
LOCAL ENVIRONMENTAL STUDY FOR THE DEFERRED AREAS FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND MOONEE BEACH AREAS

Purpose:

The purpose of this report is to commence the preparation of environmental studies and associated planning documents which will inform a Planning Proposal for lands deferred from draft Coffs Harbour Local Environmental Plan (LEP) 2013 within the Hearn's Lake/Sandy Beach, Emerald Beach and Moonee Beach localities.

Background:

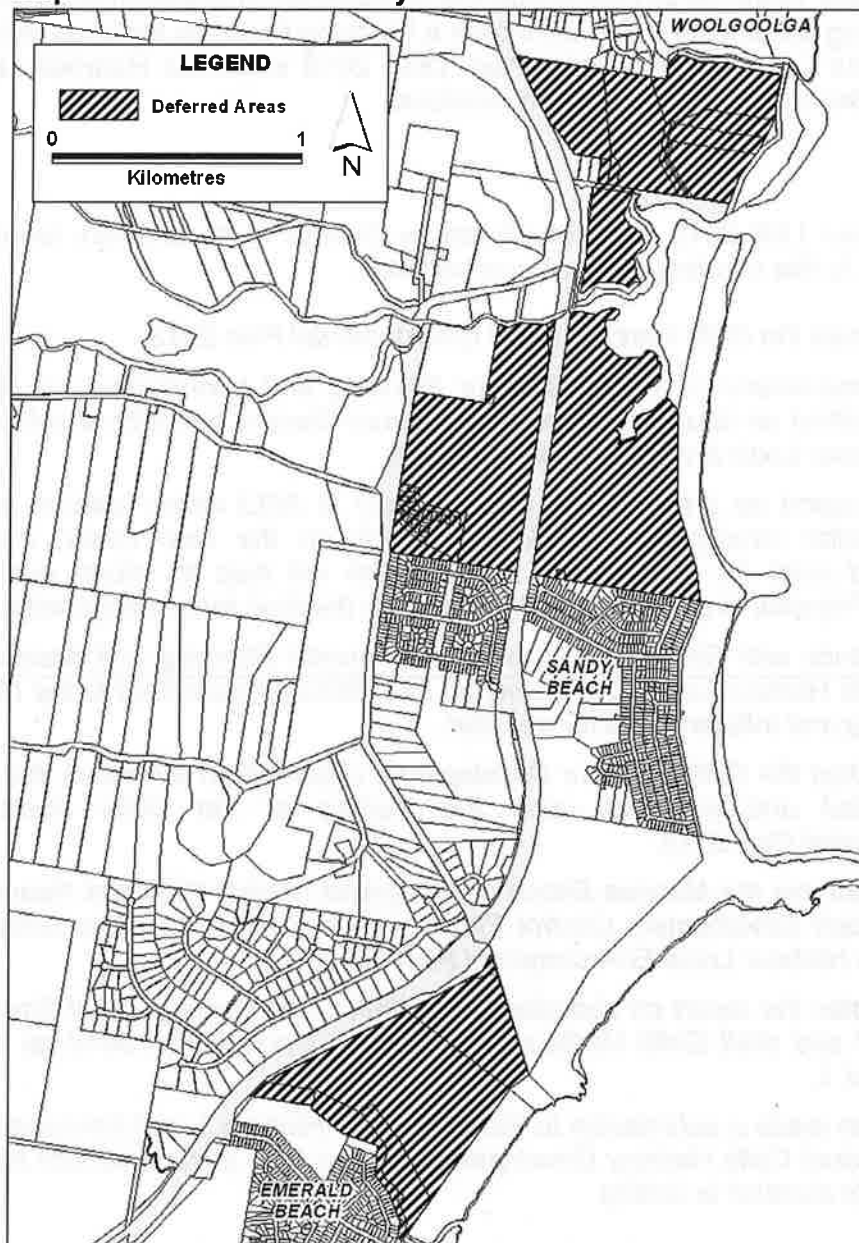
Draft Coffs Harbour LEP 2013 was considered by Council at its Ordinary Meeting of 13 December 2012. At this meeting, Council resolved that:

- 1. Council adopt the Coffs Harbour Local Environmental Plan 2013.*
- 2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearn's Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.*
- 3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the time frame, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.*
- 4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.*
- 5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.*
- 6. Council confirms the Moonee Beach Development Control Plan and Hearn's Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.*
- 7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.*
- 8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.*

