

COFFS HARBOUR CITY COUNCIL



Our ref: 1477719

29 July 2011



PGF001006

Mr S Murray
Regional Manager
NSW Planning & Infrastructure
Locked Bag 9022
GRAFTON NSW 2460

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North Coast

Dear Mr Murray

Planning Proposal – Rezoning for Residential Purposes Lot 61, DP852851, Backhouse Street, Woolgoolga

On 28 July 2011, Council resolved:

1. That Council endorse, for the purposes of seeking a "Gateway determination" by NSW Planning and Infrastructure, the planning proposal seeking rezoning for residential purposes at Lot 61, DP 852851 Backhouse Street, Woolgoolga.
2. That Council forward the planning proposal to NSW Planning and Infrastructure, seeking endorsement of a gateway determination.
3. That Council inform the landowner of Council's decision.

Council is now seeking a Gateway Determination by the Department of Planning and Infrastructure.

In support of our request, please find attached:

- Planning Proposal;
- Council Report;
- Bennell and Associates' Planning Proposal Report.

For further information please contact Clyde Treadwell, Manager of Land Use Planning on 6648 4650.

Yours faithfully

Chris Chapman
Director of Land Use, Health and Development

CTT:kdll
Attach.

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CELEBRATING THE SESQUICENTENNIAL YEAR

PLANNING PROPOSAL

REZONING FOR RESIDENTIAL PURPOSES LOT 61 DP 852851 BACKHOUSE STREET, WOOLGOOLGA

29 July 2011

Contact

Clyde Treadwell
Manager – Land Use Planning
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Summary

The proposal is for the rezoning of the subject land to Residential 2A Low Density to enable the development of 57 residential lots.

The proposal is generally in accordance with the MNCRS and Council's OLC Settlement Strategy; the proposal will allow the release of the subject land in the South West Woolgoolga Release Area in keeping with the Medium Term timeframe of 2011-2016 under the OLC Settlement Strategy.

The subject land is free of major prohibiting constraints and adjoins land zoned for residential purposes.

The land can be serviced with reticulated water and sewer and has direct access to Backhouse Street and Haviland Street. The proposal represents a logical extension of the residential zone.

The land is within 500 metres of the River Street Business Centre and the Highway Business Centre and is within 1.5 kilometres of the Woolgoolga CBD. Woolgoolga's growth will be in a westerly direction contained by the Highway Bypass and this proposal is in keeping with this projected settlement pattern.

With the rezoning of the land to residential purposes the land can accommodate 57 houses which will generate \$17 million in construction expenditure. The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the Woolgoolga Industrial area and future industrial land. The development of the land for housing will provide close proximity to these employment nodes.

The land has potential to provide an important visual gateway to Woolgoolga and a well planned and laid out development as shown in the concept Masterplan accompanying the planning proposal can deliver benefits to the visual qualities of the township.

The benefits of releasing land under this proposal in terms of land supply and demand are:

- a land stock supply providing a buffer for the safeguarding of potential shortfalls of land supply expected in 2016; it being noted that the OLC Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour;
- an increase in locational choice for land and housing by providing a second release area in Woolgoolga, at present Woolgoolga has only one release area;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land; and
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA.

Identification of this land for release will enable this land to be available in 2016 as there is a significant lag time between the resolution to rezone land; preparation of the necessary environmental studies; gazetting of the rezoning; lodgement and determination of the subdivision application; certification of the subdivision; and eventual sale and development of housing on the identified land.

It is expected that this process takes over two years to complete and will in effect provide for housing from 2014 -2016 generally in accordance with Council's projected timetable in the OLC Settlement Strategy.

The current program for land development is directing housing development to the release areas of Corindi Beach, Sandy Beach and Safety Beach which are located well away from the services and facilities provided within the Woolgoolga Town Centre.

The rezoning of the subject land provides for a number of strategic benefits, sound planning practice and community aspirations expressed in the 2030 Plan which suggests that areas closer to employment, recreation, community and social services should be given priority over those located further away.

For the Woolgoolga Town Centre to effectively achieve its role as a Major Town Centre, housing growth and choice within close proximity to the business centres that make up the Town Centre should be encouraged. The rezoning of the subject land can deliver both housing choice and additional housing stock to meet identified growth demands.

Part 1 - Objectives or Intended Outcomes

The planning proposal is for the rezoning of the subject land from "Rural 1A Agriculture" to "Residential 2A Low Density". The 2A zone is equivalent to the "R2 Low Density" zone under the new Standard Local Environmental Plan (SLEP).

The proposal involves the following intended outcome:

To rezone land to enable development of the land Lot 61 Backhouse Street, Woolgoolga, for the purposes of residential subdivision and residential development.

This outcome will enable progression toward development approval and construction of a residential subdivision and estate.

This proposal is estimated to generate residential land which can accommodate 57 houses and generate \$17 million in construction expenditure.

The subdivision construction phase will provide some employment opportunities and the construction of a housing estate providing for further construction jobs. The construction jobs will involve builders, plumbers, electricians, painters, landscapers, utility technicians, plasterers, fabricators and other contractors.

Post construction jobs will relate to the employment opportunities generated by household expenditure which is anticipated to equate to \$2 million per annum. This will help improve the viability of the Woolgoolga as a major Town Centre.

These jobs, through the construction phase and after, will have an indirect economic advantage for the local Woolgoolga community.

The objective of the planning proposal is:

- to describe the subject site, the locality in which it is situated, the current zoning and the reason for the need to locate additional residential development on the subject land.
- to request an amendment to the LEP to permit residential development
- to address the 'gateway assessment criteria under Part 3 of the EP&A Act 1979.
- to provide justifications for the LEP amendment and demonstrate the net community benefits which follow.
- to demonstrate that the planning proposal is consistent with the broad strategic direction for the locality.

The proposal provides for a minor adjustment to the programmed release of the South West Woolgoolga Residential Area by having the subject land released in 2011-2012 and the balance of the Special Investigation Area released 2012- 2016. This proposal is generally consistent with the Medium Term timeframe of 2011 to 2016 outlined under the OLC Settlement Strategy.

The proposal will provide for the development of the land for conventional low density housing lots in conformity with the adjoining lands to the north. A concept Lot Layout for the subject land is provided in Figure 1. A conceptual Masterplan is provided in Figure 2 for the balance of the release area to provide an appreciation for the wider strategic issues that will govern the development of the subject land.

Figure 1: Concept Lot Layout

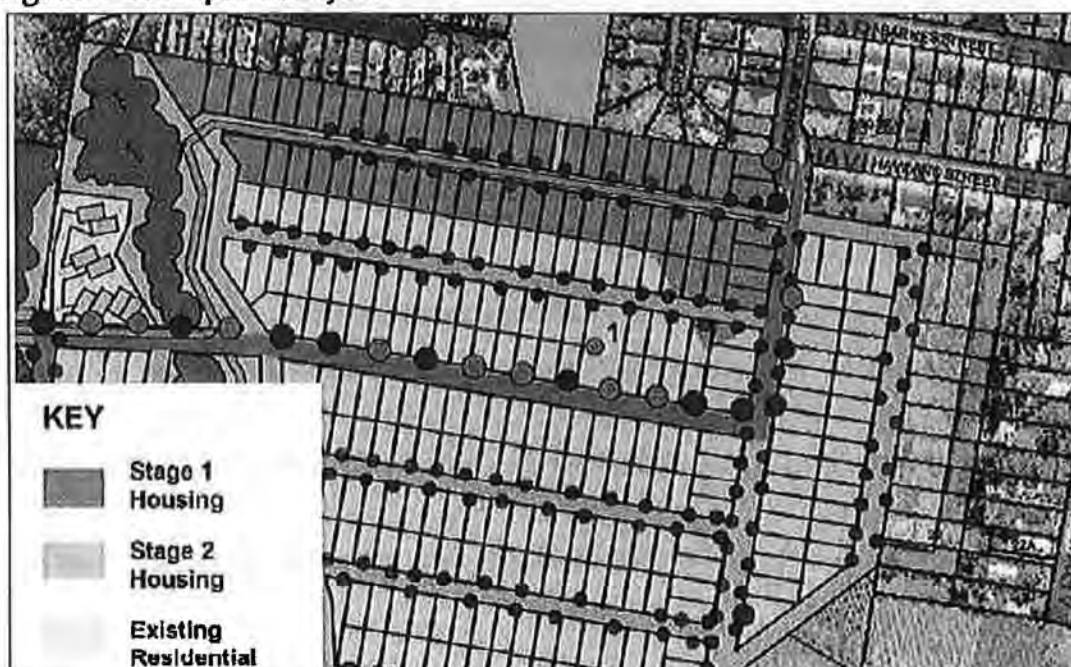
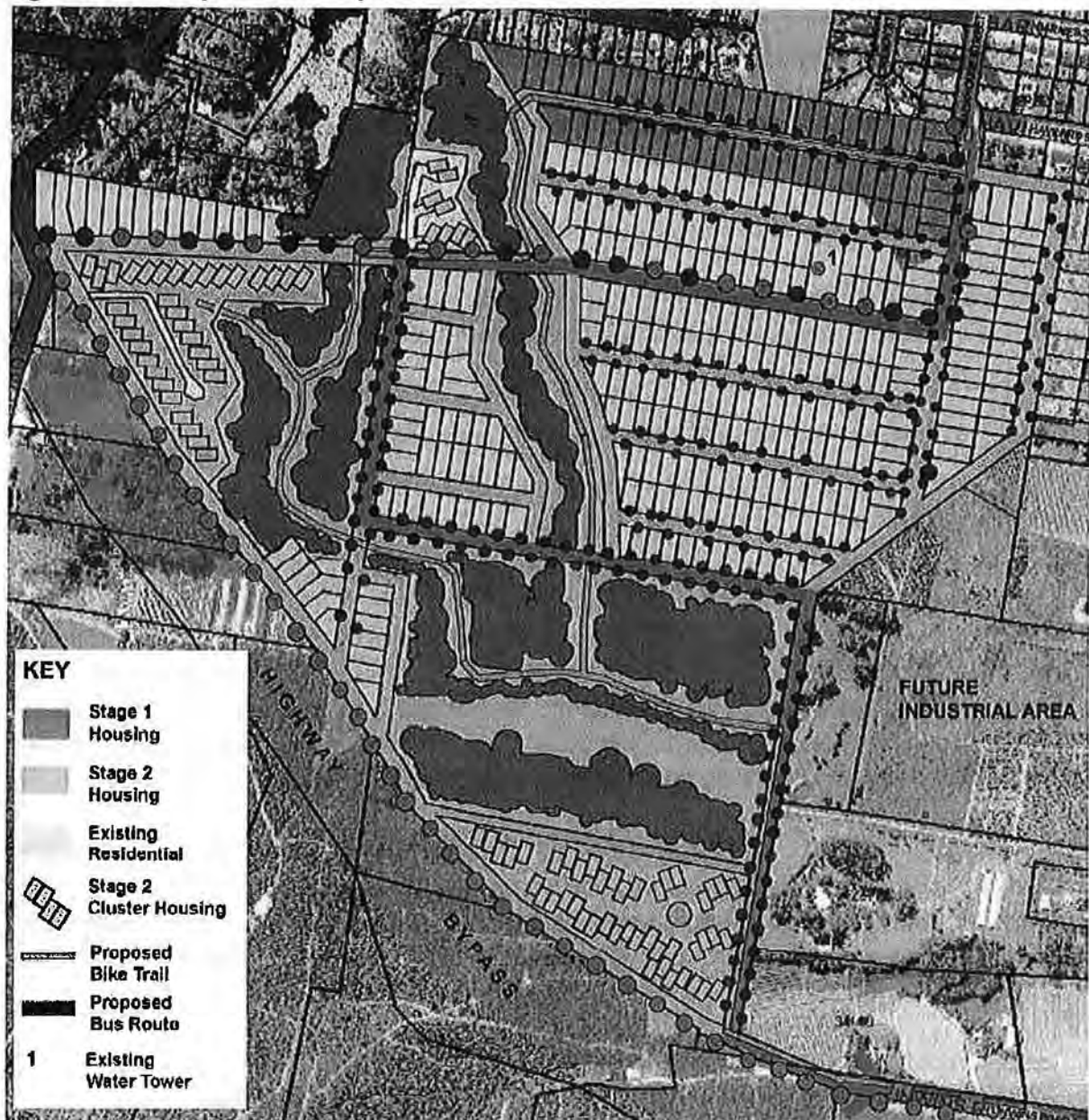


Figure 2: Conceptual Masterplan



The main features of the proposed lot layout can be summarised as follows:

- provision for 57 allotments;
- allotments are generally in the order of 600m²;
- majority of the allotments have the long axis with a north south orientation;
- the proposed road network is in keeping with the loose grid applying to the existing residential areas;
- a pedestrian connection is in the centre of the site to provide a connection to the open space reserve; and
- the forested areas to the west are to be conserved by dedication to the public reserve system.

The main features of the concept Masterplan can be summarised as follows:

- the road network provides a connecting grid with good legibility in keeping with contemporary urban design practice and the features of the land;
- the road network provides connections to the exiting road network to the north and south;
- the road network allows for the redevelopment of the elongated allotments in the existing residential area to the east;
- provision for approximately 350 allotments and 78 cluster housing lots;
- protection of the main waterways and habitat areas;
- provision of a habitat corridor;
- provision of a buffer to drainage line for biofiltration;
- incorporation of a buffer to the proposed West Woolgoolga Industrial Area;
- provision of a buffer to the Highway Bypass;
- incorporation of a centrally located and walkable park;
- connecting walkways and cycleways; and
- accessibility for buses.

Part 2 - Explanation of Provisions

Proposed Amendments to Coffs Harbour LEP 2000

Development is controlled by Coffs Harbour City LEP 2000.

Currently LEP 2000 identifies the zone on the site as Rural 1A Agriculture”.

This zone does not permit subdivision for residential purposes.

The location of the subject site and the existing zoning of surrounding lands is included within Figure 3 below.

Amendment of the Coffs Harbour City Council LEP 2000 Land Zoning Map of the subject land from "Rural 1A Agriculture" to "Residential 2A Low Density.

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

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

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3. Is there a net community benefit?

There is a net community benefit of the proposal, this benefit includes:

- a land stock supply buffering any potential shortfalls of land supply expected in 2016; it being noted that the OLC Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour;
- an increase in locational choice for land and housing by providing a second release area in Woolgoolga, at present Woolgoolga has only one release area;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land and to enable a testing of the market; and
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA.

Conducting a Net Community Benefit Test

With the rezoning of the land to residential purposes:

- The land can accommodate 57 houses which will generate \$17 million in construction expenditure.
- The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the South Woolgoolga Industrial area and future Industrial area.
- The development of the land for housing will provide a ready employment market for these employment nodes.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposal is generally in accordance with the MNCRS and Council's OLC Settlement Strategy; the proposal will allow the release of the subject land in keeping with the Medium Term timeframe of 2011-2016 under the settlement Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal implements appropriate and relevant actions of the Coffs Harbour 2030 Plan to achieve the following outcomes:

- Council has a strong and diverse local economy underpinned by sustainable business and industry;
- our City is a lively and diverse place where people live, work and play;
- our built environment achieves sustainable living by only best practice urban design and infrastructure development to create attractive buildings;
- Council has a diverse range of housing options that are affordable and adaptable for all the community;
- Coffs Harbour has urban spaces that are functional, accessible and useable by all the community to enjoy;
- Coffs Harbour has integrated, accessible, eco focused transport system achieved by implementing plans and policies with cycleways, walking tracks and footpaths; and
- Our transport system and road network is well maintained safe and functional.

By implementing these community endorsed actions, as part of this planning proposal, Council demonstrates a transparent decision making process.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPP)?

The planning proposal is consistent with applicable SEPPs.

North Coast Regional Environmental Plan 1988

North Coast Regional Environmental Plan (REP) 1988 is now deemed to be a SEPP. The provisions under the REP relevant to the rezoning of the subject land and the means of addressing the provision are discussed below:

Clause 29 Plan preparation—natural areas and water catchments

A draft local environmental plan should:

- (a) retain existing provisions allowing the making of tree preservation orders;
- (b) not alter or remove existing environmental protection, scenic protection;
- (c) escarpment preservation zonings or controls within them, without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action;
- (d) include significant areas of natural vegetation including rainforest and littoral rainforest, riparian vegetation, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones;

- (e) contain provisions which require that development in domestic water catchment areas or on land overlying important groundwater resources does not adversely affect water quality, and
- (f) require consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones

Comment: *The proposal provides for the protection of the forested areas of the site and the concept Masterplan demonstrates how the release area can be developed to provide for habitat protection and protection of the existing drainage line in keeping with water sensitive urban design principles and practice. The proposal is in keeping with this Clause.*

Clause 38 Plan preparation—urban land release strategy

- (a) The council should not prepare a draft local environmental plan which permits development that, in the opinion of the council, constitutes significant urban growth unless it has adopted an urban land release strategy for the whole of its local government area.
- (b) A draft local environmental plan referred to in subclause (1) should be generally consistent with the strategy referred to in that subclause.
- (c) The strategy referred to in subclause (1) shall:
 - be based on a land release program and population projections,
 - give preference to development resulting in urban growth on land that adjoins other land which is already being used for urban purposes and is the most economic to service,
 - not provide for development of land which is unsuitable for urban growth due to its agricultural capability or which adjoins land that is currently used for agriculture,
 - not include for development land that is unsuitable due to any environmental hazard unless the council has made an assessment of the risk and considered it to be minor or alternatively has made provision for the control or reduction of that hazard,
 - not include for development land which has conservation value or which has heritage, environmental or cultural significance,
 - have regard to the rural character and heritage significance of villages and small coastal settlements and the need to maintain that character and significance, and
 - provide substantial buffer areas between coastal urban centres to avoid uninterrupted coastal development

Comment: *Coffs Harbour City Council adopted a land release strategy for the area in which the subject land is located.*

The subject land adjoins land zoned for low density housing and represents a logical extension of this zoning. The lands surrounding the subject land are zoned for residential, rural- residential and rural purposes.

