

Coffs Harbour LEP 2013 - amendment deferred areas Hearnese Lake, Sandy Beach, Emerald Beach and Moonee Beach.

Proposal Title :	Coffs Harbour LEP 2013 - amendment deferred areas Hearnese Lake, Sandy Beach, Emerald Beach and Moonee Beach.		
Proposal Summary :	To draft appropriate planning controls to include deferred areas at Hearnese Lake, Sandy Beach, Emerald Beach and Moonee Beach in the Coffs Harbour LEP 2013.		
PP Number :	PP_2013_COFFS_002_00	Dop File No :	13/12056

Proposal Details

Date Planning Proposal Received :	17-Jul-2013	LGA covered :	Coffs Harbour
Region :	Northern	RPA :	Coffs Harbour City Council
State Electorate :	OXLEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Various deferred areas at Hearnese Lake, Sandy Beach, Emerald Beach and Moonee Beach		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Jim Clark
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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) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department of Planning and Infrastructure's Code of Practice in relation to meeting with lobbyists at this time has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met with any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists regarding this proposal.		

Supporting notes

Internal Supporting Notes :	At this stage it is not possible to calculate the number of lots and dwellings generated by this Planning Proposal. There are significant constraints over the land all of which is located in the coastal zone. A significant part of the deferred areas has various concept plan approvals under the former Part 3A of the EP&A Act. Council has engaged a consultant firm to undertake a comprehensive local study to inform the drafting of planning provisions.
External Supporting Notes :	Council's decision to defer these lands was the result of representations received from land owners during the exhibition of draft LEP 2013. Objections were raised that the proposed zones recommended under draft LEP 2013 were applied without a comprehensive Local Environmental Study or equivalent studies being undertaken.

Adequacy Assessment

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

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

Comment : **To prepare a consultant environmental study to inform the drafting of suitable planning provisions (including appropriate zone boundaries) for the areas deferred from Coffs Harbour LEP 2013 at Hearnese Lake, Sandy Beach, Emerald Beach and Moonee Beach**

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

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

Comment : **It is adequate at this stage.**

The consultant local study will provide recommendations for drafting the LEP for the deferred areas.

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It is understood that the study outcomes will define appropriate zone boundaries and other planning controls as required to guide future development of these areas.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

The deferred areas include 11 areas that have been, or are, the subject of former Part 3A applications. Seven of these have been determined, two have been withdrawn, one has been revoked and one is currently on exhibition until 01/08/13. It is also understood that one area which had a determination permitting certain development has subsequently been purchased by RMS as an offset area for the current Pacific Highway bypass project. It is expected that this land will now be zoned for environmental protection reflecting its "biodiversity offset" status.

Apart from this change, Council should ensure that any proposed planning provisions reflect current approvals issued by the department under the Part 3A or the transitional Part 3A provisions of the Act.

Council should also consider any current applications under the transitional Part 3A provisions.

To ensure that this occurs it is recommended that delegation not be issued to Council for this PP and that the planning proposal be submitted for approval by the Director General (or delegate) prior to exhibition.

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

If No, explain :

At this stage it is not known what s117 Directions or SEPPs will be relevant. This will be determined as a result of the study and the drafting of the LEP.

Council may need to obtain the agreement of the Director General to comply with the requirements of some relevant S117 Directions. Should this be the case Council will need to ensure this occurs prior to the plan being made.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

At this stage there are no draft maps. It is intended that on completion of the environmental study that the PP will be drafted to reflect the recommendations of the study. This will include maps consistent with the SI mapping guidelines as required.

Council has indicated the draft PP will include relevant maps, including but not limited to proposed zones, for the areas indicated on the deferred areas map submitted with the PP information.

In particular the zoning maps should reflect relevant current approvals issued by the department, including concept plan and project approvals made under the Part 3A or the transitional Part 3A provisions of the Act. Council should also consider any current applications under the transitional Part 3A provisions.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA proposes the normal public exhibition of the PP for community consultation.**

Council is of the view that the planning proposal doesn't fit within the definition of a low impact proposal and should be exhibited for a period of 28 days.

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 : **Although the local study and the final details of the draft LEP are not yet available, the information submitted with the planning proposal is considered adequate at this stage to allow the Gateway to be determined.**

The planning proposal satisfies the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining that community consultation will be undertaken;**
- 5. Providing a project timeline; and**
- 6. Providing an evaluation for the delegation of plan making functions.**

The project time line of 10 months provided by Council is appropriate for this planning proposal. A 12 month time frame to complete the plan is recommended.

Proposal Assessment

Principal LEP:

Due Date : **August 2014**

Comments in relation to Principal LEP : **The Coffs Harbour LEP 2013 is expected to be published in the very near future. This planning proposal seeks to amend Coffs Harbour LEP 2013.**

This land was deferred from the draft Coffs Harbour LEP 2013 to allow for additional environmental studies to be undertaken on the sites.

Assessment Criteria

Need for planning proposal : **Draft amendments to Coffs Harbour LEP 2000 were commenced for Moonee (Amendment No.24) and Hearnese Lake/Sandy Beach (Amendment No.29). Although exhibited, these amendments were never made.**

Draft LEP 2013, when it was exhibited, included the previously exhibited provisions for Moonee and Hearnese Lake/Sandy Beach.