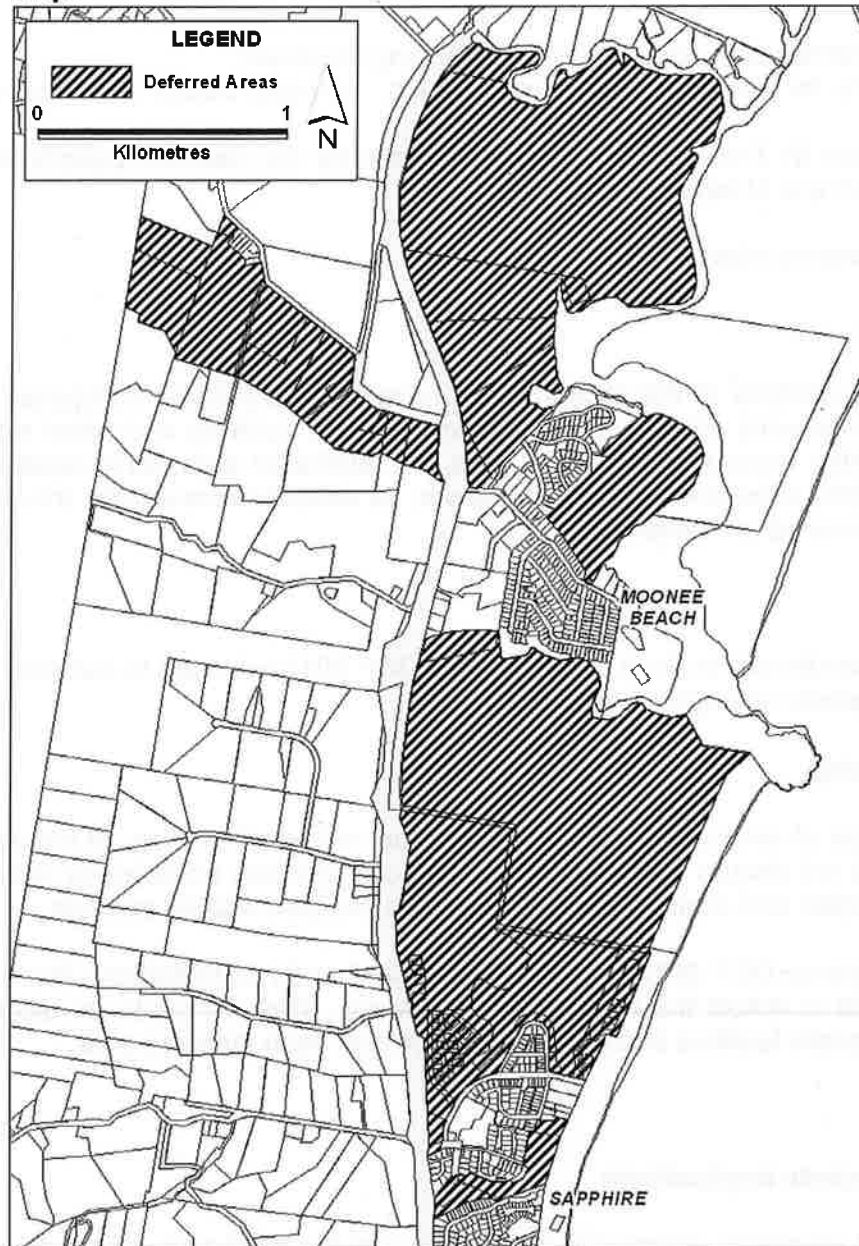
Council's decision to defer these lands was a result of representations received from land owners, during the exhibition of draft Coffs Harbour LEP 2013, that the proposed zones recommended under draft Coffs Harbour LEP 2013 were applied without a comprehensive Local Environmental Study (LES) or equivalent studies being undertaken.

The previous environmental work undertaken for these lands was a considerable period of time ago. As a result, it was considered that the most appropriate method to determine the potential use of the land was to defer the subject lands from draft Coffs Harbour LEP 2013 until such time as the environmental investigations are reviewed and a local environmental study undertaken. Once further investigations are completed, they can be used to inform a Planning Proposal to the NSW Department of Planning and Infrastructure. In the interim, these deferred areas as identified on Map 1 and Map 2 will continue to be subject to the provisions of Coffs Harbour City LEP 2000 and associated Development Control Plans (DCPs).

Map 1: Hearnese Lake/Sandy Beach/Emerald Beach



Map 2: Moonee



Description of Item:

In accordance with Council's resolution of 13 December 2012, it is appropriate that Council now allocate funds to progress local environmental studies to complete the rezoning for the deferred areas. It is considered an estimated \$150,000 of funding would be sufficient to complete this project. This funding allocation acknowledges that there are existing information in the form of flora and fauna assessments, flooding data, water quality analysis and traffic assessments, among a number of other studies that already exist for a large portion of the lands contained within the deferred area.

It should also be noted that a number of properties in the deferred areas have been subject to Part 3A approvals and assessments (Major Projects and Infrastructure) under the Environmental Planning and Assessment (EP&A) Act 1979 over the past seven years and the information contained within these assessments can also be utilised to assist in the preparation of a local environmental study and associated Planning Proposal.

Expressions of interest will be called to undertake services to prepare:

- local environmental study and associated Planning Proposal;
- updated DCPs for Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach areas; and
- updated Section 94 Developer Contributions Plans for the Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach areas.

Sustainability Assessment:

- **Environment**

Environmental analysis of the subject lands have been previously conducted to review relevant environmental considerations and constraints, such as ecological significance, flooding, bushfire hazard, acid sulfate soils, contaminated soils, land capability, water quality, and traffic levels/movements. However, as described previously, this information needs to be revisited and reviewed.