The rural lands are generally cleared land with the Pacific Highway Bypass dissecting a number of rural properties and reducing the viability for agricultural production. The lands surrounding the subject land are earmarked for special urban investigation and are not identified as prime agricultural lands.

The environmental hazards (i.e. fire hazard, potential acid sulphate soils, potential land contamination and tertiary koala habitat) applying to the land are constraints that can be managed and are not prohibitive to the development of the land for residential purposes.

The subject land has no recognised heritage or cultural values. The area mapped as Tertiary Koala habitat within the western part of the land has environmental values and it is intended to conserve this area to protect those values.

The land is within an identified release area that represents a logical settlement pattern for Woolgoolga and is provided with appropriate buffers including the Highway, State Forest and rural and rural residential lands.

Rezoning of this land is consistent with this Clause.

Clause 40 Plan preparation—principles for urban zones

A draft local environmental plan applying to urban areas should adopt the following principles:

- (a) zoning should be simple and flexible,
- (b) provisions for flexible zone boundaries may apply to any zones except environmental protection zones,
- (c) detailed guidelines within the broad zone parameters should be identified in a development control plan (DCP), and
- (d) the principle of minimising energy use, in particular in the design of buildings and effective transport systems.

Comment: *Coffs Harbour City Council has the following DCPs that provide detailed guidelines for the sustainable development of residential land:*

- *Low Density Housing DCP;*
- *Subdivision DCP;*
- *Off Street Car Parking DCP; and*
- *Waste Management DCP.*

Council also has in place a number of Information Sheets and Policy Documents to guide development relating to the following development issues:

- *Water Sensitive Urban Design;*
- *Stormwater Management;*
- *Subdivision Design;*
- *Landform Modification;*
- *Water and Sewer Services;*
- *Landscaping;*
- *Acid Sulfate Soils;*
- *Energy Efficiency; and*
- *Adaptable Housing.*

Adequate planning and development controls are in place for the development of the subject land for residential purposes.

The proposal is in keeping with this Clause.

Clause 42 Plan preparation—principles for housing

(a) A draft local environmental plan to permit dwellings in urban areas should incorporate provisions that:

- allow the alteration or addition of a dwelling so as to create two dwellings in either attached or detached form,
- allow a wide range of housing types and densities,
- separate residential development from other incompatible development, including agricultural activity on adjoining land,
- require that development for residential purposes should not take place until the council is satisfied that the land on which any dwellings are to be erected is adequately serviced with water and sewage disposal facilities,
- retain existing provisions to enable a dwelling to be erected on an existing allotment, and
- permit the use of manufactured home estates for permanent occupation.

(b) A draft local environmental plan that will permit dwellings to be erected in urban areas should not:

- require development consent for a dwelling-house in a residential zone, except where there are special environmental or hazard considerations, or
- specify a minimum allotment size for residential zones.

Comment: *The proposal is for the subject land to be zoned the same as the adjoining lands (i.e. Residential 2A Low Density) which allows for dual occupancy development and a wide range of low density housing forms.*

The land forms part of a larger land release that has adequate buffers in the form of the Pacific Highway Bypass; it being noted that the Bypass will itself be provided with buffers.

The land will be subject to Clause 14 of LEP 2000 which requires adequate water sewer and drainage services to be available to the land before consent can be granted for residential development.

The land will be subject to the standard provisions of the 2A zone and as such the proposal is in keeping with this Clause.

Clause 45 Plan preparation—hazards

(a) A draft local environmental plan should not permit development for tourism, rural housing or urban purposes on land subject to the following hazards, namely:

- coastal processes;
- flooding or poor drainage;
- dangers arising from potential or actual acid sulfate soils:
 - dangers arising from contaminated land;
 - geological or soil instability;
- bush fire;
- aircraft noise at levels of more than 25 (measured according to the Australian Noise Exposure Forecast);
- air or water pollution, or airborne pollution, within 400 metres of sewage treatment works;
- disposal of septic effluent;
- existing offensive or hazardous industries; and
- high tension electrical power lines,

unless the council has made an assessment of the extent of the hazard and included provisions in the plan to minimise adverse impact.

(b) (Repealed)

(c) In the event of a bush fire hazard being identified for land on which dwellings are proposed to be permitted, the council shall not permit development unless it is satisfied that arrangements where appropriate have been made to:

- require the creation of a perimeter road or reserve which circumscribes the hazard side of the land intended for that development,
- require the creation of a fire radiation zone located on the bushland side of the perimeter road,

Comment: *The land is not subject to the 1:100 year flood planning level, coastal processes or any identified geological instability or soil instability. The land is not located near any aircraft noise generation areas, offensive or hazardous industries and is not located near a sewerage treatment works or high voltage power lines.*

The land is subject to a low risk for the presence of acid sulfate soils and a low bushfire risk; the only significant bushfire risk is from the vegetated lands to the west and the remaining hazard areas are banana plantations which will ultimately be removed when the land is developed for urban purposes. Bushfire risk can be adequately managed through the incorporation of Asset Protection Zones (typically required to be a 10-30 metres buffer) and suitable access arrangements.

Clause 50 Plan preparation—height controls

Before preparing a draft local environmental plan applying to an urban area, the council should consider the necessity for height controls on buildings and include such controls as it considers appropriate.

Comment: *The land will be subject to the two storey height control under Council's DCP and the height controls under the NSW Housing Code for Complying Development.*

The proposal is in keeping with this Clause.

Clause 56A Plan preparation—bus services

In the preparation of a draft local environmental plan involving an alteration to the zoning of land which could give rise to the need for bus services or the revision of existing bus services, the Council should take into consideration the guidelines in Technical Bulletin 19—Planning for Bus Services (published in 1989 by the Department of Planning and the Ministry of Transport at that time) to ensure that the draft plan allows for the provision of an adequate and efficient bus route system.

Comment: *Provision is made for bus circulation in the concept Masterplan in keeping with Technical Bulletin 19.*

The proposal accords with this Clause.

Clause 58 Plan preparation—servicing urban areas

A draft local environmental plan should not permit development for urban purposes unless the council is satisfied that:

- (a) the proposed development will make the most economic use of existing services;
- (b) where the proposed development is adjacent to an existing urban area and that urban area will be substantially increased, the provision of a reticulated water and sewer system will be provided at reasonable cost to each lot;
- (c) the proposed development is located in an area which is consistent with the findings of any urban land release strategy prepared for the local government area or, where no such strategy has been prepared, the proposed development is located in the area to which services can be provided most readily;
- (d) consideration has been given to the identification of effluent disposal and discharge points;
- (e) domestic water catchment areas and water storage areas are not likely to be polluted as a result of the proposed development; and
- (f) consideration has been given to the provision of public transport facilities, pedestrian and cycleways.

Comment: *The development of the land represents an economically efficient use of the land with water, sewer and road services readily available to the land; the land can be serviced at a reasonable cost.*

The land is located in an area which is consistent with the findings of the Coffs Harbour City OLC settlement strategy.

The land can be connected to the reticulated sewer network and will have no effluent discharge points.

The land is not within a domestic water catchment area and water storage area.

The concept Masterplan demonstrates how buses, cyclists and pedestrians can move through the release area.

The proposal meets the criteria of this Clause.

Clause 65 Plan preparation—provision of community, welfare and child care services

(a) A draft local environmental plan should:

- not zone land for residential purposes (including rural residential) unless the council has made an assessment of the need for additional community and welfare services and is satisfied that the plan contains adequate provisions to enable the provision of those services; and
- include child care centres as a land use which is permissible with the council's consent in all rural, residential and business zones.

Comment: *This proposal is expected to accommodate a population of approximately 140 people and adequate social and community services are available or will be available to the site for this population. The site is in close proximity to the Woolgoolga Town Centre and the locality has a wide range of social and community services which include:*

- District Cycleway;
- Bus service;
- Playground;
- Shopping Centre (existing and proposed);
- Coastal Walkway;
- High School/Primary School;
- Child Care Centres;
- Police and Ambulance stations;
- Neighbourhood and Community Centres;
- Library and Senior Citizens Centre;
- Playing fields/sportsground/golf course; and
- Passive recreation space.

The site is accessible to all these facilities and will be adequately serviced in terms of social support facilities.

Child care centres are permissible in the proposed 2A zone.

The proposal is in keeping with this Clause.

Clause 78 Plan preparation—public recreation areas

(a) A draft local environmental plan should include provisions which:

- identify areas of potential active or passive recreational use in both urban and rural areas;
- identify a range of recreational environments located in the vicinity of existing and proposed residential development;
- permit recreational uses in a wide range of zones and not only in open space zones;
- identify land for use by the general public to gain access to water bodies and foreshores; and
- manage access to water bodies or foreshores where the environmental features of the area are likely to be damaged by increased public access.

Comment: *The concept Masterplan shows an indicative layout for the provision of passive recreation areas and the method to protect the existing drainage line*

It is expected that a playground will be located within the passive recreation area described in the Masterplan. Council's Open Space and Sports Facilities Strategies include details relating to existing and planned facilities to service the area. No additional facilities are identified as being required in this area.

The proposal is in keeping with this Clause.

SEPP No 55:

Under SEPP No 55- Remediation of Land, Council is to consider whether the land has been contaminated by past land uses. Most of the land is identified as potentially contaminated because the land was used for banana growing; land used for banana growing is identified in Council's geographical information system as potentially contaminated land.

Clause 7 of SEPP No. 55 requires Council to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development before consent is granted. When land is mapped as potentially contaminated, soil testing is required to determine if the land is suitable in its contaminated state, or will be suitable after remediation, for development; this requirement is in accordance with SEPP No 55 – Remediation of Land.

Experience elsewhere in the LGA has demonstrated that land contaminated by banana farming can usually be rendered suitable for development for residential purposes after the soil has been treated; the treatment options include vertical mixing of the soil, capping of the soil and removal of the soil. Should the land be found to have levels of contaminants in excess of the threshold levels, then one of these treatment options is available. Soil testing is usually required at the development application (subdivision) stage.

Soil contamination from past banana growing is not expected to be a significant limitation on the development of the land.

SEPP No. 71:

SEPP No. 71 – Coastal Protection applies to the subject land; the subject land is within the coastal zone. Council is required to take into account the matters listed in Clause 8 of the Policy when preparing a draft LEP. These are listed below together with a response on how the proposal meets the requirement.

Matters for Consideration	Response
Aims of the Policy which seek to protect and better manage the NSW Coast	The proposal is for a development in keeping with Council's Settlement Strategy which in turn has been prepared in keeping with coastal management policies.
Existing public access along the foreshore is to be retained.	Proposal will have no impact on public access.
Opportunities for new public access to the foreshore to be considered.	Not applicable
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	The site is suitable for this scale of development and is in keeping with the zoning of the adjoining land.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views.	The proposal will modify the scenic qualities of the precinct, but this will reflect the prevailing character of the area.
Scenic qualities of the NSW Coast.	The land is within an important view shed forming the entryway to Woolgoolga. At present the land has a mix of farming structures and residential development that provides little benefit in terms of scenic quality. This proposal provides an opportunity to develop the land for a well planned and laid out residential subdivision that can deliver scenic benefits to the township.
Measures to conserve animals (including fish and marine vegetation) and existing wildlife corridors.	Habitat areas can be protected and extended to provide an improved outcome for native flora and fauna.
The likely impact of coastal hazards and processes.	The land is not subject to any identified coastal hazards or processes.
Measures to reduce potential conflict between land-based and water based coastal activities.	The land is not subject to any identified land or water based conflicts
Measures to protect Aboriginal culture	The land is a disturbed site that is unlikely to be the source of any Aboriginal cultural values.
Likely impact on the water quality of coastal waterbodies.	The land can be developed to have a positive impact in terms of water quality with the imposition of WSUD measures.
Conservation and preservation of heritage items.	There are no identified heritage items on the land or on the adjoining lands.
Encouragement of compact towns and cities.	The proposal assists in creating a compact Town Centre; it is a logical extension of the existing urban area that will be contained within the new Highway alignment.
Cumulative impacts upon the environment and measures to ensure water and energy efficiency.	The proposal integrate prevailing energy efficient policies of the State and Council.

Clause 17 of the SEPP requires the preparation of a masterplan or waiver for the need for a masterplan for subdivisions of more than 25 lots. This is a matter that is usually addressed at the detailed development application stage. The concept masterplan provides a preliminary step in this process.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions under Section 117 of the EP&A Act 1979 of relevance to this proposal are addressed as follows:

Direction 1.2 Rural Zones: This Direction seeks to protect the agricultural production value of rural land and prevents the rezoning of land from rural to residential purposes, but allows an inconsistency where a proposal is in accordance with a Regional Strategy or where the proposal will have a minor environmental impact.

Comment: *The proposal is in keeping with the MNCRS as it is within an area identified for urban growth. The proposal is of minor significance as it relates to a small parcel of land (i.e. 4.2 hectares) and is located on land that is not prime agricultural land.*

Direction 2.1 Environmental Protection Zones: The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

Comment: *The subject land has an environmentally sensitive (identified as Tertiary Koala Habitat under Council's Koala Plan of Management) triangular piece of land within its western extremity that warrants protection as a habitat link and buffer to the waterway near Ryan Crescent. Protection of this land will render the proposal consistent with this Direction.*

Direction 2.2 Coastal Protection Zones: The objective of this direction is to implement the principles in the NSW Coastal Policy and requires a planning proposal to include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and
- (b) the Coastal Design Guidelines 2003, and
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

Comment: *The proposal is consistent with these policy documents as it incorporates the following:*

- Avoidance of environmental hazards;
- Protection of sensitive areas;
- Provision of walkways and cycleways;
- Connection with existing urban areas;
- Consistency with settlement strategies for the creation of compact towns;
- Provision of opportunities for water sensitive urban design;
- Provision of a legible and simple street layout and allotment orientation;
- Opportunity for varied forms of low density housing;
- Avoidance of coastal hazards and processes;

- *Improved habitat links and conservation of habitat areas; and*
- *Efficient connection to services, including transport, water and sewer services.*

Direction 3.1 Residential Zones: The objectives of this direction are threefold:

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

A planning proposal must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market;
- make more efficient use of existing infrastructure and services; reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

A planning proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it); and
- not contain provisions which will reduce the permissible residential density of land.

Comment: *It is proposed that the subject land be zoned Residential 2A Low Density in keeping with the adjoining land. The low density zone allows a variety of low density forms of housing including multi unit housing, dual occupancies, special care homes, group homes, aged persons housing, boarding houses and camp and caravan sites.*

At present there is little opportunity for housing within west Woolgoolga as a result of a stalling in the development of the estates to the north. It is interesting to note that proponent indicates that the west Woolgoolga area is favoured by the Indian community and limited land stock is available in the Woolgoolga area for this sector of the community.

The proposal adjoins land served with reticulated water and sewer and the extension of these services is an efficient means of land development. The land is also connected to the existing road network that has been designed to allow for future connection.

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is subject to Tertiary Koala Habitat; Low risk Acid Sulphate Soils classification; potentially contaminated soils (bananas) and Bush Fire Risk. All these environmental matters can readily be addressed and appropriate mitigation measures implemented to ensure that no adverse environmental impacts are associated with the rezoning and subsequent residential development.

The planning proposal aims to ensure the City's development is carried out in an environmentally sustainable manner. To do this the draft LEP will:

- apply appropriate provisions for Koala Habitat by excluding from development that area identified as tertiary koala habitat;
- recognize appropriate zoning and control provisions for protection of riparian areas and areas along drainage lines;
- apply provisions for preservation of trees and vegetation; and
- apply provisions protecting terrestrial biodiversity.

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

Other likely environmental effects unique to a particular planning proposal that are will require addressing include:

- bushfire hazard; and
- soil contamination.

It will be necessary to undertake technical studies or investigations to address these matters after the initial gateway determination.

10. How has the planning proposal adequately addressed any social and economic effects?

Given the demographics of Woolgoolga, with a large Indian population within the community, the proponent indicates that the West Woolgoolga area (including the subject land) is a favoured location of the Indian community and that limited land stock is available in the Woolgoolga area for this sector of the community.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The land can readily be serviced with reticulated water and sewer and has direct access to Backhouse Street and Haviland Street. The proposal represents a logical extension of the residential zone.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the planning proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination.

It will summarise any issues raised by public authorities not already dealt with in the planning proposal, and address those issues as appropriate.

Part 4 – Community Consultation

The proposal to rezone the subject land to allow 57 residential allotments is deemed to be a “Low impact planning proposal”. This means that the planning proposal is generally consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework (i.e. OLC Settlement Strategy the land is within the Special Investigation area); presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Therefore it is anticipated that this matter would require public consultation for a period of 14 days.

This is in accordance with the provisions of P&I’s document “A guide to preparing local environmental plans”.

It is not considered that a greater period of public notification is required, nor that a public hearing should be held given that the matter accords with Council’s strategy for urban development and the States MNCRS.

PLANNING PROPOSAL – REZONING FOR RESIDENTIAL PURPOSES LOT 61 DP 852851 BACKHOUSE STREET, WOOLGOOLGA

Purpose:

The purpose of this report is to seek Council's endorsement of the planning proposal to progress the matter to NSW Planning and Infrastructure (P&I) to enable the subject land to be rezoned from Rural 1A Agriculture to Residential 2A Low Density to enable the development of 57 residential lots.

Background:

In July 2009, the NSW Government changed the way that local environmental plans (LEPs) are developed and approved. This system is known as the 'gateway' plan-making process.

The gateway process has the following steps:

- **Planning proposal** — the relevant planning authority is responsible for the endorsement of the planning proposal, which explains the effect of and justification for the plan.
- **Gateway** — the Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also established at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
- **Community consultation** — the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
- **Assessment** — the relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan — the legal instrument.
- **Decision** — with the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

A planning proposal is a document that explains the intended effect of a proposed LEP and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The planning proposal is attached to this report (refer Attachment 1).

Description of Item:

The proposal is for the rezoning of the subject land to Residential 2A Low Density to enable the development of 57 residential lots. The proposal is in accordance with the Mid North Coast Regional Strategy (MNCRS) and Council's Our Living City (OLC) Settlement Strategy; the proposal will allow the release of the subject land in the South West Woolgoolga areas in keeping with the Medium Term timeframe of 2011-2016 under the OLC Settlement Strategy.