Council determined at the 13 December 2012 meeting that these lands plus land north of Emerald Beach should be deferred. This decision resulted from public submissions during exhibition, which objected to the lack of an up-to-date comprehensive Local Environmental Study or equivalent justifying the proposed zones recommended under draft LEP 2013.

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While the areas are deferred from Coffs LEP 2013 the existing planning provisions (Coffs Harbour LEP 2000) prevail. These are 13 years old and do not reflect the best planning outcomes for the land.

It is appropriate that an evidence based amendment to Coffs Harbour LEP 2013 is prepared to provide standard instrument planning provisions for the deferred lands.

Consistency with strategic planning framework :

Council prepared a LGA-wide settlement strategy called "Our Living City (OLC) Settlement Strategy" in 2008. The OLC Settlement Strategy identified additional candidate areas for residential zoning across Coffs Harbour local government area.

The OLC Strategy was approved (with conditions) by the Director General on 11 November 2009. Those areas in the OLC local strategy that were also identified in the Agreed Growth Areas of the Mid North Coast Regional Strategy (MNCRS) were those that were approved.

The MNCRS includes Moonee and the Hearnese Lake/Sandy Beach areas of the deferred lands in the agreed growth areas. However, the deferred area north of Emerald Beach (which is environmentally significant) is not included in the growth area boundary.

The majority of the land in the north Emerald Beach deferred area was a Part 3A matter which has since been revoked. Council, in its s65 exhibition map for the draft Coffs Harbour LEP 2013, had proposed to zone all of the north Emerald Beach deferred land E2 Environmental Conservation apart from the SP2 Infrastructure strip that forms part of the easement for the Pacific Highway along the length of the western boundary of the land.

It is considered appropriate to recommend that the planning proposal (including appropriate mapping) be submitted to the Department prior to exhibition so that its form can be approved by the Director General (or delegate) pursuant to section 57(2).

At this stage it is not known what s117 Directions or SEPPs will be relevant. This will be determined as a result of the study and the drafting of the LEP.

Council may need to obtain the agreement of the Director General to comply with the requirements of some relevant S117 Directions. Should this be the case Council will need to ensure this occurs prior to the plan being made.

Environmental social economic impacts :

The deferred lands have a long history of community concern. All of it is in the coastal area and much has significant environmental constraints. Zonings that occurred in the 1980s resulted in zone designations and boundaries which do not reflect current best practice planning outcomes for such sensitive coastal locations.

The Part 3A applications over much of the land has resulted in community concern that too much development is being allowed on coastal land and not enough protection is given to its environmental values .

As a result, the deferred areas were the subject of numerous submissions during the exhibition of the draft Coffs Harbour LEP 2013. The submissions raised concerns that the proposed zone boundaries had been applied without a comprehensive Local Environmental Study (LES) or equivalent studies being undertaken. Previous environmental studies were considered very out dated.

After reviewing these submissions, Council decided that the most appropriate method to determine the potential use of the land was to undertake new environmental investigations and to defer the subject land from the draft Coffs Harbour LEP 2012 to do so.

The preparation of environmental studies and the review of existing information for the deferred areas will ensure that appropriate land use planning frameworks are applied and transparency in the decision making process is demonstrated. This will provide obvious social, environmental and economic benefits to the community and ensure that compatible future development will prevail.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority **NSW Aboriginal Land Council**
 Consultation - 56(2)(d) **Office of Environment and Heritage**
NSW Department of Primary Industries - Fishing and Aquaculture
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services

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 :

Council has identified the environmental studies required and engaged consultants to undertake these.

Identify any internal consultations, if required :

Part 3A

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
17-07-2013Amendment Deferred Areas - Council s56 letter.pdf	Proposal Covering Letter	Yes
2013-07-17 Preparation of Planning Documents & Environmental Studies.pdf	Proposal	No
2012-12-13 Council Meeting.pdf	Proposal	Yes
2013-04-11 Council Meeting.pdf	Proposal	Yes
2013-06-27 Council Meeting.pdf	Proposal	Yes
PP_Deferred	Proposal	No
Areas_Attachment1_InformationCheck.pdf.pdf		
PP_DeferredAreas_Attachment4_DelegationCheck.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions:

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

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1. The planning proposal proceed as a routine planning proposal;
2. The planning proposal reflect relevant current approvals issued by the department under the Part 3A or the transitional Part 3A provisions of the EP&A Act;
3. The planning proposal be submitted to the Department prior to exhibition so that its form can be approved by the Director General (or delegate) pursuant to section 57(2);
4. The planning proposal should be completed in 12 months;
5. A community consultation period of 28 days is necessary;
6. The Director General (or Delegate) agrees that the inconsistency with s117 Direction 4.4 Planning for Bushfire Protection remains outstanding and will require justification following consultation with the NSW Rural Fire Service;
7. The Director General (or Delegate) note that Council may need to obtain agreement to comply with the requirements of some relevant S117 Directions prior to the plan being made; and
8. The RPA not be authorised to exercise delegation to make the plan be issued for this planning proposal.

Supporting Reasons :

Due to the significant number of Part 3A matters over the deferred areas it is appropriate that the planning proposal be returned for the Director General's approval prior to exhibition.

Signature:



Printed Name:

JIM CLARK

Date:

25 July 2013