- **Social**

Any future amendments to Draft Coffs Harbour DCP 2013 will need to consider the social impacts of proposed changes to the LEP.

- **Civic Leadership**

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 to relevant properties and ensure transparency in the decision making process.

Draft Coffs Harbour DCP 2013 and associated Section 94 Contributions Plans will need to be amended to reflect the findings of the review. This will guide development and provide appropriate facilities and relevant works within each deferred area.

- **Economic**

Broader Economic Implications

The continued economic growth and development of the local government area (LGA) is a primary aim of draft Coffs Harbour LEP 2013 and draft Coffs Harbour DCP 2013. Future amendments to these documents as a result of environmental investigations into the deferred areas will ensure compatible development to prevail.

The Section 94 Contributions Plans will continue to implement a "user-pays" system for the provision of services and facilities.

Delivery Program/Operational Plan Implications

There has been no provision of funds in the adopted Operational Plan for this year to progress the local environmental studies into the deferred areas. This is due to the fact that the matter was first raised at Council's Ordinary meeting of 13 December 2012 and is now considered to be a high priority.

The December Quarterly Budget Review for 2012/13 identified savings of \$50,000 from salaries that could be utilised for this project. In addition, \$100,000 in savings from the Bonville Rural Residential investigation can now be allocated for the subject local environmental study.

Consultation:

The requirement for Council to undertake appropriate local environmental studies for the deferred areas to inform and progress a Planning Proposal to establish the final land use planning framework for these areas was the outcome of the consultation and exhibition process of draft Coffs Harbour LEP 2013 and draft Coffs Harbour DCP 2013. Once the relevant local environmental study for the deferred areas has been completed, the outcomes will be reported back to Council and publicly exhibited in accordance with the EP&A Act 1979.

Related Policy and / or Precedents:

The current DCP for Moonee and Hearnese Lake/Sandy Beach is the result of draft LEP Amendment No. 24 and draft LEP Amendment No. 29 respectively under the provisions of Coffs Harbour City LEP 2000. Council has received representations that these documents are considered to be outdated due to their perceived reliance on dated information, particularly with respect to constraints mapping. Once the environmental investigations and review has been completed, these DCPs will be repealed and an amendment to draft DCP 2013 will be undertaken.

In addition, the existing Contributions Plans for Moonee and Hearnese Lake/Sandy Beach will require review.

Statutory Requirements:

The EP&A Act and Regulations establish the statutory processes to be followed in the preparation of the necessary local environmental studies to enable a Planning Proposal to be progressed.

Issues:

- **Current Status**

Since Council resolved at its Ordinary meeting of 13 December 2012 to defer those areas subject to Coffs Harbour City draft LEP No. 24 (Moonee) and Coffs Harbour City draft LEP No. 29 (Hearnese Lake/Sandy Beach) and a third area of land north of Emerald Beach, Coffs Harbour City LEP 2000 and the existing DCPs for these areas are to be maintained on an interim basis to provide development guidelines.

Funding is required in order to progress the local environmental studies and review of existing information for the deferred areas, as well as preparation of planning documents (DCP and Section 94 Contribution Plans).

- **Estimate of Costs for Local Environmental Studies and Preparation of Planning Documents**

It is estimated that the local environmental study and associated planning documents can be undertaken for \$150,000. This can be funded from already identified salary savings (\$50,000) as well as surplus funds from the Bonville Rural Residential Planning Proposal (\$100,000) from the 2012/2013 financial year. This funding allocation of \$150,000 acknowledges the large proportion of existing data/studies that have been undertaken.

Implementation Date / Priority:

The local environmental study for the deferred areas, which will help to inform and enable a Planning Proposal to be progressed, should be progressed as a priority matter. This will ensure greater certainty in the decision making process and improved transparency in Council's planning instruments.

Recommendation:

1. That Council reallocates surplus funds totaling \$100,000 from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$150,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.
2. That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.

Attachment:

ATT Funding to Undertake Local Environmental Studies and Planning Docu...

**COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING**

27 MARCH 2013

RESOLUTION NO. 75

Minutes confirmed at Council meeting: 11 April 2013
To view Report, double-click on Agenda Report link below

Agenda Report

**L13/7 LOCAL ENVIRONMENTAL STUDY FOR THE DEFERRED AREAS
FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN
2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND
MOONEE BEACH AREAS**

The purpose of this report is to commence the preparation of environmental studies and associated planning documents which will inform a Planning Proposal for lands deferred from draft Coffs Harbour Local Environmental Plan (LEP) 2013 within the Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach localities.

75 RESOLVED (Townley/Palmer):

1. That Council reallocates surplus funds totaling \$100,000 from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$150,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.
2. That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.

AMENDMENT

MOVED (Degens/Arkan):

1. That Council reallocates \$50,000 of the \$100,000 surplus funds from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$100,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.
2. That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.

3. That the remaining \$50,000 go towards the initiation of Rural Residential Studies for West Sapphire.

The **AMENDMENT** on being put to the meeting was **LOST**. The **MOTION** on being put to the meeting was declared **CARRIED**.