The subject land is generally free of major prohibiting constraints and adjoins land zoned for residential purposes.

The land can be serviced with reticulated water and sewer and has direct access to Backhouse Street and Haviland Street. The proposal represents a logical extension of the residential zone.

The land is within 500 metres of the River Street Business Centre and the Highway Business Centre and is within 1.5 kilometres of the Woolgoolga Central Business District (CBD). Woolgoolga's growth will be in a westerly direction contained by the Highway Bypass and this proposal is in keeping with this projected settlement pattern.

With the rezoning of the land to residential purposes, the land can accommodate 57 houses which will generate an estimated \$17 million in construction expenditure. The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the existing Woolgoolga Industrial area east of the Pacific Highway and future Industrial area subject to investigation, west of the Pacific Highway. The development of the land for housing will provide a ready employment market for these employment nodes.

The land has potential to provide an important visual gateway to Woolgoolga. A well planned and laid out development as shown in the concept Masterplan (Figure 2) can deliver benefits to the visual qualities of the township and coast generally.

The benefits of releasing land under this proposal in terms of land supply and demand are:

- a land stock supply buffering for the safeguarding of potential shortfalls of land supply expected in 2016; it being noted that the OLC Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour;
- an increase in locational choice for land and housing by providing a second release area in Woolgoolga, at present Woolgoolga has only one release area;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land and to enable a testing of the market;
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA; and
- identification of this land for release will enable the supply of land to be available in 2016 as there is a significant lag time between the resolution to rezone land; preparation of the local environmental study, if required; gazetting of the rezoning; lodgement and determination of the subdivision application; certification of the subdivision; and eventual sale and development of housing on the identified land. It is expected that this process takes over two years to complete and will in effect provide for housing from 2014 -2016 generally in accordance with Council's projected timetable. It is to be noted that no land has been identified for rezoning and future release in the northern beaches, before 2016.

The current program for land development is directing housing development to the release areas of Corindi Beach, Sandy Beach and Safety Beach which are located well away from the services and facilities provided within the Woolgoolga Town Centre. A more strategic planning approach would be to encourage the release of land in closer proximity to the main nodes of activity such as the Woolgoolga Town Centre; the only Major Town Centre in Coffs Harbour LGA. The rezoning of the subject land provides for a number of strategic benefits. Sound planning practice suggests that areas closer to employment, recreation and community and social services should be given priority over those located further away.

For the Woolgoolga Town Centre to effectively achieve its role as a Major Town Centre, housing growth and choice within close proximity to the business centres that make up the Town Centre should be encouraged; rezoning of the subject land can deliver both housing choice and additional housing stock to meet identified growth demands.

Sustainability Assessment:

Any amendment to the Coffs Harbour LEP has to address environmental, social, civic leadership and economic sustainability criteria.

This planning proposal is seeking to amend zones relating to existing zones in LEP 2000.

• Environment

The site is subject to Tertiary Koala Habitat; Low risk Acid Sulfate Soils classification; potentially contaminated soils (bananas) and Bush Fire Risk. All environmental matters can be addressed and appropriate mitigation measures implemented to ensure that minimal environmental impacts are associated with the rezoning and subsequent residential development.

The planning proposal aims to ensure the City's development is carried out in an environmentally sustainable manner. To do this the draft LEP will:

- apply appropriate provisions for Koala Habitat;
- recognize appropriate zoning and control provisions for protection of riparian areas;
- identify heritage items and include provisions for culturally significant places;
- apply provisions for preservation of trees and vegetation; and
- apply provisions protecting terrestrial biodiversity.

• Social

The planning proposal seeks to promote equitable access to the provision of social services and facilities for the community. This is achieved by including provisions and objectives which reflect Council's long term strategic vision for the City as endorsed in the OLC Settlement Strategy, Industrial Lands Strategy, Business Lands Strategy and the Coffs Harbour 2030 Plan.

• Civic Leadership

The planning proposal implements appropriate and relevant actions of the Coffs Harbour 2030 Plan to achieve the following outcomes:

- Council has a strong and diverse local economy underpinned by sustainable business and industry;
- our City is a lively and diverse place where people live, work and play;
- our built environment achieves sustainable living by only best practice urban design and infrastructure development to create attractive buildings;

- Council has a diverse range of housing options that are affordable and adaptable for all the community;
- Coffs Harbour has urban spaces that are functional, accessible and useable by all the community to enjoy;
- Coffs Harbour has integrated, accessible, eco focused transport system achieved by implementing plans and policies with cycleways, walking tracks and footpaths; and
- Our transport system and road network is well maintained safe and functional.

By implementing these community endorsed actions, as part of this planning proposal, Council demonstrates a transparent decision making process.

• **Economic**

The continued economic growth and development of the City is an outcome of the planning proposal. The proposal identified appropriate areas for residential land uses to enable compatible development to prevail in the South Woolgoolga Special Investigation area.

Broader Economic Implications

The planning proposal aims to improve Woolgoolga's residential areas as a place to live, work and play.

The planning proposal provides new residential choice options and opportunities in the Woolgoolga catchment while creating a highly livable urban place in both the built environment and public domain.

Delivery Program/Operational Plan Implications

There are no immediate financial implications or impacts on Council by progressing the planning proposal – this process is on a user pays basis – i.e. the administration and processing costs associated with the planning proposal are covered by the proponent/landowner.

Additional fees (as established in Council's fees and charges) will be required to be paid to process the proposal to the government agencies.

The implementation of a new LEP (to provide more housing choice and residential land supply) is a key outcome sought by the Council's Delivery Program. Council's resolution to progress the planning proposal will enable some of these outcomes to be achieved.

Consultation:

Consultation with a number of State government bodies and stakeholders will be necessary should Council endorse the planning proposal and should P&I endorse the gateway process.

Some of the key stakeholders include the Real Estate industry and the Urban Development Institute of Australia and the general public.

The planning proposal will also be forwarded to various State government bodies with a request for their feedback during the exhibition stage.

Related Policy and / or Precedents:

Council is undertaking this process in accordance with the guidelines associated with planning proposals. All statutory requirements will be complied with.

This planning proposal has been commissioned in response to a landowner's request. It accords with the OLC Settlement Strategy 2008, which is a Local Growth Management Strategy in accordance with requirements of the MNCRS.

Statutory Requirements:

- The Department of Planning Standard Instrument (LEPs) Orders (gazetted March 2006, amended September 2006 and July 2008);
- The MNCRS March 2009;
- The North Coast Regional Environmental Plan;
- Various Ministerial Directions.

The statutory processes under the Environmental Planning and Assessment Act (EP&A) 1979 and Regulations must be followed in the preparation of the planning proposal and its exhibition.

Issues:

The following are the key issues Council identified and requested the proponent to address in the documents associated with the planning proposal:

- (i) Council needs to demonstrate a compelling case to justify an amendment to the Priority 2 status of the land under OLC Settlement Strategy based on the current supply and demand for land in the Woolgoolga catchment. Council considers that there is not urgent demand for the land or significant urban growth and demand for residential land at Woolgoolga.

Comment:

The planning proposal demonstrates adequate justification to support the proposed rezoning and to seek a "Gateway" decision from P&I.

- (ii) Demonstrate how the proposal is consistent with State and Regional Policies and Ministerial (Section 117) directions.

Comment:

The planning proposal adequately addresses the Ministerial directions to enable Council to support the document and to seek a "Gateway" decision from P&I.

- (iii) How the proposal addresses Woolgoolga as a Major Town under the MNCRS.

Comment:

The planning proposal document addresses Woolgoolga as a Major Town as identified in the MNCRS. This matter is adequately addressed to enable Council to support the document and to seek a "Gateway" decision from P&I.

- (iv) Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?

Comment:

The planning proposal demonstrates that there will be a substantial generation of an estimated expenditure (\$17 million) on construction associated with the development and an

estimated \$2 million per annum ongoing household expenditure – thus creating employment opportunities. Based on this Council can support seeking a "Gateway" decision from P&I.

- (v) Will the proposal be complementary and compatible with surrounding land uses? i.e. adjacent agriculture

Comment:

The site is located within a special urban investigation area in the OLC Settlement Strategy thus there is the expectation that the character of the locality will become more urban rather than rural. The rezoning to allow residential development is compatible with the existing adjoining residential lands. Based on this special urban investigation area being endorsed Council and P&I Strategies, Council can support seeking a "Gateway" decision.

- (vi) Is the proposal likely to create a precedent; or create or change the expectations of the landowner or other landholders?

Comment:

The proposal demonstrates that it will not create a precedent or change the landowner expectations, given the sites identification as a Special Urban Investigation Area in the OLC Settlement Strategy. Council can support seeking a "Gateway" decision from P&I.

- (vii) Demonstrate how the proposal is compatible with agreed State and Regional Strategic direction for development in the area.

Comment:

The planning proposal document provided to Council demonstrates how the proposal is compatible with the OLC Settlement Strategy and the MNCRS providing justification to support the proposed rezoning.

The subject land is within 500 metres of the proposed major transit nodes associated with the existing Highway and proposed Bypass

A major bus interchange is currently located at the corner of Pullen Street and the Pacific Highway – also approximately 500 metres away

The planning proposal can be supported based on the justification provided.

Implementation Date / Priority:

The timeframe for a planning proposal is established in the EP&A Act. The timeframe is triggered once the matter is forwarded to NSW P&I by Council (i.e. after Council endorsement).

Recommendation:

1. That Council endorse, for the purposes of seeking a "Gateway determination" by NSW Planning and Infrastructure, the planning proposal seeking rezoning for residential purposes at Lot 61, DP 852851 Backhouse Street, Woolgoolga.
2. That Council forward the planning proposal to NSW Planning and Infrastructure, seeking endorsement of a gateway determination.
3. That Council inform the landowner of Council's decision.

PLANNING PROPOSAL

Summary

The proposal is for the rezoning of the subject land to Residential 2A Low Density to enable the development of 57 residential lots.

The proposal is generally in accordance with the MNCRS and Council's OLC Settlement Strategy; the proposal will allow the release of the subject land in the South West Woolgoolga Release Area in keeping with the Medium Term timeframe of 2011-2016 under the OLC Settlement Strategy.

The subject land is free of major prohibiting constraints and adjoins land zoned for residential purposes.

The land can be serviced with reticulated water and sewer and has direct access to Backhouse Street and Haviland Street. The proposal represents a logical extension of the residential zone.

The land is within 500 metres of the River Street Business Centre and the Highway Business Centre and is within 1.5 kilometres of the Woolgoolga CBD. Woolgoolga's growth will be in a westerly direction contained by the Highway Bypass and this proposal is in keeping with this projected settlement pattern.

With the rezoning of the land to residential purposes the land can accommodate 57 houses which will generate \$17 million in construction expenditure. The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the Woolgoolga Industrial area and future industrial land. The development of the land for housing will provide close proximity to these employment nodes.

The land has potential to provide an important visual gateway to Woolgoolga and a well planned and laid out development as shown in the concept Masterplan accompanying the planning proposal can deliver benefits to the visual qualities of the township.

The benefits of releasing land under this proposal in terms of land supply and demand are:

- a land stock supply providing a buffer for the safeguarding of potential shortfalls of land supply expected in 2016; it being noted that the OLC Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour;
- an increase in locational choice for land and housing by providing a second release area in Woolgoolga, at present Woolgoolga has only one release area;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land; and
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA.

Identification of this land for release will enable this land to be available in 2016 as there is a significant lag time between the resolution to rezone land; preparation of the necessary environmental studies; gazetting of the rezoning; lodgement and determination of the subdivision application; certification of the subdivision; and eventual sale and development of housing on the identified land.

It is expected that this process takes over two years to complete and will in effect provide for housing from 2014 -2016 generally in accordance with Council's projected timetable in the OLC Settlement Strategy.

The current program for land development is directing housing development to the release areas of Corindi Beach, Sandy Beach and Safety Beach which are located well away from the services and facilities provided within the Woolgoolga Town Centre.

The rezoning of the subject land provides for a number of strategic benefits, sound planning practice and community aspirations expressed in the 2030 Plan which suggests that areas closer to employment, recreation, community and social services should be given priority over those located further away.

For the Woolgoolga Town Centre to effectively achieve its role as a Major Town Centre, housing growth and choice within close proximity to the business centres that make up the Town Centre should be encouraged. The rezoning of the subject land can deliver both housing choice and additional housing stock to meet identified growth demands.

Part 1 - Objectives or Intended Outcomes

The planning proposal is for the rezoning of the subject land from "Rural 1A Agriculture" to "Residential 2A Low Density". The 2A zone is equivalent to the "R2 Low Density" zone under the new Standard Local Environmental Plan (SLEP).

The proposal involves the following intended outcome:

To rezone land to enable development of the land Lot 61 Backhouse Street, Woolgoolga, for the purposes of residential subdivision and residential development.

This outcome will enable progression toward development approval and construction of a residential subdivision and estate.

This proposal is estimated to generate residential land which can accommodate 57 houses and generate \$17 million in construction expenditure.

The subdivision construction phase will provide some employment opportunities and the construction of a housing estate providing for further construction jobs. The construction jobs will involve builders, plumbers, electricians, painters, landscapers, utility technicians, plasterers, fabricators and other contractors.

Post construction jobs will relate to the employment opportunities generated by household expenditure which is anticipated to equate to \$2 million per annum. This will help improve the viability of the Woolgoolga as a major Town Centre.

These jobs, through the construction phase and after, will have an indirect economic advantage for the local Woolgoolga community.

The objective of the planning proposal is:

- to describe the subject site, the locality in which it is situated, the current zoning and the reason for the need to locate additional residential development on the subject land.
- to request an amendment to the LEP to permit residential development
- to address the 'gateway assessment criteria under Part 3 of the EP&A Act 1979.
- to provide justifications for the LEP amendment and demonstrate the net community benefits which follow.
- to demonstrate that the planning proposal is consistent with the broad strategic direction for the locality.

The proposal provides for a minor adjustment to the programmed release of the South West Woolgoolga Residential Area by having the subject land released in 2011-2012 and the balance of the Special Investigation Area released 2012- 2016. This proposal is generally consistent with the Medium Term timeframe of 2011 to 2016 outlined under the OLC Settlement Strategy.

The proposal will provide for the development of the land for conventional low density housing lots in conformity with the adjoining lands to the north. A concept Lot Layout for the subject land is provided in Figure 1. A conceptual Masterplan is provided in Figure 2 for the balance of the release area to provide an appreciation for the wider strategic issues that will govern the development of the subject land.

Figure 1: Concept Lot Layout

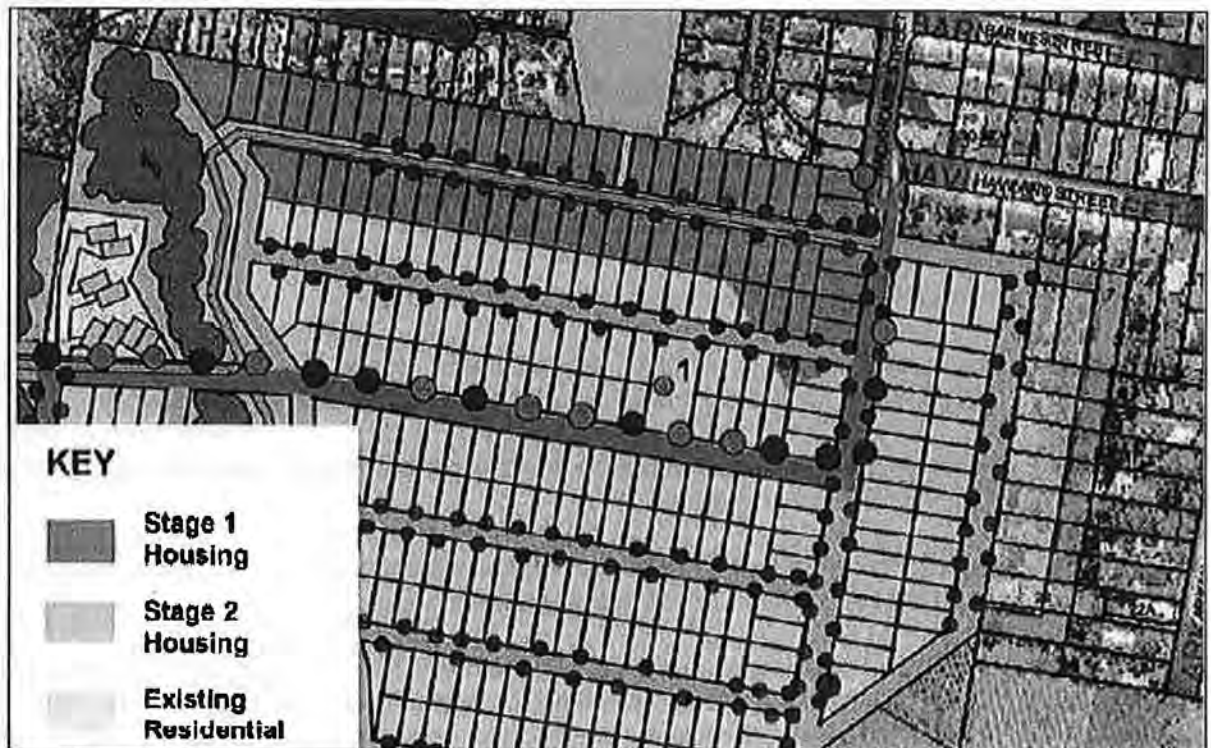
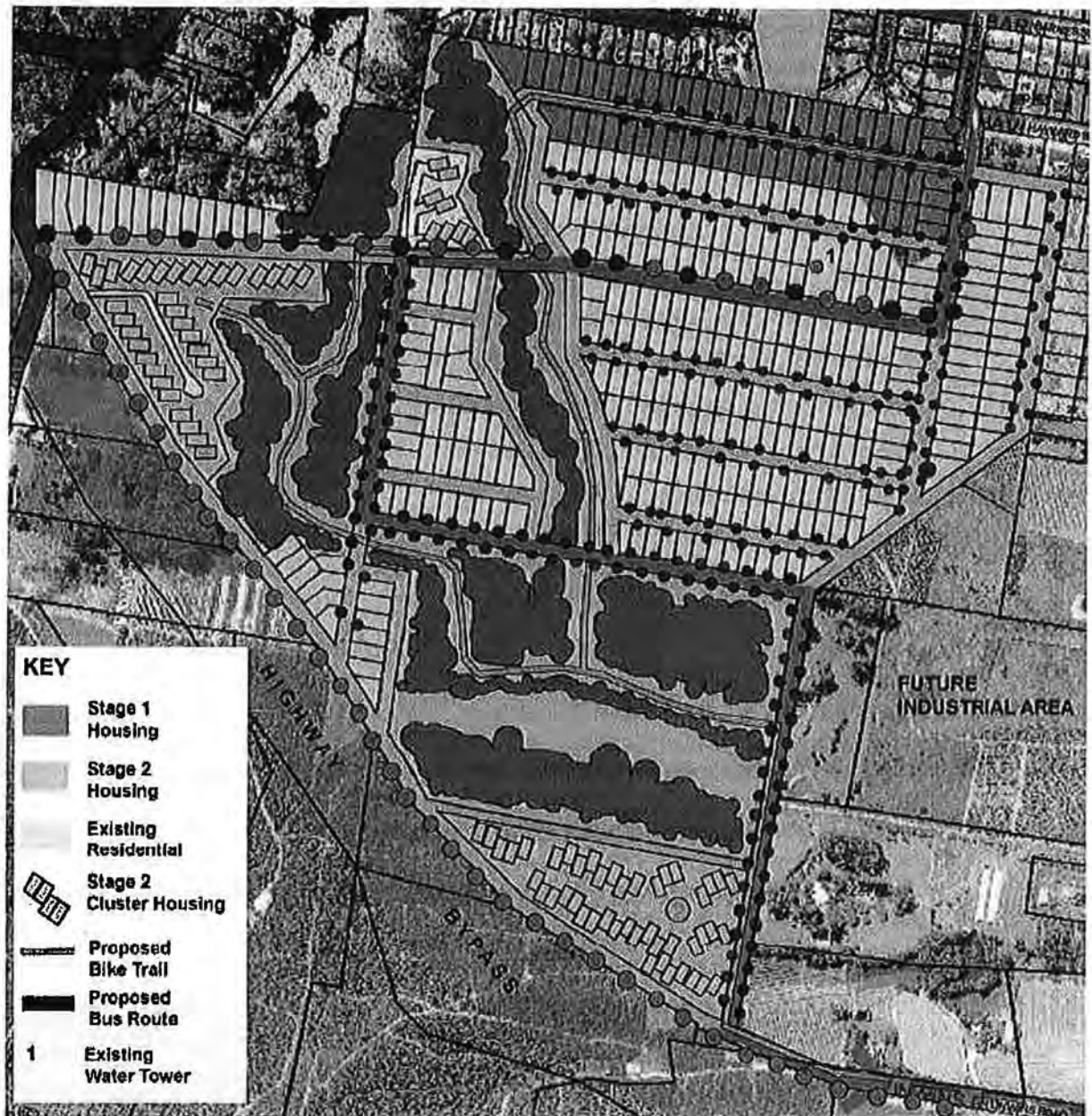


