Rezoning the site for residential purposes is consistent with the Mid North Coast Regional Strategy and Council's local settlement strategy 'Our Living City Settlement Strategy 2008'.**

In addition to the S117 Directions listed by the RPA, the following directions also apply:

- **1.5 Rural Lands**
- **3.4 Integrating Land Use and Transport, and**
- **5.1 Implementation of Regional Strategies**

In addition to the SEPPs listed by the RPA, the following SEPPs also apply:

- **SEPP (Rural Lands) 2008**

An assessment of these additional directions and SEPP is undertaken under "Assessment" of this planning report.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps provided adequately identify the location of the site and the proposed rezoning.**

Council should provide maps which identify both the current and proposed zones for the site under its draft comprehensive Standard Instrument LEP as part of any future exhibition package.

Furthermore, revised maps which indicate all proposed LEP amendments (ie. Lot Size and Building Height) and which comply with the Department's 'Standard Technical Requirements for LEP Maps' will be prepared for the making of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal has indicated a 14 day public exhibition/community consultation period.**

A 14 day consultation period is adequate given that the proposal is considered to be a low impact planning proposal in accordance with the Department's 'A guide to Preparing a LEP'.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes.
 2. Providing a suitable explanation of the provisions proposed by the Planning Proposal to achieve the outcomes.
 3. Providing an adequate justification for the proposal.
 4. Outlining a community consultation program which includes public exhibition of the proposal for a period of 14 days..
 5. Providing an appropriate timeline which indicates the proposed instrument will be made within less than 12 months.
 6. Indicating that Council will accept delegations to finalise the proposal.
- This is acceptable.

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation
to Principal LEP :

The final draft Coffs Harbour LEP 2013 is currently with the Department for publication.

Assessment Criteria

Need for planning
proposal :

The planning proposal is a result of Council's settlement strategy which identifies the subject land for urban investigation. It is also located within the Mid North Coast Regional Strategy growth boundary and identified for future urban development.

The land forms part of a large development parcel on a scenic ridgetop which has been released for community title residential development. The land encompasses 1,400m² and is located in an area with a 1,200m² minimum lot size. The site can therefore accommodate one dwelling only. It was deferred from rezoning however, due to additional site specific studies being required relating to servicing, bushfire and visual impact due to the slope of the land. These additional studies have been undertaken and form part of the planning proposal package. Rezoning the site will provide the residential use of the site consistent with the adjoining residential land.

The proposed amendment to the LEP is the most appropriate means of achieving the outcome for the proposal and will result in a community benefit through the creation of jobs during construction and land for residential use.

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Consistency with strategic planning framework :

The site is identified for potential residential development under the Mid North Coast Regional Strategy and Council's local settlement strategy. The proposal is consistent with these strategies.

The proposal is consistent with the provisions of all applicable SEPPs relevant to the site. Any identified inconsistency is considered to be minor and justified, as detailed below.

SEPP 55

The land is identified to potentially contain contaminated soils, given that the land has historically been used for agricultural (banana growing) purposes. SEPP 55 is therefore applicable. Further investigation relating to potential contamination is proposed to be undertaken following the gateway determination or at DA stage. This is considered appropriate given the historical land uses of the site.

SEPP (Rural Lands)

SEPP (Rural Lands) is applicable as the land is currently zoned rural. The proposed rezoning is consistent with the SEPP given that the proposal is consistent with the Mid North Coast Regional Strategy. It is also identified within Council's local settlement strategy. The land is not suitable for agricultural use due to its size and location with adjoining residential land.

Section 117 Directions

The proposal is considered to be generally consistent with all relevant s117 Directions, including:

- 1.5 Rural Lands
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

It is noted that the RPA has consulted with the NSW Rural Fire Service in relation to the proposed rezoning who have raised no objection to the proposed rezoning. Further liaison with the RFS as part of the rezoning process is therefore not considered to be required.

Inconsistencies with S117 Direction 1.2 Rural Lands and 4.1 Acid Sulfate Soils are considered to be minor and justified as discussed below.

1.2 Rural Zones

The planning proposal is not consistent with this direction as it seeks to rezone land from rural to residential. The rezoning is consistent with the Mid North Coast Regional Strategy, which identifies the land for future residential development. The inconsistency with the direction is therefore justified

4.1 Acid Sulfate Soils

The land is identified to contain acid sulfate soils under Council's mapping and therefore an Acid Sulfate Soil Assessment and Management Plan is required in accordance with this direction. An Acid Sulfate Soil Assessment and Management Plan does not form part of the planning proposal package and therefore the proposal is inconsistent with this direction. The (draft) Coffs Harbour LEP 2013 contains adequate provisions to ensure that the site is properly managed in relation to acid sulfate soils at the development application stage. The inconsistency with this direction is considered to be minor and justified.

Environmental social economic impacts :

The land is generally cleared with a pocket of mature vegetation existing onsite. A biodiversity assessment has been prepared which confirms that there is no critical habitat, threatened species, populations or ecological communities or their habitats which would be impacted by the proposal. Notwithstanding, the assessment recommends that any potential impacts due to clearing onsite could be offset through replanting native species within the environmentally protected zoned land to the north of the subject land. This matter can be addressed at development application stage.

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A Bushfire Hazard Assessment has been prepared which confirms that residential use of the site is consistent with NSW Planning for Bushfire Protection. RFS have reviewed the bushfire assessment and have raised no objection to the proposed rezoning.

Acid sulfate soils and potential contamination management can be considered at development application stage.

A Water Supply and Sewerage Service Assessment has been undertaken which has confirmed that the site can be adequately serviced through proposed extensions to existing utility supplies.

Lot size and building height provisions are proposed to ensure development of the site is consistent with the surrounding land uses and visual character of the local area.

The proposal will generate potential economic and social benefits, albeit minor given the size of the site, through job opportunities created during construction and assisting in meeting regional dwelling targets.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d)			

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Coffs Harbour City Council_24-05-2013_Planning Proposal Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Planning Proposal - Specialist Assessments.pdf	Proposal	Yes

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Revised Bush Fire Assessment (December 2012).pdf	Proposal	Yes
Rural Fire Service correspondence.pdf	Proposal	No
Information Checklist.pdf	Proposal	No
Criteria for Delegation.pdf	Proposal	No
Locality map.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 2.2 Coastal Protection
 3.1 Residential Zones
 4.1 Acid Sulfate Soils
 4.4 Planning for Bushfire Protection

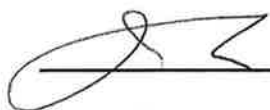
Additional Information : **It is recommended that:**

- 1. The planning proposal should proceed as a "routine" planning proposal.**
- 2. A community consultation period of 14 days is necessary.**
- 3. The planning proposal is to be completed within 12 months.**
- 4. The Director-General's delegate agree that the inconsistencies with S117 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are justified as of minor significance.**
- 5. Council should prepare maps which identify both the current and proposed zones for the site under the draft Coffs Harbour LEP 2013 as part of any future exhibition package.**
- 6. Delegation to finalise the Planning Proposal be issued to the Council.**

Supporting Reasons : **The reasons for the above recommendation for the planning proposal are as follows:**

- 1. The planning proposal is consistent with Council's approved local settlement strategy and the Mid North Coast Regional Strategy.**
- 2. The inconsistencies of the proposal with the S117 directions are of minor significance.**
- 3. The proposal is otherwise consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.**

Signature:



Printed Name:

JIM CLARK

Date:

30 May 2013