Figure 2: Conceptual Masterplan



The main features of the proposed lot layout can be summarised as follows:

- provision for 57 allotments;
- allotments are generally in the order of 600m²;
- majority of the allotments have the long axis with a north south orientation;
- the proposed road network is in keeping with the loose grid applying to the existing residential areas;
- a pedestrian connection is in the centre of the site to provide a connection to the open space reserve; and
- the forested areas to the west are to be conserved by dedication to the public reserve system.

The main features of the concept Masterplan can be summarised as follows:

- the road network provides a connecting grid with good legibility in keeping with contemporary urban design practice and the features of the land;

- the road network provides connections to the exiting road network to the north and south;
- the road network allows for the redevelopment of the elongated allotments in the existing residential area to the east;
- provision for approximately 350 allotments and 78 cluster housing lots;
- protection of the main waterways and habitat areas;
- provision of a habitat corridor;
- provision of a buffer to drainage line for biofiltration;
- incorporation of a buffer to the proposed West Woolgoolga Industrial Area;
- provision of a buffer to the Highway Bypass;
- incorporation of a centrally located and walkable park;
- connecting walkways and cycleways; and
- accessibility for buses.

Part 2 - Explanation of Provisions

Proposed Amendments to Coffs Harbour LEP 2000

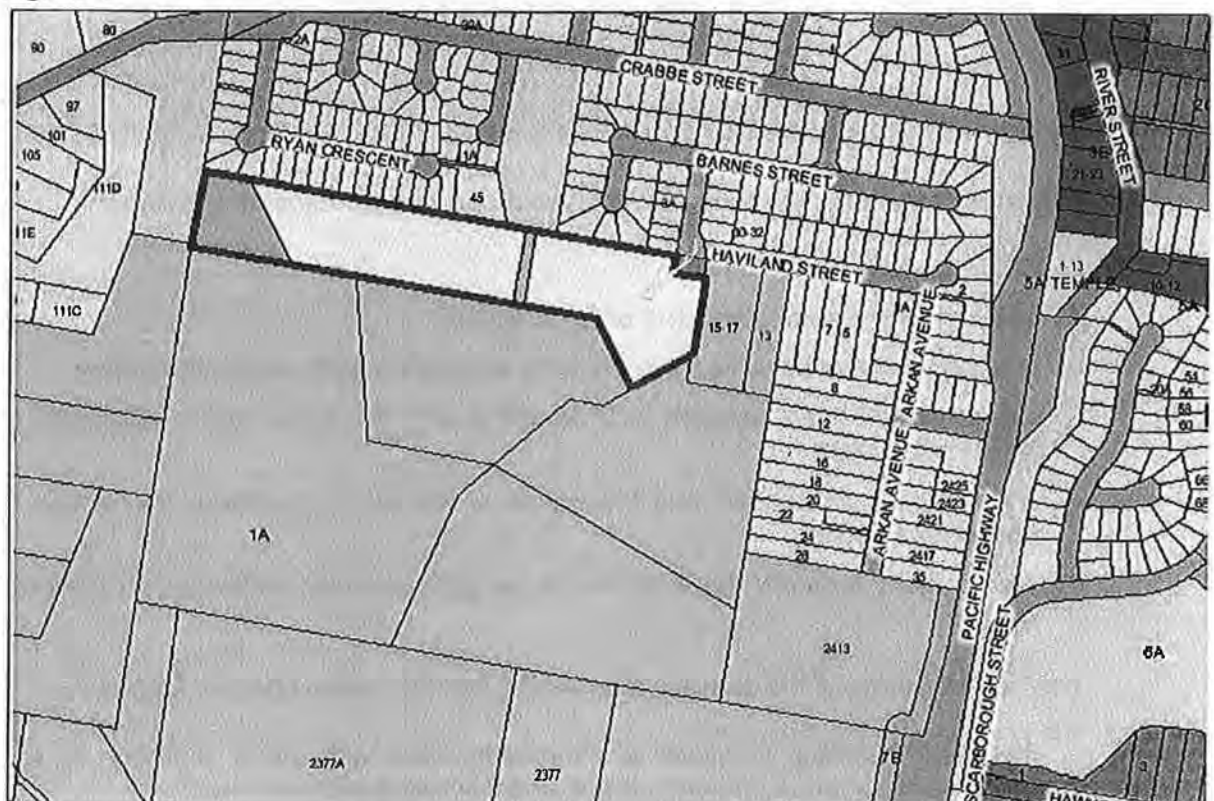
Development is controlled by Coffs Harbour City LEP 2000.

Currently LEP 2000 identifies the zone on the site as Rural 1A Agriculture”.

This zone does not permit subdivision for residential purposes.

The location of the subject site and the existing zoning of surrounding lands is included within Figure 3 below.

Figure 3



A site specific amendment is sought to the land use zone on the subject land, so as to allow for residential 'subdivision', as defined under LEP 2000, hence allowing the development of a residential estate.

Amendment of the Coffs Harbour City Council LEP 2000 Land Zoning Map of the subject land from "Rural 1A Agriculture" to "Residential 2A Low Density."

Part 3 – Justification

Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The proposal is generally in accordance with the MNCRS and Council's OLC Settlement Strategy; the proposal will allow the release of the subject land in 2011-2012 and remaining Special Investigation Area in 2012-2016 in keeping with the Medium Term timeframe of 2011-2016 under the OLC Settlement Strategy.

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

A planning proposal is the best method to achieve a residential estate. It accords with prevailing strategy and policy and is effective without imposing regulatory burden

3. Is there a net community benefit?

There is a net community benefit of the proposal, this benefit includes:

- a land stock supply buffering any potential shortfalls of land supply expected in 2016; it being noted that the OLC Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour;
- an increase in locational choice for land and housing by providing a second release area in Woolgoolga, at present Woolgoolga has only one release area;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land and to enable a testing of the market; and
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA.

Conducting a Net Community Benefit Test

With the rezoning of the land to residential purposes:

- The land can accommodate 57 houses which will generate \$17 million in construction expenditure.
- The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the South Woolgoolga Industrial area and future Industrial area.

- The development of the land for housing will provide a ready employment market for these employment nodes.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposal is generally in accordance with the MNCRS and Council's OLC Settlement Strategy; the proposal will allow the release of the subject land in keeping with the Medium Term timeframe of 2011-2016 under the settlement Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal implements appropriate and relevant actions of the Coffs Harbour 2030 Plan to achieve the following outcomes:

- Council has a strong and diverse local economy underpinned by sustainable business and industry;
- our City is a lively and diverse place where people live, work and play;
- our built environment achieves sustainable living by only best practice urban design and infrastructure development to create attractive buildings;
- Council has a diverse range of housing options that are affordable and adaptable for all the community;
- Coffs Harbour has urban spaces that are functional, accessible and useable by all the community to enjoy;
- Coffs Harbour has integrated, accessible, eco focused transport system achieved by implementing plans and policies with cycleways, walking tracks and footpaths; and
- Our transport system and road network is well maintained safe and functional.

By implementing these community endorsed actions, as part of this planning proposal, Council demonstrates a transparent decision making process.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPP)?

The planning proposal is consistent with applicable SEPPs.

North Coast Regional Environmental Plan 1988

North Coast Regional Environmental Plan (REP) 1988 is now deemed to be a SEPP. The provisions under the REP relevant to the rezoning of the subject land and the means of addressing the provision are discussed below:

Clause 29 Plan preparation—natural areas and water catchments

A draft local environmental plan should:

- (a) retain existing provisions allowing the making of tree preservation orders;
- (b) not alter or remove existing environmental protection, scenic protection;

- (c) escarpment preservation zonings or controls within them, without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action;
- (d) include significant areas of natural vegetation including rainforest and littoral rainforest, riparian vegetation, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones;
- (e) contain provisions which require that development in domestic water catchment areas or on land overlying important groundwater resources does not adversely affect water quality, and
- (f) require consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones

Comment: *The proposal provides for the protection of the forested areas of the site and the concept Masterplan demonstrates how the release area can be developed to provide for habitat protection and protection of the existing drainage line in keeping with water sensitive urban design principles and practice. The proposal is in keeping with this Clause.*

Clause 38 Plan preparation—urban land release strategy

- (a) The council should not prepare a draft local environmental plan which permits development that, in the opinion of the council, constitutes significant urban growth unless it has adopted an urban land release strategy for the whole of its local government area.
- (b) A draft local environmental plan referred to in subclause (1) should be generally consistent with the strategy referred to in that subclause.
- (c) The strategy referred to in subclause (1) shall:
 - be based on a land release program and population projections,
 - give preference to development resulting in urban growth on land that adjoins other land which is already being used for urban purposes and is the most economic to service,
 - not provide for development of land which is unsuitable for urban growth due to its agricultural capability or which adjoins land that is currently used for agriculture,
 - not include for development land that is unsuitable due to any environmental hazard unless the council has made an assessment of the risk and considered it to be minor or alternatively has made provision for the control or reduction of that hazard,
 - not include for development land which has conservation value or which has heritage, environmental or cultural significance,
 - have regard to the rural character and heritage significance of villages and small coastal settlements and the need to maintain that character and significance, and
 - provide substantial buffer areas between coastal urban centres to avoid uninterrupted coastal development

Comment: *Coffs Harbour City Council adopted a land release strategy for the area in which the subject land is located.*

The subject land adjoins land zoned for low density housing and represents a logical extension of this zoning. The lands surrounding the subject land are zoned for residential, rural- residential and rural purposes.

The rural lands are generally cleared land with the Pacific Highway Bypass dissecting a number of rural properties and reducing the viability for agricultural production. The lands surrounding the subject land are earmarked for special urban investigation and are not identified as prime agricultural lands.

The environmental hazards (i.e. fire hazard, potential acid sulphate soils, potential land contamination and tertiary koala habitat) applying to the land are constraints that can be managed and are not prohibitive to the development of the land for residential purposes.

The subject land has no recognised heritage or cultural values. The area mapped as Tertiary Koala habitat within the western part of the land has environmental values and it is intended to conserve this area to protect those values.

The land is within an identified release area that represents a logical settlement pattern for Woolgoolga and is provided with appropriate buffers including the Highway, State Forest and rural and rural residential lands.

Rezoning of this land is consistent with this Clause.

Clause 40 Plan preparation—principles for urban zones

A draft local environmental plan applying to urban areas should adopt the following principles:

- (a) zoning should be simple and flexible,
- (b) provisions for flexible zone boundaries may apply to any zones except environmental protection zones,
- (c) detailed guidelines within the broad zone parameters should be identified in a development control plan (DCP), and
- (d) the principle of minimising energy use, in particular in the design of buildings and effective transport systems.

Comment: *Coffs Harbour City Council has the following DCPs that provide detailed guidelines for the sustainable development of residential land:*

- *Low Density Housing DCP;*
- *Subdivision DCP;*
- *Off Street Car Parking DCP; and*
- *Waste Management DCP.*

Council also has in place a number of Information Sheets and Policy Documents to guide development relating to the following development issues:

- *Water Sensitive Urban Design;*
- *Stormwater Management;*
- *Subdivision Design;*
- *Landform Modification;*
- *Water and Sewer Services;*
- *Landscaping;*
- *Acid Sulfate Soils;*
- *Energy Efficiency; and*
- *Adaptable Housing.*

Adequate planning and development controls are in place for the development of the subject land for residential purposes.

The proposal is in keeping with this Clause.

Clause 42 Plan preparation—principles for housing

(a) A draft local environmental plan to permit dwellings in urban areas should incorporate provisions that:

- allow the alteration or addition of a dwelling so as to create two dwellings in either attached or detached form,
- allow a wide range of housing types and densities,
- separate residential development from other incompatible development, including agricultural activity on adjoining land,
- require that development for residential purposes should not take place until the council is satisfied that the land on which any dwellings are to be erected is adequately serviced with water and sewage disposal facilities,
- retain existing provisions to enable a dwelling to be erected on an existing allotment, and
- permit the use of manufactured home estates for permanent occupation.

(b) A draft local environmental plan that will permit dwellings to be erected in urban areas should not:

- require development consent for a dwelling-house in a residential zone, except where there are special environmental or hazard considerations, or
- specify a minimum allotment size for residential zones.

Comment: *The proposal is for the subject land to be zoned the same as the adjoining lands (i.e. Residential 2A Low Density) which allows for dual occupancy development and a wide range of low density housing forms.*

The land forms part of a larger land release that has a adequate buffers in the form of the Pacific Highway Bypass; it being noted that the Bypass will itself be provided with buffers.

The land will be subject to Clause 14 of LEP 2000 which requires adequate water sewer and drainage services to be available to the land before consent can be granted for residential development.

The land will be subject to the standard provisions of the 2A zone and as such the proposal is in keeping with this Clause.

Clause 45 Plan preparation—hazards

(a) A draft local environmental plan should not permit development for tourism, rural housing or urban purposes on land subject to the following hazards, namely:

- coastal processes;
- flooding or poor drainage;
- dangers arising from potential or actual acid sulfate soils:
 - dangers arising from contaminated land;
 - geological or soil instability;
- bush fire;
- aircraft noise at levels of more than 25 (measured according to the Australian Noise Exposure Forecast);
- air or water pollution, or airborne pollution, within 400 metres of sewage treatment works;
- disposal of septic effluent;
- existing offensive or hazardous industries; and
- high tension electrical power lines,

unless the council has made an assessment of the extent of the hazard and included provisions in the plan to minimise adverse impact.

(b) (Repealed)

(c) In the event of a bush fire hazard being identified for land on which dwellings are proposed to be permitted, the council shall not permit development unless it is satisfied that arrangements where appropriate have been made to:

- require the creation of a perimeter road or reserve which circumscribes the hazard side of the land intended for that development,
- require the creation of a fire radiation zone located on the bushland side of the perimeter road,

Comment: *The land is not subject to the 1:100 year flood planning level, coastal processes or any identified geological instability or soil instability. The land is not located near any aircraft noise generation areas, offensive or hazardous industries and is not located near a sewerage treatment works or high voltage power lines.*

The land is subject to a low risk for the presence of acid sulfate soils and a low bushfire risk; the only significant bushfire risk is from the vegetated lands to the west and the remaining hazard areas are banana plantations which will ultimately be removed when the land is developed for urban purposes. Bushfire risk can be adequately managed through the incorporation of Asset Protection Zones (typically required to be a 10-30 metres buffer) and suitable access arrangements.

Clause 50 Plan preparation—height controls

Before preparing a draft local environmental plan applying to an urban area, the council should consider the necessity for height controls on buildings and include such controls as it considers appropriate.

Comment: *The land will be subject to the two storey height control under Council's DCP and the height controls under the NSW Housing Code for Complying Development.*

The proposal is in keeping with this Clause.

Clause 56A Plan preparation—bus services

In the preparation of a draft local environmental plan involving an alteration to the zoning of land which could give rise to the need for bus services or the revision of existing bus services, the Council should take into consideration the guidelines in Technical Bulletin 19—Planning for Bus Services (published in 1989 by the Department of Planning and the Ministry of Transport at that time) to ensure that the draft plan allows for the provision of an adequate and efficient bus route system.

Comment: *Provision is made for bus circulation in the concept Masterplan in keeping with Technical Bulletin 19.*

The proposal accords with this Clause.

Clause 58 Plan preparation—servicing urban areas

A draft local environmental plan should not permit development for urban purposes unless the council is satisfied that:

- (a) the proposed development will make the most economic use of existing services;
- (b) where the proposed development is adjacent to an existing urban area and that urban area will be substantially increased, the provision of a reticulated water and sewer system will be provided at reasonable cost to each lot;
- (c) the proposed development is located in an area which is consistent with the findings of any urban land release strategy prepared for the local government area or, where no

such strategy has been prepared, the proposed development is located in the area to which services can be provided most readily;

- (d) consideration has been given to the identification of effluent disposal and discharge points;
- (e) domestic water catchment areas and water storage areas are not likely to be polluted as a result of the proposed development; and
- (f) consideration has been given to the provision of public transport facilities, pedestrian and cycleways.

Comment: *The development of the land represents an economically efficient use of the land with water, sewer and road services readily available to the land; the land can be serviced at a reasonable cost.*

The land is located in an area which is consistent with the findings of the Coffs Harbour City OLC settlement strategy.

The land can be connected to the reticulated sewer network and will have no effluent discharge points.

The land is not within a domestic water catchment area and water storage area.

The concept Masterplan demonstrates how buses, cyclists and pedestrians can move through the release area.

The proposal meets the criteria of this Clause.

Clause 65 Plan preparation—provision of community, welfare and child care services

(a) A draft local environmental plan should:

- not zone land for residential purposes (including rural residential) unless the council has made an assessment of the need for additional community and welfare services and is satisfied that the plan contains adequate provisions to enable the provision of those services; and
- include child care centres as a land use which is permissible with the council's consent in all rural, residential and business zones.

Comment: *This proposal is expected to accommodate a population of approximately 140 people and adequate social and community services are available or will be available to the site for this population. The site is in close proximity to the Woolgoolga Town Centre and the locality has a wide range of social and community services which include:*

- District Cycleway;
- Bus service;
- Playground;
- Shopping Centre (existing and proposed);
- Coastal Walkway;
- High School/Primary School;
- Child Care Centres;
- Police and Ambulance stations;
- Neighbourhood and Community Centres;
- Library and Senior Citizens Centre;
- Playing fields/sportsground/golf course; and
- Passive recreation space.

The site is accessible to all these facilities and will be adequately serviced in terms of social support facilities.

Child care centres are permissible in the proposed 2A zone.

The proposal is in keeping with this Clause.

Clause 78 Plan preparation—public recreation areas

(a) A draft local environmental plan should include provisions which:

- identify areas of potential active or passive recreational use in both urban and rural areas;
- identify a range of recreational environments located in the vicinity of existing and proposed residential development;
- permit recreational uses in a wide range of zones and not only in open space zones;
- identify land for use by the general public to gain access to water bodies and foreshores; and
- manage access to water bodies or foreshores where the environmental features of the area are likely to be damaged by increased public access.

Comment: *The concept Masterplan shows an indicative layout for the provision of passive recreation areas and the method to protect the existing drainage line*

It is expected that a playground will be located within the passive recreation area described in the Masterplan. Council's Open Space and Sports Facilities Strategies include details relating to existing and planned facilities to service the area. No additional facilities are identified as being required in this area.

The proposal is in keeping with this Clause.

SEPP No 55:

Under SEPP No 55- Remediation of Land, Council is to consider whether the land has been contaminated by past land uses. Most of the land is identified as potentially contaminated because the land was used for banana growing; land used for banana growing is identified in Council's geographical information system as potentially contaminated land.

Clause 7 of SEPP No. 55 requires Council to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development before consent is granted. When land is mapped as potentially contaminated, soil testing is required to determine if the land is suitable in its contaminated state, or will be suitable after remediation, for development; this requirement is in accordance with SEPP No 55 – Remediation of Land.

Experience elsewhere in the LGA has demonstrated that land contaminated by banana farming can usually be rendered suitable for development for residential purposes after the soil has been treated; the treatment options include vertical mixing of the soil, capping of the soil and removal of the soil. Should the land be found to have levels of contaminants in excess of the threshold levels, then one of these treatment options is available. Soil testing is usually required at the development application (subdivision) stage.

Soil contamination from past banana growing is not expected to be a significant limitation on the development of the land.

SEPP No. 71:

SEPP No. 71 – Coastal Protection applies to the subject land; the subject land is within the coastal zone. Council is required to take into account the matters listed in Clause 8 of the Policy when preparing a draft LEP. These are listed below together with a response on how the proposal meets the requirement.

Matters for Consideration	Response
Aims of the Policy which seek to protect and better manage the NSW Coast	The proposal is for a development in keeping with Council's Settlement Strategy which in turn has been prepared in keeping with coastal management policies.
Existing public access along the foreshore is to be retained.	Proposal will have no impact on public access.
Opportunities for new public access to the foreshore to be considered.	Not applicable
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	The site is suitable for this scale of development and is in keeping with the zoning of the adjoining land.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views.	The proposal will modify the scenic qualities of the precinct, but this will reflect the prevailing character of the area.
Scenic qualities of the NSW Coast.	The land is within an important view shed forming the entryway to Woolgoolga. At present the land has a mix of farming structures and residential development that provides little benefit in terms of scenic quality. This proposal provides an opportunity to develop the land for a well planned and laid out residential subdivision that can deliver scenic benefits to the township.
Measures to conserve animals (including fish and marine vegetation) and existing wildlife corridors.	Habitat areas can be protected and extended to provide an improved outcome for native flora and fauna.
The likely impact of coastal hazards and processes.	The land is not subject to any identified coastal hazards or processes.
Measures to reduce potential conflict between land-based and water based coastal activities.	The land is not subject to any identified land or water based conflicts
Measures to protect Aboriginal culture	The land is a disturbed site that is unlikely to be the source of any Aboriginal cultural values.
Likely impact on the water quality of coastal waterbodies.	The land can be developed to have a positive impact in terms of water quality with the imposition of WSUD measures.
Conservation and preservation of heritage items.	There are no identified heritage items on the land or on the adjoining lands.
Encouragement of compact towns and cities.	The proposal assists in creating a compact Town Centre; it is a logical extension of the existing urban area that will be contained within the new Highway alignment.
Cumulative impacts upon the environment and measures to ensure water and energy efficiency.	The proposal integrate prevailing energy efficient policies of the State and Council.

Clause 17 of the SEPP requires the preparation of a masterplan or waiver for the need for a masterplan for subdivisions of more than 25 lots. This is a matter that is usually addressed at the detailed development application stage. The concept masterplan provides a preliminary step in this process.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions under Section 117 of the EP&A Act 1979 of relevance to this proposal are addressed as follows:

Direction 1.2 Rural Zones: This Direction seeks to protect the agricultural production value of rural land and prevents the rezoning of land from rural to residential purposes, but allows an inconstancy where a proposal is in accordance with a Regional Strategy or where the proposal will have a minor environmental impact.

Comment: *The proposal is in keeping with the MNCRS as it is within an area identified for urban growth. The proposal is of minor significance as it relates to a small parcel of land (i.e. 4.2 hectares) and is located on land that is not prime agricultural land.*

Direction 2.1 Environmental Protection Zones: The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

Comment: *The subject land has an environmentally sensitive (identified as Tertiary Koala Habitat under Council's Koala Plan of Management) triangular piece of land within its western extremity that warrants protection as a habitat link and buffer to the waterway near Ryan Crescent. Protection of this land will render the proposal consistent with this Direction.*

Direction 2.2 Coastal Protection Zones: The objective of this direction is to implement the principles in the NSW Coastal Policy and requires a planning proposal to include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and
- (b) the Coastal Design Guidelines 2003, and
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

Comment: *The proposal is consistent with these policy documents as it incorporates the following:*

- *Avoidance of environmental hazards;*
- *Protection of sensitive areas;*
- *Provision of walkways and cycleways;*
- *Connection with existing urban areas;*
- *Consistency with settlement strategies for the creation of compact towns;*
- *Provision of opportunities for water sensitive urban design;*
- *Provision of a legible and simple street layout and allotment orientation;*
- *Opportunity for varied forms of low density housing;*
- *Avoidance of coastal hazards and processes;*
- *Improved habitat links and conservation of habitat areas; and*
- *Efficient connection to services, including transport, water and sewer services.*

Direction 3.1 Residential Zones: The objectives of this direction are threefold:

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

A planning proposal must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market;
- make more efficient use of existing infrastructure and services; reduce the consumption of land for housing and associated urban development on the urban fringe, and

- be of good design.

A planning proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it); and
- not contain provisions which will reduce the permissible residential density of land.

Comment: *It is proposed that the subject land be zoned Residential 2A Low Density in keeping with the adjoining land. The low density zone allows a variety of low density forms of housing including multi unit housing, dual occupancies, special care homes, group homes, aged persons housing, boarding houses and camp and caravan sites.*

At present there is little opportunity for housing within west Woolgoolga as a result of a stalling in the development of the estates to the north. It is interesting to note that proponent indicates that the west Woolgoolga area is favoured by the Indian community and limited land stock is available in the Woolgoolga area for this sector of the community.

The proposal adjoins land served with reticulated water and sewer and the extension of these services is an efficient means of land development. The land is also connected to the existing road network that has been designed to allow for future connection.

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is subject to Tertiary Koala Habitat; Low risk Acid Sulphate Soils classification; potentially contaminated soils (bananas) and Bush Fire Risk. All these environmental matters can readily be addressed and appropriate mitigation measures implemented to ensure that no adverse environmental impacts are associated with the rezoning and subsequent residential development.

The planning proposal aims to ensure the City's development is carried out in an environmentally sustainable manner. To do this the draft LEP will:

- apply appropriate provisions for Koala Habitat by excluding from development that area identified as tertiary koala habitat;
- recognize appropriate zoning and control provisions for protection of riparian areas and areas along drainage lines;
- apply provisions for preservation of trees and vegetation; and
- apply provisions protecting terrestrial biodiversity.

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

Other likely environmental effects unique to a particular planning proposal that are will require addressing include:

- bushfire hazard; and
- soil contamination.

It will be necessary to undertake technical studies or investigations to address these matters after the initial gateway determination.

10. How has the planning proposal adequately addressed any social and economic effects?

Given the demographics of Woolgoolga, with a large Indian population within the community, the proponent indicates that the West Woolgoolga area (including the subject land) is a favoured location of the Indian community and that limited land stock is available in the Woolgoolga area for this sector of the community.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The land can readily be serviced with reticulated water and sewer and has direct access to Backhouse Street and Haviland Street. The proposal represents a logical extension of the residential zone.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the planning proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination.

It will summarise any issues raised by public authorities not already dealt with in the planning proposal, and address those issues as appropriate.

Part 4 – Community Consultation

The proposal to rezone the subject land to allow 57 residential allotments is deemed to be a "Low impact planning proposal". This means that the planning proposal is generally consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework (i.e. OLC Settlement Strategy the land is within the Special Investigation area); presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Therefore it is anticipated that this matter would require public consultation for a period of 14 days.

This is in accordance with the provisions of P&I's document "*A guide to preparing local environmental plans*".

It is not considered that a greater period of public notification is required, nor that a public hearing should be held given that the matter accords with Council's strategy for urban development and the States MNCRS.

BENNEL & ASSOCIATES

Urban planning and environmental architecture

Your Ref: 1477719

Our Ref: 244/11

28 April 2011

The General Manager
Coffs Harbour City Council
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Dear Sir

Planning Proposal: Lot 61 DP 852851 Backhouse Street, Woolgoolga, Coffs Harbour

In response to your letter dated 18 March 2011 and previous meetings to discuss the planning proposal for the land we are pleased to provide you with our report in relation to this matter.

As outlined in the report, the rezoning of the land for residential purposes as Stage 1 of the South West Woolgoolga Residential Release Area represents a logical extension of the existing residential zoning and is a proposal that is in keeping with Council's Settlement Strategy and the Mid North Coast Regional Strategy.

The attached report addresses the matters raised by Council and, as outlined in the report, provides sufficient justification for the proposal. The proposal provides additional locational choice for housing; a landstock supply safeguard; an opportunity to increase land competition to improve land affordability; and a means of directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA.

The subject land is within 500m of the new proposed shopping complex and both the River Street Business Centre and the Highway Business Centre and it is within 1.5km of the Woolgoolga CBD. Woolgoolga's growth will be in a westerly direction contained by the Highway Bypass and this proposal is in keeping with this projected settlement pattern.

In light of the above and the history of the subject land, Council's support for the proposal is warranted.

Yours faithfully



Rick Bennell
Town Planner



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Report: Planning Proposal

Proposal: Rezoning for Residential Purposes

Property: Lot 61 DP 852851, Backhouse Street
Woolgoolga

Applicant: Mr. M. Singh Minhas

Author: Bennell & Associates

Date: 27 April 2011

KEY

- Stage 1 Housing
- Stage 2 Housing
- Existing Residential
- Stage 2 Cluster Housing
- Proposed Bike Trail
- Proposed Bus Route
- Existing Water Tower



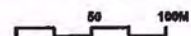
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PLANNING PROPOSAL: STAGE 1 SOUTH WOOLGOOLGA
RESIDENTIAL RELEASE AREA



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Summary

Bennell and Associates has been engaged by Mr. M. Singh Minhas to prepare this Planning Proposal Report in support of the rezoning of the subject land from rural to residential purposes.

The proposal is for the rezoning of the subject land to Residential 2A Low Density to enable the development of 57 residential lots. The proposal is in accordance with the Mid North Coast Regional Strategy and Council's Our Living City Settlement Strategy; the proposal will allow the release of the subject land as Stage 1 in the South West Woolgoolga Release Area in 2011-2012 and Stage 2 in 2012-2016 in keeping with the Medium Term timeframe of 2011-2016 under the settlement Strategy.

The subject land is free of prohibiting constraints and adjoins land zoned for residential purposes. The land can be serviced with reticulated water and sewer and has direct access to Backhouse Street and Haviland Street. The proposal represents a logical extension of the residential zone.

The subject land is within 500m of the new shopping complex proposed on the north western corner of Pullen Street and the Highway and is in close proximity to the bus interchange adjacent to this intersection. The land is within 500m of the River Street Business Centre and the Highway Business Centre and is within 1.5km of the Woolgoolga CBD. Woolgoolga's growth will be in a westerly direction contained by the Highway Bypass and this proposal is in keeping with this projected settlement pattern.

With the rezoning of the land to residential purposes the land can accommodate 57 houses which will generate \$17 million in construction expenditure.

The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the South Woolgoolga Industrial area and future Industrial area. The development of the land for housing will provide a ready employment market for these employment nodes.

The land has potential to provide an important visual gateway to Woolgoolga and a well planned and laid out development as shown in the concept Masterplan can deliver benefits to the visual qualities of the township and coast generally.

The benefits of releasing land under this proposal in terms of land supply and demand are:

- a land stock supply buffering for the safeguarding of potential shortfalls of land supply expected in 2016; it being noted that the Our Living City Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour;
- an increase in locational choice for land and housing by providing a second release area in Woolgoolga, at present Woolgoolga has only one release area;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land and to enable a testing of the market; and
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the Woolgoolga Town Centre, the only Major Town in the Coffs Harbour LGA.

Identification of this land for release as Stage 1 of the South West Woolgoolga Release Area will enable the supply of land to be available in 2016 as there is a significant lag time between the resolution to rezone land; preparation of the local environmental study, if required; gazetting of the rezoning; lodgement and determination of the subdivision application; certification of the subdivision; and eventual sale and development of housing on the identified land. It is expected that this process takes over two years to complete and will in effect provide for housing from 2014 -2016 generally in accordance with Council's projected timetable. It is to be noted that no land has been identified for future release in the northern beaches before 2016, despite projections of higher than average growth in this district.

The current program for land development is directing housing development to the release areas of Corindi Beach, Sandy Beach and Safety Beach which are located well away from the services and facilities provided within the Woolgoolga Town Centre. A more strategic planning approach would be to encourage the release of land in closer proximity to the main nodes of activity such as the Woolgoolga Town Centre; the only Major Town Centre in Coffs Harbour LGA. The rezoning of the subject land provides for a number of strategic benefits

Sound planning practice suggests that areas closer to employment recreation and community and social services should be given priority over those located further away; refer to *Improving Transport Choice – Guidelines for planning and development* and *The Right Place for Business and Services – Planning Policy*. For the Woolgoolga Town Centre to effectively achieve its role as a Major Town Centre, housing growth and choice within close proximity to the business centres that make up the Town Centre should be encouraged; rezoning of the subject land can deliver both housing choice and additional housing stock to meet identified growth demands.

Introduction

Bennell and Associates has been engaged by Mr. M. Singh Minhas to prepare this Planning Proposal Report in support of the rezoning of the subject land from Rural to residential purposes.

2.1 Background:

The following provides a summary of the chequered history of the intentions for the rezoning of the land for residential purposes, followed by a summary of the planning process and an outline of the scope of this report.

2.1.1 Planning History

- August 1996 - Council released the Coffs Harbour Urban Development Strategy which identified the South West Woolgoolga Area, which included the subject land, as an Urban Investigation Area with a Medium Term priority - 2001-2010.
- September 2006 - First approach by landowner regarding rezoning of land with Council.
- October 2006 - Council agreed to progress a draft amendment to the Coffs Harbour Draft LEP 2000 and provided a fee schedule for its consulting fees.
- January 2007 - Council sought out consultants to carry out studies for fees ranging between \$45,000 to \$60,000; preferred consultant putting forward a fee of \$45,000.
- February 2007 - Landowner accepted the fee proposal and gave the 'go ahead' for Council to engage consultants; Council subsequently engaged the preferred consultant.
- July 2007 - Council endorsed the release of the Our Living City Settlement Strategy which identified the South West Woolgoolga Area as a Special Investigation Area; Medium Term Priority 2011-2016. Interestingly this strategy identified a potential for 304 dwellings to be developed over 30.4 hectares in the South west Woolgoolga Area.
- August 2007 - Landowner attended meeting with Council officers and the Council provided a copy of part of the study carried out by consultant engaged by Council.
- August 2007-21 December 2007 - Landowner, along with his own consultant, had meetings with the staff of the Department of Planning at Sydney and Grafton, the Council officers and the Mayor at Council Chambers; significant correspondence exchanged; commitment made by Council officers that the case will be progressed on a priority basis; Department of Planning officers were favourable of proposal if proposal progressed by Council.
- In 2009 Council released an Industrial Lands Strategy and Employment Lands Strategy which identified the southernmost part of the South West Woolgoolga Area as an area suitable for industrial development and included a 50m buffer between the proposed residential area and the industrial area.

- In November 2010 the Our Living City Settlement Strategy document was formatted to reflect the findings of the final Mid North Coast Regional Strategy and the advice of the Director-General of the Department of Planning; the South West Woolgoolga Release Area retained its status as a Priority 2 Investigation Area..
- On 18 March 2011 Council advised, inter alia, that in order to progress a Planning Proposal [under the Gateway Process] the following matters, amongst others, would need to be addressed:
 - (i) *Demonstrate how the proposal is compatible with agreed State and Regional Strategic direction for development in the area (e.g. land release – Priority 2, strategic corridors, development within 800m of transit mode)[?]*
 - (ii) *Demonstrate how the proposal is consistent with State and Regional policies and Ministerial (Section 117) directions[?]*
 - (iii) *How the proposal addresses Woolgoolga as a Major Town under the Mid North Coast Regional Strategy.*
 - (iv) *Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?*
 - (v) *Will the proposal be complementary and compatible with surrounding land uses? i.e. adjacent agriculture.*
 - (vi) *Is the proposal likely to create a precedents; or create or change the expectations of the landowner or other landholders?*
 - (vii) *Council would need to demonstrate a compelling case to justify an amendment to the priority 2 status of the land under our local Strategy based on the current supply and demand for land in the Woolgoolga catchment. Council considers that there is not urgent demand for the land or significant urban growth and demand for residential land at Woolgoolga.*

2.1.2 Planning Proposal Process

A gateway determination is issued by the Minister for Planning (or delegate) and specifies whether a planning proposal is to proceed and, if so, in what circumstances (Environmental Planning and Assessment Act, 1979- Section 56).

The purpose of the gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. The gateway determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations.

Gateway Process: The gateway process has the following five steps:

- **Step 1 Planning proposal** – the relevant planning authority is responsible for the preparation of a planning proposal, which explains the effect of and justification for the plan. If initiated by the Minister (rather than the local council which is mostly the case) the Minister can appoint the Director-General or a joint regional planning panel to be the relevant planning authority.
- **Step 2 Gateway** – The Minister (or delegate) determines whether the planning proposal is to proceed. This Gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
- **Step 3 Community consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
- **Step 4 Assessment** – The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan – the legal instrument.
- **Step 5 Decision** – With the Minister's (or delegate's) approval the plan becomes law.

2.1.3 Scope of Report

This report provides for the preliminary information with respect to Step 1 and provides an outline of the proposal, a justification of the proposal and a response to the matters required to be addressed by Council as detailed above. The structure of the report is as follows:

- The Land and Surrounding Environment;
- Planning Proposal;
- State and Regional Strategic Directions;
- State and Regional Policies and Ministerial Directions;
- Relationship with the Woolgoolga Town Centre;
- Employment Generation;
- Land Use Compatibility;
- Precedent Issues;
- Land Supply and Demand; and

The Land and Surrounding Environment

3.1 The Land:

The subject land is located approximately 1.5km south west of the Woolgoolga CBD on the western side of the Pacific Highway, refer Figure 1. The real property description of the land is Lot 61 DP 852851 and the property has access to both Haviland Street and Backhouse Street; the land is located on the terminating corner of Backhouse and Haviland Streets.

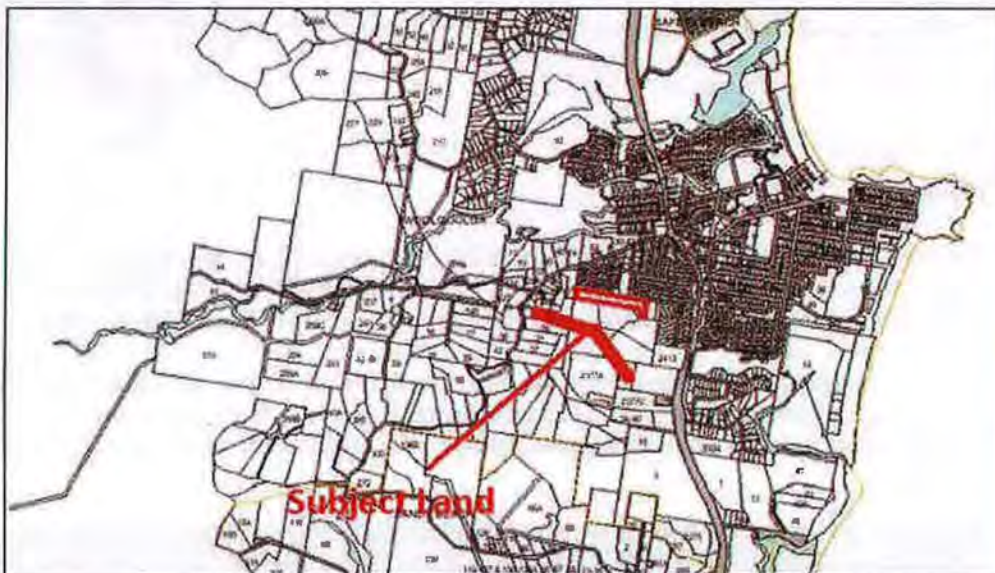


Figure 1:

Locality (source: CHCC GIS)

The land is generally rectangular in shape and has an area of 4.922 hectares. The long axis of the land parcel is over 515m and the short axis is in excess of 82m. The land is benefited and burdened by a number of rights of carriageways; refer Figure 2 below.

The land has an elevation ranging from 14m Australian Height Datum (AHD) to 44m AHD. The land rises towards a small knoll on the eastern part of the land and falls to a small saddle aligned with the open space reserve between Leigh James Place and McCreedy Street before falling away gradually towards the west. This open space reserve serves as an informal drainage basin and provides an important water sensitive design element within this urban area that can also serve any development upon the subject lands.

The land would be described as having gentle to moderate slopes from an urban capability point of view. The slope of the land is not a prohibitive impediment to the development of the land for housing; housing development exists on similar and steeper slopes in the surrounding area.

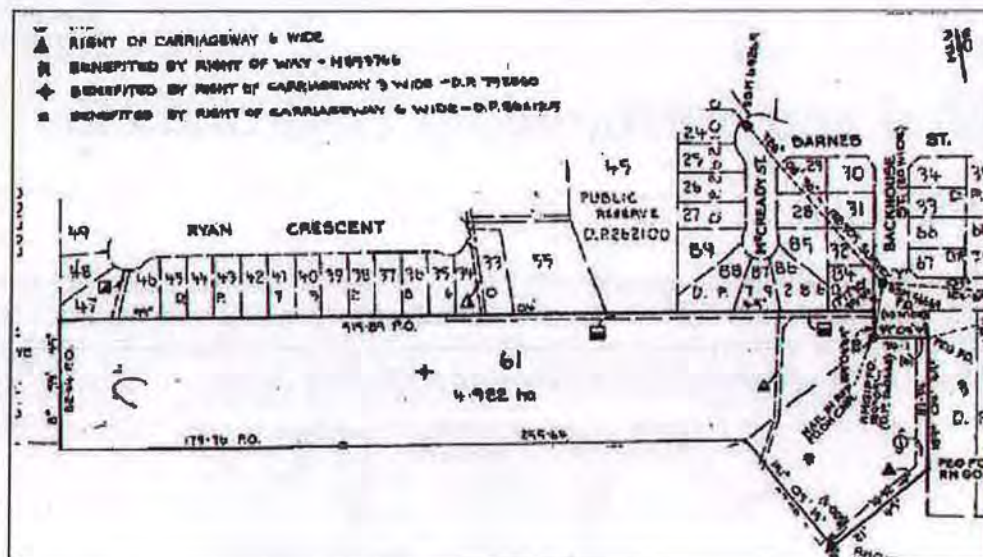


Figure 2:

Site Plan

The land is vacant and supports a number of informal access tracks, grassed areas and a triangular shaped forested area and drainage line along the western boundary of the land; refer Figure 3. This forested area is mapped as Tertiary Koala Habitat under Council's Koala Plan of Management. The land was previously used for the growing of bananas and it is understood that the land parcel was created as a banana subdivision under the 4 hectare minimum lot size for banana plantations that was previously permitted under Local Environmental Plan 1988. The cleared parts of the land are mapped as potentially contaminated land owing to the previous use of the site as a banana plantation.



Figure 3:

Aerial Photo of Subject Land (source: CHCC GIS)

The land is generally mapped as having a low Acid Sulfate Soil risk (i.e. mapped generally as Class 5) and most of the land is mapped as being subject to bushfire hazard. Appendix A includes a copy of the constraint maps applying to the land.

The land has ready access to water and sewer services as described in Figures 4 and 5 below.

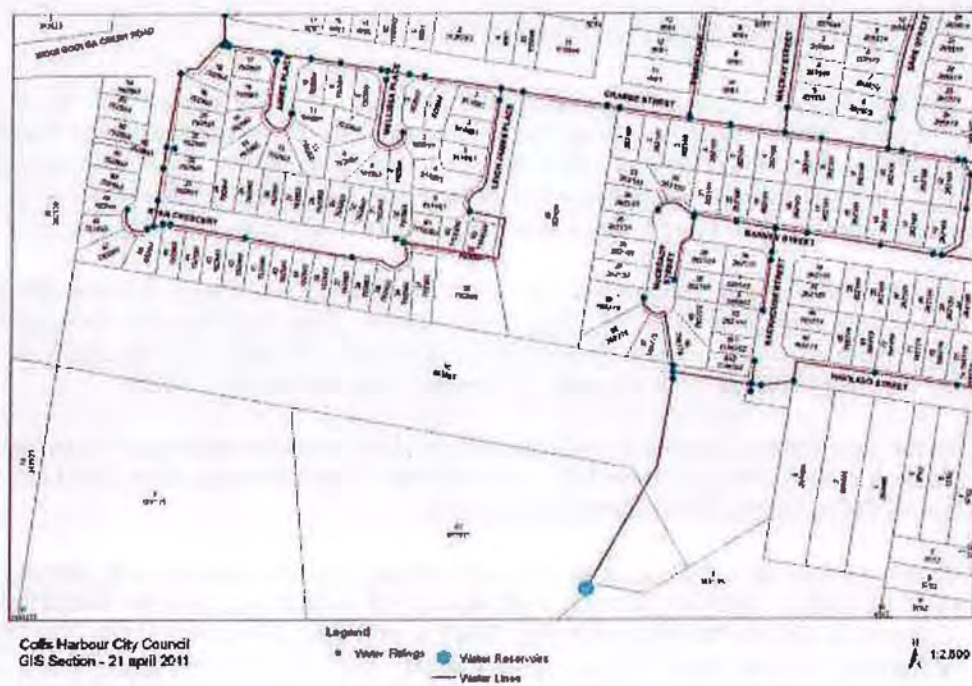


Figure 4

Reticulated Water Services

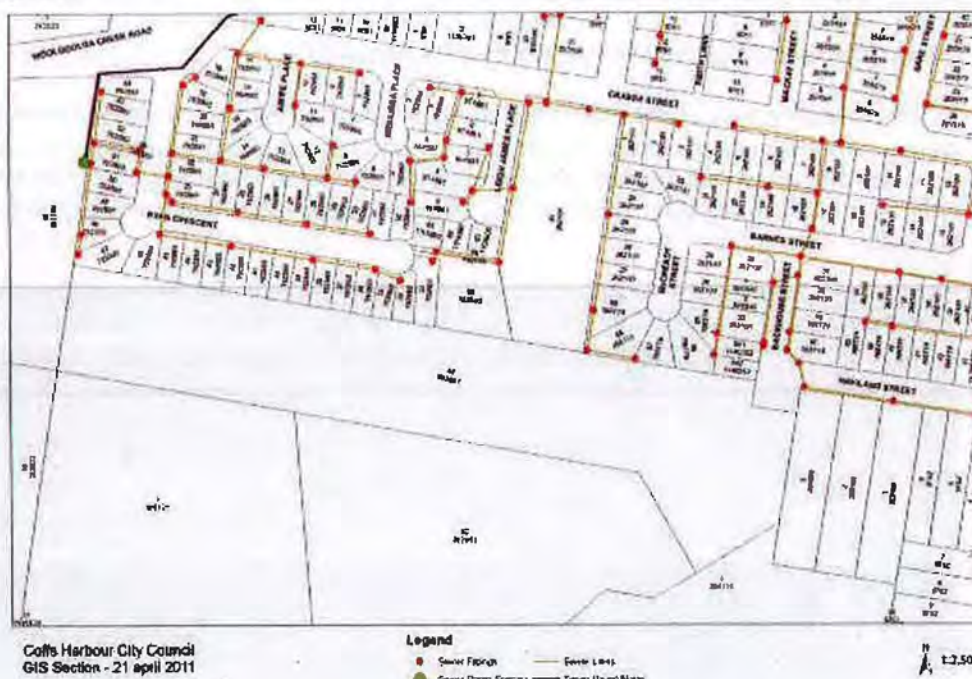


Figure 5

Reticulated Sewer Services

While the land is subject to a number of soft constraints that create some limitations for development, none of these constraints are considered prohibitive. Nevertheless, it would be prudent for the areas mapped as tertiary koala habitat to be protected and conserved in any future residential development of the land.

3.2 The Surrounding Environment:

The land forms part of the Woolgoolga Creek Catchment that has an area of 2,160 hectares extending from Wedding Bells State Forest in the west to the sea at Woolgoolga Beach. The land lies within the lower floodplain of the catchment and forms part of a loose grid network of cul-de-sacs that form the west Woolgoolga Release Area. The subdivision pattern is one of rectangular shaped allotments orientated to the cardinal points and having an area in the range of 700-800m².

To the north of the subject lands are detached dwelling houses developed in accordance with the 2A zone. The dwellings are a mix of single storey and two storey dwellings and the majority of these dwellings are constructed with brick walls and tiled roofs. The subject lands adjoin the rear yards of the dwellings fronting Ryan Crescent, Mc Cready Street and Haviland Street.

To the east of the subject land are three small rural lots with the adjoining lot used as a horse paddock. East of these small rural lots are a number of large elongated residential lots and further east of the residential lots is the Pacific Highway.

To the south of the subject land are a number of rural lots previously used for banana growing and currently used for blueberry farming. Further south of these lots are banana plantations and the alignment of the Pacific Highway Bypass which is currently under construction. The Bypass will define the extent of residential development to the south and west and will present a number of issues for the development of the South West Woolgoolga Release Area, namely, noise impacts, access impacts and visual impacts. The subject land is located approximately 500m from the Highway Bypass alignment and has ready access to Backhouse and Haviland Streets; the subject land is located a sufficient distance from the Highway to be buffered from the direct impacts associated with the Highway Bypass and its associated traffic.

To the immediate west of the subject land is an open space reserve and a small waterway; the drainage line extending through the release area debouches into this waterway. Surrounding this waterway are rural residential lots with frontage to Greys Road and Woolgoolga Creek Road and residential lots fronting Ryan Crescent. This waterway is the most significant natural feature in this precinct.



Figure 6: Aerial Photo of Surrounding Environment (source: CHCC GIS)

The surrounding environment is best described as a semi-urban environment that is in a transitional stage of being converted from rural purposes to residential purposes. The subject land and its surrounding environment are relatively robust and would benefit from a conversion to low density residential purposes to: allow extension of the existing residential areas; water quality to be

improved; the visual qualities of the area to be improved; and the economic returns from the land to be improved.

The only significant constraints to development of the subject land are the existing drainage line extending through the Release Area and the forested areas associated with this drainage line.



Drainage reserve near centre of site



Waterway adjacent Ryan Crescent

The Proposal

4.1 Planning Proposal:

The Planning Proposal is for the rezoning of the subject land from "Rural 1A Agriculture" to "Residential 2A Low Density"; the 2A zone is equivalent to the "R1 General Residential" zone under the new Standard Local Environmental Plan (SLEP). Refer graphic below.

The proposal provides for a minor adjustment to the programmed release of the South West Woolgoolga Residential Area by having the subject land recognised as Stage 1 (i.e. release in 2011-2012) in the Release Area and the balance of the Release Area being recognised as Stage 2 (i.e. 2012-2016); it being noted that this proposal is consistent with the Medium Term timeframe of 2011 to 2016 outlined under the Our Living City Settlement Strategy.

The proposal will provide for the development of the land for conventional low density housing lots in conformity with the adjoining lands to the north. A concept Lot Layout for the subject land is provided in Figure 7. A conceptual Masterplan is provided in Figure 8 for the balance of the release area to provide an appreciation for the wider strategic issues that will govern the development of the subject land.

The main features of the proposed lot layout can be summarised as follows:

- Provision for 57 allotments;
- Allotments are generally in the order of 600m²;
- Majority of the allotments have the long axis with a north south orientation;
- The proposed road network is in keeping with the loose grid applying to the existing residential areas;
- A pedestrian connection is in the centre of the site to provide a connection to the open space reserve; and
- The forested areas to the west are to be conserved by dedication to the public reserve system.

The main features of the concept Masterplan can be summarised as follows:

- The road network provides a connecting grid with good legibility in keeping with contemporary urban design practice and the features of the land;
- The road network provides connections to the exiting road network to the north and south;
- The road network allows for the redevelopment of the elongated allotments in the existing residential area to the east;
- Provision for approximately 350 allotments and 78 cluster housing lots;
- Protection of the main waterways and habitat areas;
- Provision of a habitat corridor;
- Provision of a buffer to drainage line for biofiltration;
- Incorporation of a buffer to the proposed West Woolgoolga Industrial Area;

- Provision of a buffer to the Highway Bypass;
- Incorporation of a centrally located and walkable park;
- Connecting walkways and cycleways; and
- Accessibility for buses.

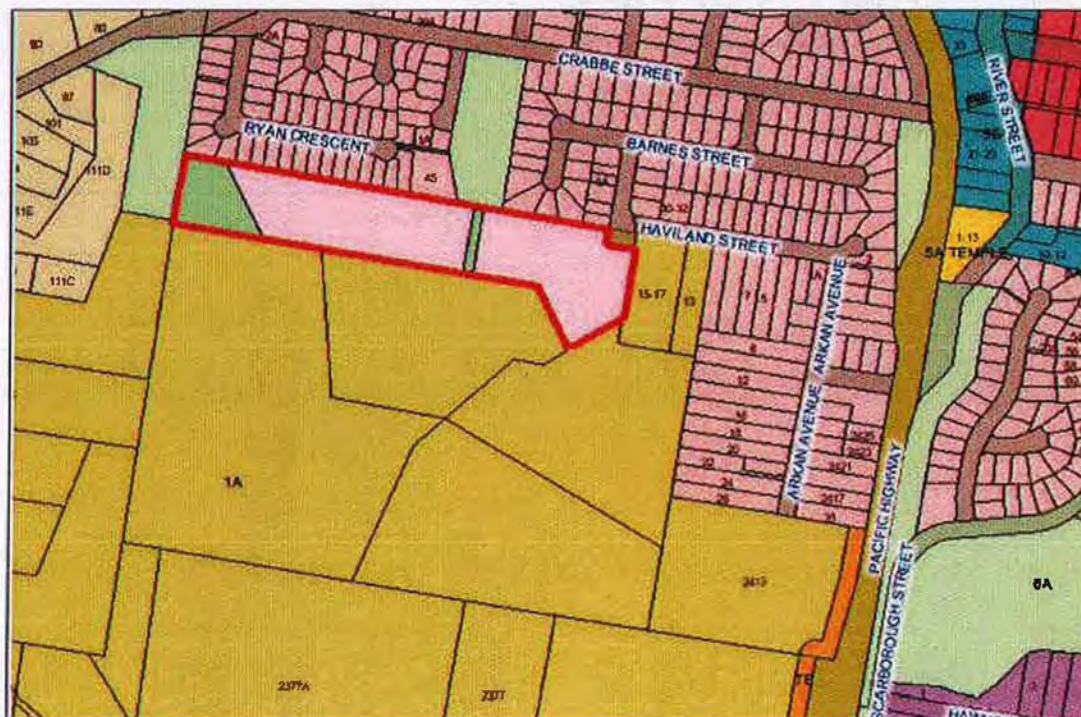


Figure 7

Proposal and Layout

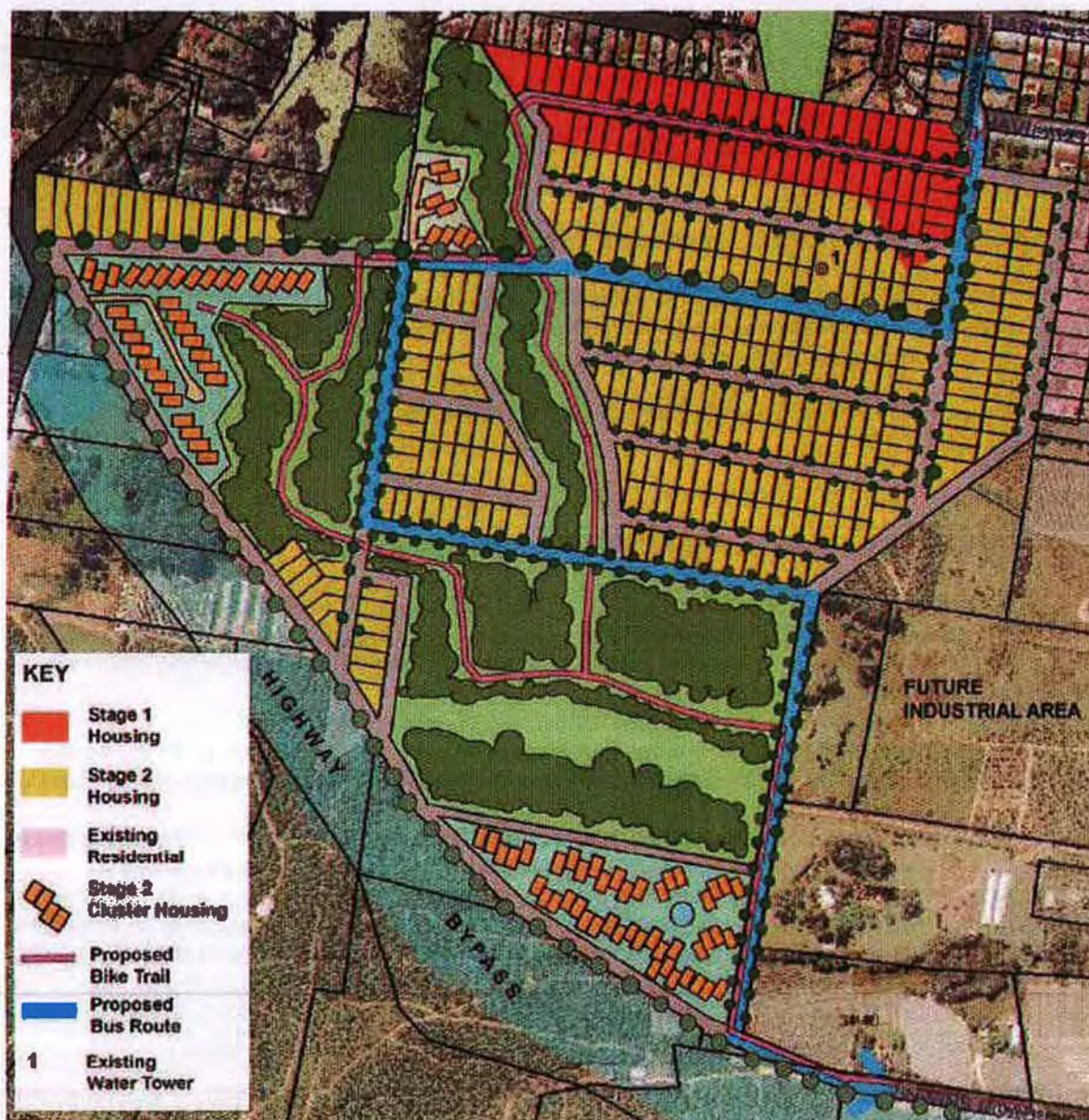


Figure 8

Concept Masterplan

State and Regional Strategic Directions

Coffs Harbour City Council has requested the following:

"Demonstrate how the proposal is compatible with agreed State and Regional Strategic direction for development in the area (e.g. land release – Priority 2, strategic corridors, development within 800m of transit mode)."

The principal Regional Strategic Plan applying to the subject land is the Mid North Coast Regional Strategy.

5.1 Mid North Coast Regional Strategy:

The Mid North Coast Regional Strategy is the principal strategy for managing growth and development on the Mid North Coast of NSW. The Strategy envisages a population increase of 94,000 people and a growth rate of 1.1% per annum; the current population of the Mid North Coast is 330,000 people.

The Strategy nominates Coffs Harbour, Port Macquarie and Great Lakes/Taree as the main areas under population growth pressure and nominates the Woolgoolga Town Centre as "Major Town".

An additional 59,600 dwellings will be required to meet the housing demands of this population by 2031 according to the Strategy. The Strategy includes maps of growth areas designated to accommodate housing in the Mid North Coast Region until 2031. The Strategy seeks to confine rezoning and subsequent development to the areas nominated within the Growth Areas Maps that have been determined on the basis of Council's Settlement Strategies. The South West Woolgoolga Release Area is identified on Map 3 of the Strategy as a Proposed Future Urban Release Area. It is to be noted that the Mid North Coast Regional Strategy does not set priorities for land release staging within the identified growth areas applying to each Local Government Area (LGA).

The subject land has been identified as part of the South West Woolgoolga Release Area under Coffs Harbour City Council's Our Living City Settlement Strategy; it is identified as a Special Investigation Area - Priority 2 – Medium Term 2011–2016, refer Figure 9 below:

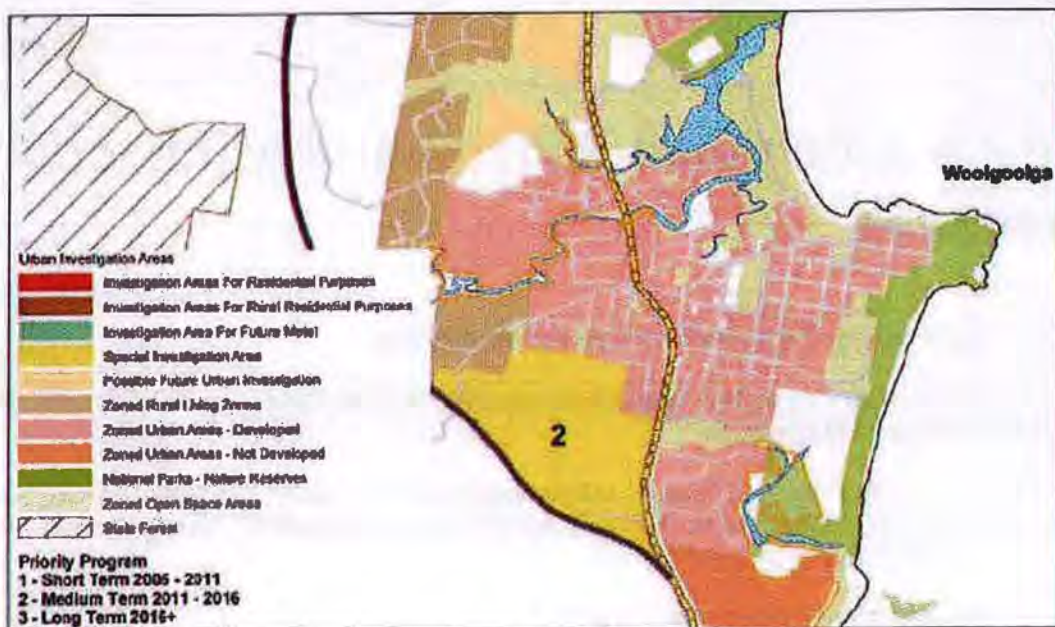


Figure 9:

Extract from Our Living City Settlement Strategy 2010

As stated in the Mid North Coast Regional Strategy, not all land identified within the Growth Areas can be developed for urban uses. All sites will be subject to more detailed investigations to determine capability and future yield.

In summary, both the Mid North Coast Regional Strategy and the Coffs Harbour City Council's Our Living City Settlement Strategy set a broad strategic direction of where growth is preferred and it is expected that more detailed investigations will determine the extent and type of development that will occur within the identified growth areas.

The subject land is a generally cleared parcel of land that is free of hard constraints that could prevent the land from being developed for residential purposes; the only exception to this is the triangular shaped forested area adjacent the western boundary of the allotment which is proposed to be conserved. Given that the land is generally free of hard constraints and is within an area identified for urban release, the rezoning of the land independent of the rezoning of the balance of the South West Woolgoolga Release Area is not inconsistent with the State and Regional Direction for development within the Woolgoolga area; the proposal is *compatible* with the agreed strategic direction.

Both the Settlement Strategy and the Mid North Coast Regional Strategy seek to locate housing close to the main centres of activity such as the Woolgoolga Town Centre. This proposal will provide housing within 500m of two of the three business centres that make up the Woolgoolga Town Centre and provides a number of strategic benefits in adding to the vitality of the Town Centre and meeting urban consolidation objectives; particularly in relation to the extension of existing infrastructure.

It is to be noted that the release of this land is not inconsistent with the timetable provided by Council's Our Living City Settlement Strategy which envisages the land being released in the Medium Term 2011-2016.

In terms of the transit node, the subject land is within 500m of the major transit nodes associated with the existing Highway and proposed Bypass. A major bus interchange is located at the corner of Pullen Street and the Pacific Highway.

State and Regional Policies and Ministerial Directions

Coffs Harbour City Council has requested the following:

"Demonstrate how the proposal is consistent with State and Regional Policies and Ministerial (Section 117) directions."

The principal State and Regional policies applying to the land are the North Coast Regional Environmental Plan and State Environmental Planning Policy (SEPP) Nos 55- Remediation of Land and SEPP No.71- Coastal Protection.

The NSW Coastal Policy is also relevant.

6.1 North Coast Regional Environmental Plan:

North Coast Regional Environmental Plan (REP) 1988 is now deemed to be a SEPP. The provisions under the REP relevant to the rezoning of the subject land and the means of addressing the provision are discussed below:

29 Plan preparation—natural areas and water catchments

A draft local environmental plan should:

- (a) retain existing provisions allowing the making of tree preservation orders,*
- (b) not alter or remove existing environmental protection, scenic protection or*
- (c) escarpment preservation zonings or controls within them, without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action,*
- (d) include significant areas of natural vegetation including rainforest and littoral rainforest, riparian vegetation, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones,*
- (e) contain provisions which require that development in domestic water catchment areas or on land overlying important groundwater resources does not adversely affect water quality, and*
- (f) require consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones*

Comment: The proposal provides for the protection of the forested areas of the site and the concept Masterplan demonstrates how the release area can be developed to provide for habitat protection and protection of the existing drainage line in keeping with water sensitive urban design principles and practice.

The proposal is in keeping with this Clause.

Clause 38 Plan preparation—urban land release strategy

- (1) The council should not prepare a draft local environmental plan which permits development that, in the opinion of the council, constitutes significant urban growth unless it has adopted an urban land release strategy for the whole of its local government area.*
- (2) A draft local environmental plan referred to in subclause (1) should be generally consistent with the strategy referred to in that subclause.*
- (3) The strategy referred to in subclause (1) shall:*
 - (a) be based on a land release program and population projections,*
 - (b) give preference to development resulting in urban growth on land that adjoins other land which is already being used for urban purposes and is the most economic to service,*
 - (b1) not provide for development of land which is unsuitable for urban growth due to its agricultural capability or which adjoins land that is currently used for agriculture,*
 - (c) not include for development land that is unsuitable due to any environmental hazard unless the council has made an assessment of the risk and considered it to be minor or alternatively has made provision for the control or reduction of that hazard,*
 - (d) not include for development land which has conservation value or which has heritage, environmental or cultural significance,*
 - (e) have regard to the rural character and heritage significance of villages and small coastal settlements and the need to maintain that character and significance, and*
 - (f) provide substantial buffer areas between coastal urban centres to avoid uninterrupted coastal development*

Comment: Coffs Harbour City Council has adopted a land release strategy for the area in which the subject land is located as described above.

The subject land adjoins land zoned for low density housing and represents a logical extension of this zoning.

The lands surrounding the subject land are zoned for residential, rural- residential and rural purposes. The rural lands are generally cleared land with the Pacific Highway Bypass dissecting a number of rural properties and reducing the viability for agricultural production. The lands surrounding the subject land are earmarked for residential release and are not identified as prime agricultural lands

The environmental hazards (i.e. fire hazard, potential acid sulphate soils, potential land contamination and tertiary koala habitat) applying to the land are generally soft constraints that can be managed and are not prohibitive to the development of the land for residential purposes. The subject land has no recognised heritage or cultural values. The area mapped as Tertiary Koala habitat within the western part of the land has some environmental values and it is intended to conserve this area to protect those values.

The land is within an identified release area that represents a logical settlement pattern for Woolgoolga and is provided with appropriate buffers including the Highway, State Forest and rural and rural residential lands.

Rezoning of this land is not inconsistent with this Clause.

Clause 40 Plan preparation—principles for urban zones

A draft local environmental plan applying to urban areas should adopt the following principles:

- (a) zoning should be simple and flexible,*
- (b) provisions for flexible zone boundaries may apply to any zones except environmental protection zones,*
- (c) detailed guidelines within the broad zone parameters should be identified in a development control plan, and*
- (d) the principle of minimising energy use, in particular in the design of buildings and effective transport systems.*

Comment: Coffs Harbour City Council has in place the following Development Control Plans that provide detailed guidelines for the sustainable development of the land:

- Low Density Housing DCP;
- Subdivision DCP;
- Off Street Car Parking DCP; and
- Waste Management DCP.

Council also has in place a number of Information Sheets and Policy Documents to guide development relating to the following development issues:

- Water Sensitive Urban Design;
- Stormwater Management;
- Subdivision Design;
- Landform Modification;
- Water and Sewer Services;
- Landscaping;
- Acid Sulfate Soils;
- Energy Efficiency; and
- Adaptable Housing.

Adequate planning and development controls are in place for the development of the subject land.

The proposal is in keeping with this Clause.

Clause 42 Plan preparation—principles for housing

- (1) *A draft local environmental plan to permit dwellings in urban areas should incorporate provisions that:*
- (a) *allow the alteration or addition of a dwelling so as to create 2 dwellings in either attached or detached form,*
 - (b) *allow a wide range of housing types and densities,*
 - (c) *separate residential development from other incompatible development, including agricultural activity on adjoining land,*
 - (d) *require that development for residential purposes should not take place until the council is satisfied that the land on which any dwellings are to be erected is adequately serviced with water and sewage disposal facilities,*
 - (e) *retain existing provisions to enable a dwelling to be erected on an existing allotment, and*
 - (f) *permit the use of manufactured home estates for permanent occupation.*
- (2) *A draft local environmental plan that will permit dwellings to be erected in urban areas should not:*
- (a) *require development consent for a dwelling-house in a residential zone, except where there are special environmental or hazard considerations, or*
 - (b) *specify a minimum allotment size for residential zones.*

Comment: The proposal is for the subject land to be zoned the same as the adjoining lands (i.e. Residential 2A Low Density) which allows for dual occupancy development and a wide range of low density housing forms.

The land forms part of a larger land release that has a adequate buffers in the form of the Pacific Highway Bypass; it being noted that the Bypass will itself be provided with buffers.

The land will be subject to Clause 14 of LEP 2000 which requires adequate water sewer and drainage services to be available to the land before consent can be granted for residential development.

The land will be subject to the standard provisions of the 2A zone and as such the proposal is in keeping with this Clause.



Potential for varied housing forms

Clause 45 Plan preparation—hazards

(1) *A draft local environmental plan should not permit development for tourism, rural housing or urban purposes on land subject to the following hazards, namely:*

- (a) coastal processes,*
- (b) flooding or poor drainage,*
- (c) dangers arising from potential or actual acid sulphate soils,*
- (c1) dangers arising from contaminated land,*
- (c2) geological or soil instability,*
- (d) bush fire,*
- (e) aircraft noise at levels of more than 25 (measured according to the Australian Noise Exposure Forecast),*
- (f) air or water pollution, or airborne pollution, within 400 metres of sewage treatment works,*
- (g) disposal of septic effluent,*
- (h) existing offensive or hazardous industries, and*
- (i) high tension electrical power lines,*

unless the council has made an assessment of the extent of the hazard and included provisions in the plan to minimise adverse impact.

(2) *(Repealed)*

(3) *In the event of a bush fire hazard being identified for land on which dwellings are proposed to be permitted, the council shall not permit development unless it is satisfied that arrangements where appropriate have been made to:*

- (a) require the creation of a perimeter road or reserve which circumscribes the hazard side of the land intended for that development,*
- (b) require the creation of a fire radiation zone located on the bushland side of the perimeter road,*

Comment: The land is not subject to the 1:100 year flood planning level, coastal processes or any identified geological instability or soil instability. The land is not located near any aircraft noise generation areas, offensive or hazardous industries and is not located near a sewerage treatment works or high voltage power lines.

The land is subject to a low risk for the presence of acid sulfate soils and a low bushfire risk; the only significant bushfire risk is from the vegetated lands to the west and the remaining hazard areas are banana plantations which will ultimately be removed when the land is developed for urban purposes. Bushfire risk can be adequately managed through the incorporation of Asset Protection Zones (typically required to be a 10-30m buffer) and suitable access arrangements.

Clause 50 Plan preparation—height controls

Before preparing a draft local environmental plan applying to an urban area, the council should consider the necessity for height controls on buildings and include such controls as it considers appropriate.

The proposal is in keeping with this Clause.

Comment: The land will be subject to the two storey height control under Council's DCP and the height controls under the NSW Housing Code for Complying Development.

The proposal is in keeping with this Clause.

Clause 56A Plan preparation—bus services

In the preparation of a draft local environmental plan involving an alteration to the zoning of land which could give rise to the need for bus services or the revision of existing bus services, the council should take into consideration the guidelines in Technical Bulletin 19—Planning for Bus Services (published in 1989 by the Department of Planning and the Ministry of Transport at that time) to ensure that the draft plan allows for the provision of an adequate and efficient bus route system.

Comment: Provision is made for bus circulation in the concept Masterplan in keeping with Technical Bulletin 19.

The proposal is in keeping with this Clause.

58 Plan preparation—servicing urban areas

A draft local environmental plan should not permit development for urban purposes unless the council is satisfied that:

- (a) the proposed development will make the most economic use of existing services,*
- (b) where the proposed development is adjacent to an existing urban area and that urban area will be substantially increased, the provision of a reticulated water and sewer system will be provided at reasonable cost to each lot,*
- (c) the proposed development is located in an area which is consistent with the findings of any urban land release strategy prepared for the local government area or, where no such strategy has been prepared, the proposed development is located in the area to which services can be provided most readily,*
- (d) consideration has been given to the identification of effluent disposal and discharge points,*
- (e) domestic water catchment areas and water storage areas are not likely to be polluted as a result of the proposed development, and*
- (f) consideration has been given to the provision of public transport facilities, pedestrian and cycleways.*

Comment: The development of the land represents an economically efficient use of the land with water, sewer and road services readily available to the land; the land can be serviced at a reasonable cost.

As stated above the land is located in an area *which is consistent with the findings of the Coffs Harbour City land release strategy.*

The land can be connected to the reticulated sewer network and will have *no effluent discharge points.*

The land is not within a *domestic water catchment area and water storage area.*

The concept Masterplan demonstrates how buses, cyclists and pedestrians can move through the release area.

The proposal meets the criteria of this Clause.

Clause 65 Plan preparation—provision of community, welfare and child care services

(1) *A draft local environmental plan should:*

- (a) *not zone land for residential purposes (including rural residential) unless the council has made an assessment of the need for additional community and welfare services and is satisfied that the plan contains adequate provisions to enable the provision of those services, and*
- (b) *include child care centres as a land use which is permissible with the council's consent in all rural, residential and business zones*

Comment: This proposal is expected to accommodate a population of approximately 140 people and adequate social and community services are available or will be available to the site for this population. The site is in close proximity to the Woolgoolga Town Centre and the locality has a wide range of social and community services which include:

- District Cycleway;
- Bus service;
- Playground;
- Shopping Centre (proposed);
- Coastal Walkway;
- High School/Primary School;
- Child Care Centres;
- Police and Ambulance stations;
- Neighbourhood and Community Centres;
- Library and Senior Citizens Centre;
- Playing fields/sportsground/golf course; and
- Passive recreation space.

The site is accessible to all these facilities and will be adequately serviced in terms of social support facilities.

Child care centres are permissible in the proposed 2A zone.

The proposal is in keeping with this Clause.

78 Plan preparation—public recreation areas

- (1) *A draft local environmental plan should include provisions which:*
- (a) identify areas of potential active or passive recreational use in both urban and rural areas,*
 - (b) identify a range of recreational environments located in the vicinity of existing and proposed residential development,*
 - (c) permit recreational uses in a wide range of zones and not only in open space zones,*
 - (d) identify land for use by the general public to gain access to water bodies and foreshores, and*
 - (e) manage access to water bodies or foreshores where the environmental features of the area are likely to be damaged by increased public access.*

Comment: The concept Masterplan shows an indicative layout for the provision of passive recreation areas and means to protect the existing drainage line. It is expected that a playground will be located within the passive recreation area described in the Masterplan. Council's Open Space and Sports Facilities Strategies include details relating to existing and planned facilities to service the area. No additional facilities are identified as being required in the South West Woolgoolga Release area.

The proposal is in keeping with this Clause.

6.2 State Environmental Planning Policy No 55:

Under SEPP No 55- Remediation of Land, Council is to consider whether the land has been contaminated by past land uses. Most of the land is identified as potentially contaminated because the land was used for banana growing; land used for banana growing is identified in Council's geographical information system as potentially contaminated land.

Clause 7 of SEPP No. 55 requires Council to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development before consent is granted. When land is mapped as potentially contaminated, soil testing is required to determine if the land is suitable in its contaminated state, or will be suitable after remediation, for development; this requirement is in accordance with State Environmental Planning Policy No 55 – Remediation of Land.

Experience elsewhere in the Local Government Area has demonstrated that land contaminated by banana farming can usually be rendered suitable for development for residential purposes after the soil has been treated; the treatment options include vertical mixing of the soil, capping of the soil and removal of the soil. Should the land be found to have levels of contaminants in excess of the threshold levels, then one of these treatment options is available. Soil testing is usually required at the development application stage.

Soil contamination from past banana growing is not expected to be a significant limitation on the development of the land.

6.3 State Environmental Planning Policy No. 71:

SEPP No. 71 – Coastal Protection applies to the subject land; the subject land is within the coastal zone. Council is required to take into account the matters listed in Clause 8 of the Policy when preparing a Draft Local Environmental Plan. These are listed below together with a response on how the proposal meets the requirement.

Matters for Consideration	Response
Aims of the Policy which seek to protect and better manage the NSW Coast.	The proposal is for a development in keeping with Council's Settlement Strategy which in turn has been prepared in keeping with coastal management policies.
Existing public access along the foreshore is to be retained.	Proposal will have no impact on public access.
Opportunities for new public access to the foreshore to be considered.	NA
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	Site is suitable for this scale of development and is in keeping with the zoning of the adjoining land.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views.	The proposal will improve the scenic qualities of the precinct.
Scenic qualities of the NSW Coast.	The land is within an important viewshed forming the entryway to Woolgoolga. At present the land has a mix of farming structures and residential development that provides little benefit in terms of scenic quality. This proposal provides an opportunity to develop the land for a well planned and laid out residential subdivision that can deliver scenic benefits to the township.
Measures to conserve animals (including fish and marine vegetation) and existing wildlife corridors.	Habitat areas can be protected and extended to provide an improved outcome for native flora and fauna.
The likely impact of coastal hazards and processes.	The land is not subject to any identified coastal hazards or processes.
Measures to reduce potential conflict between land-based and water based coastal activities.	There are no land or water based conflicts to deal with.

Matters for Consideration	Response
Measures to protect Aboriginal culture.	The land is a highly disturbed site that is unlikely to be the source of any Aboriginal cultural values.
Likely impact on the water quality of coastal waterbodies.	The land can be developed to have a positive impact in terms of water quality with the imposition of WSUD measures.
Conservation and preservation of heritage items.	There are no identified heritage items on the land or on the adjoining lands.
Encouragement of compact towns and cities.	The proposal assists in creating a compact Town Centre; it is a logical extension of the existing urban area that will be contained within the new Highway alignment.
Cumulative impacts upon the environment and measures to ensure water and energy efficiency.	Proposal is energy efficient and in keeping with the City Settlement Strategy that adopts energy efficient policies.

Clause 17 of the SEPP requires the preparation of a masterplan or waiver for the need for a masterplan for subdivisions of more than 25 lots. This is a matter that is usually addressed at the detailed development application stage. The concept masterplan provides a preliminary step in this process.

6.4 NSW Coastal Policy:

The NSW Coastal Policy was released in 1997 and provides a vision for a sustainable future for the NSW Coast. The Policy establishes a number of strategic actions relating to the Natural Environment, Natural Processes and Climate Change, Aesthetic Qualities, Cultural Heritage, Ecologically Sustainable Human Settlement and Public Access and Use.

As stated above the proposal can be developed to have a positive impact upon the natural environment with the incorporation of water quality measures and habitat protection and connection as described in the concept Masterplan.

In terms of natural processes and environmental hazards, the proposal can be developed in a manner that will have a neutral impact upon the natural systems. Hazards relating to acid sulfate soils and soil contamination can be adequately managed and the existing koala habitat areas can be protected and enhanced.

The subject land is an elevated site located well away from the coast and above predicted levels for sea level rise. The development of the land in an energy efficient manner is in keeping with Climate Change policies.

The land has potential to provide an important visual gateway to Woolgoolga and a well planned and laid out development as shown in the concept Masterplan can deliver benefits to the visual qualities of the township and coast generally.

The land does not accommodate a listed heritage item, is not within a heritage conservation area and is unlikely to be the source of any cultural heritage significance.

The proposal is in keeping with Council's settlement strategy which provides for ecologically sustainable human settlement; the proposal provides for a logical extension of the urban area and helps to consolidate the Woolgoolga Township.

The concept Masterplan includes measures for pedestrian and cycleway links that will add to the network of non- motorised transport links in the locality.

The proposal is in keeping with the Coastal Policy.

6.5 Ministerial Directions:

The Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979 of relevance to this proposal are addressed as follows:

Direction 1.2 Rural Zones: This Direction seeks to protect the agricultural production value of rural land and prevents the rezoning of land from rural to residential purposes, but allows an inconstancy where a proposal is in accordance with a Regional Strategy or where the proposal will have a minor environmental impact.

Comment: The proposal is in keeping with the Mid North Coast Regional Strategy as it is within an area identified for urban growth. Moreover, the proposal is of minor significance as it relates to a small parcel of land (i.e. 4.2 hectares) and is located on land that is not prime agricultural land.

Direction 2.1 Environmental Protection Zones: The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

Comment: The subject land has an environmentally sensitive triangular piece of land within its western extremity that warrants protection as a habitat link and buffer to the waterway near Ryan Crescent. Protection of this land will render the proposal consistent with this Direction.

Direction 2.2 Coastal Protection Zones: The objective of this direction is to implement the principles in the NSW Coastal Policy and requires a planning proposal to include provisions that give effect to and are consistent with:

- (a) the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, and
- (b) the *Coastal Design Guidelines 2003*, and
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993* (the *NSW Coastline Management Manual 1990*).

Comment: The proposal is consistent with these policy documents as it incorporates the following:

- Avoidance of environmental hazards;
- Protection of sensitive areas;
- Provision of walkways and cycleways;
- Connection with existing urban areas;
- Consistency with settlement strategies for the creation of compact towns;
- Provision of opportunities for water sensitive urban design;
- Provision of a legible and simple street layout and allotment orientation;
- Opportunity for varied forms of low density housing;
- Avoidance of coastal hazards and processes;
- Improved habitat links and conservation of habitat areas; and
- Efficient connection to services, including transport, water and sewer services.

Direction 3.1 Residential Zones: The objectives of this direction are threefold:

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

A planning proposal must include provisions that encourage the provision of housing that will: broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.

A planning proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it); and
- not contain provisions which will reduce the permissible residential density of land.

Comment: It is proposed that the subject land be zoned Residential 2A Low Density in keeping with the adjoining land. The low density zone allows a variety of low density forms of housing including multi unit housing, dual occupancies, special care homes, group homes, aged persons housing, boarding houses and camp and caravan sites.

At present there is little opportunity for housing within west Woolgoolga as a result of a stalling in the development of the estates to the north. It is interesting to note that the west Woolgoolga area is favoured by the Indian community and limited land stock is available in the Woolgoolga area for this sector of the community.

The proposal adjoins land served with reticulated water and sewer and the extension of these services is an efficient means of land development. The land is also connected to the existing road network that has been designed to allow for future connection.

The proposed lot layout maximises the density on the land in terms of a low density environment and meets with good urban design principles by having a simple, legible and efficient layout with lots generally orientated to the cardinal points.

The proposal will be subject to the servicing requirements under LEP 2000 and no minimum lot size or other density provisions are proposed.

The proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport: The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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

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

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

Comment: The proposal provides the following measures to integrate land use and transport planning in accordance with the DUAP documents:

- Land is located with 500m of transport node;
- Land is located within 500m of proposed shopping centre/supermarket;
- Land is within 500m of River Street Business Centre and 1.5km of the Woolgoolga Town Centre;
- Concept Masterplan provides for linkages for buses and ensures all houses are within 400m maximum walking distance;
- Streets are designed with multiple connections;
- Two links will be available to the Highway (i.e. Pullen Street and Unwins Road);
- Provision of safe pedestrian and cycle ways;
- Street design/function matches expected design speed of streets.

The proposal is consistent with this Direction.

Direction 4.1 Acid Sulfate Soils: The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Comment: As stated earlier the subject land has a very low risk of containing acid sulphate soils and no adverse impacts from the development of the land in terms of groundwater quality or watertable issues are anticipated. In the unlikely event that acid sulfate soils are found to be present, an Acid Sulfate Soils Management Plan can be prepared in keeping with the guidelines. It is considered that owing to the low level of risk, this issue is best dealt with at the development application stage as required by the Provisions of LEP 2000, Clause 23.

Direction 4.4 Planning for Bushfire Protection: The objectives of this direction are:

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

A planning proposal must:

- (a) have regard to Planning for Bushfire Protection 2006,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- (d) contain provisions for adequate water supply for fire fighting purposes,
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Comment: Most of the land is mapped as being bushfire prone land; refer Appendix A. The bushfire hazard relates to the surrounding land that was used for banana farming and the native forest land to the west. The banana farms surrounding the site have generally been replaced by blueberry farms and no longer present a significant fire threat; it being noted that these lands are to be replaced by housing over time.

The land is of sufficient size to accommodate the required short and long term APZs; the bushland to the west will require a permanent APZ and the remaining land will require short term APZs until such time as this land is also developed for housing.

Access and water supply can be provided to meet the *Planning for Bushfire Protection 2006* guidelines.

The proposal is consistent with this Direction.

Direction 5.1 Implementation of Regional Strategies: The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Comment: As stated above the proposal is consistent with the Mid North Coast regional Strategy; the subject land is within an identified growth area.

The proposal is consistent with this Direction.

Direction 6.2 Reserving Land for Public Purposes: The objectives of this direction are:

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

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

Comment: This proposal provides for the western part of the land occupied by forests to be zoned for open space purposes. This part of the land can provide an extension to the adjoining reserve and will assist in preserving koala habitat and providing a filter for the waterway adjacent to Ryan Crescent.

The zoning of this part of the land for open space purposes is consistent with this Direction.

Relationship with Woolgoolga Town Centre

Coffs Harbour City Council has requested the following:

"How the proposal addresses Woolgoolga as a Major Town under the Mid North Coast Regional Strategy."

7.1 Woolgoolga Town Centre Historical Context:

The Woolgoolga Town Centre is located 25 kilometres north of the Coffs Harbour City Centre and was settled in the 1870s. The Town was a significant sea port with a tramway used for transporting hardwood timber from the nearby forest to a sawmill located at the Woolgoolga Jetty (Yeates W, 1994: Woolgoolga The History of a Village Mid-North Coast); the Jetty was located at what is now the "Woolgoolga Beach Caravan Park" in the CBD. Sugar was also a major industry that was later replaced by the banana industry in the 1930s. (Coffs Harbour City Council, 1996). The commercial centre for Woolgoolga was originally located in River Street until the Highway deviation was completed in 1963.

Significant residential development in the 1950s and 60s and increase in tourism appeal contributed to the growth of business in the present CBD.

The Woolgoolga Town Centre was designated under the then North Coast Urban Planning Strategy, 1995, as a "Major District Centre" serving as an outpost for the sub-regional centres of Coffs Harbour and Grafton.

In 1996, Coffs Harbour City Council released the Woolgoolga Town Centre Study which noted that there was considerable vacant floorspace in the Town Centre and provided a number of strategies to improve the viability of the businesses in the Town Centre and reinforce the "Town Centre's role as a 'Major District Centre'". The streets works program which Council has been undertaking since 2006 is part of the revitalisation of the Town Centre recommended in the Study to make the town more vibrant.

7.2 Woolgoolga Town Centre Today:

Under the current Mid North Coast Regional Strategy, (March 2009), Woolgoolga is designated as a "Major Town" which *"have a functional role in serving their subregions with outreaches of regional services. They are self-contained with shopping and business services and may have bulky goods, warehousing, transport logistics, farm support services, health and professional services mixed with some medium density residential."* Refer to Figure 10.

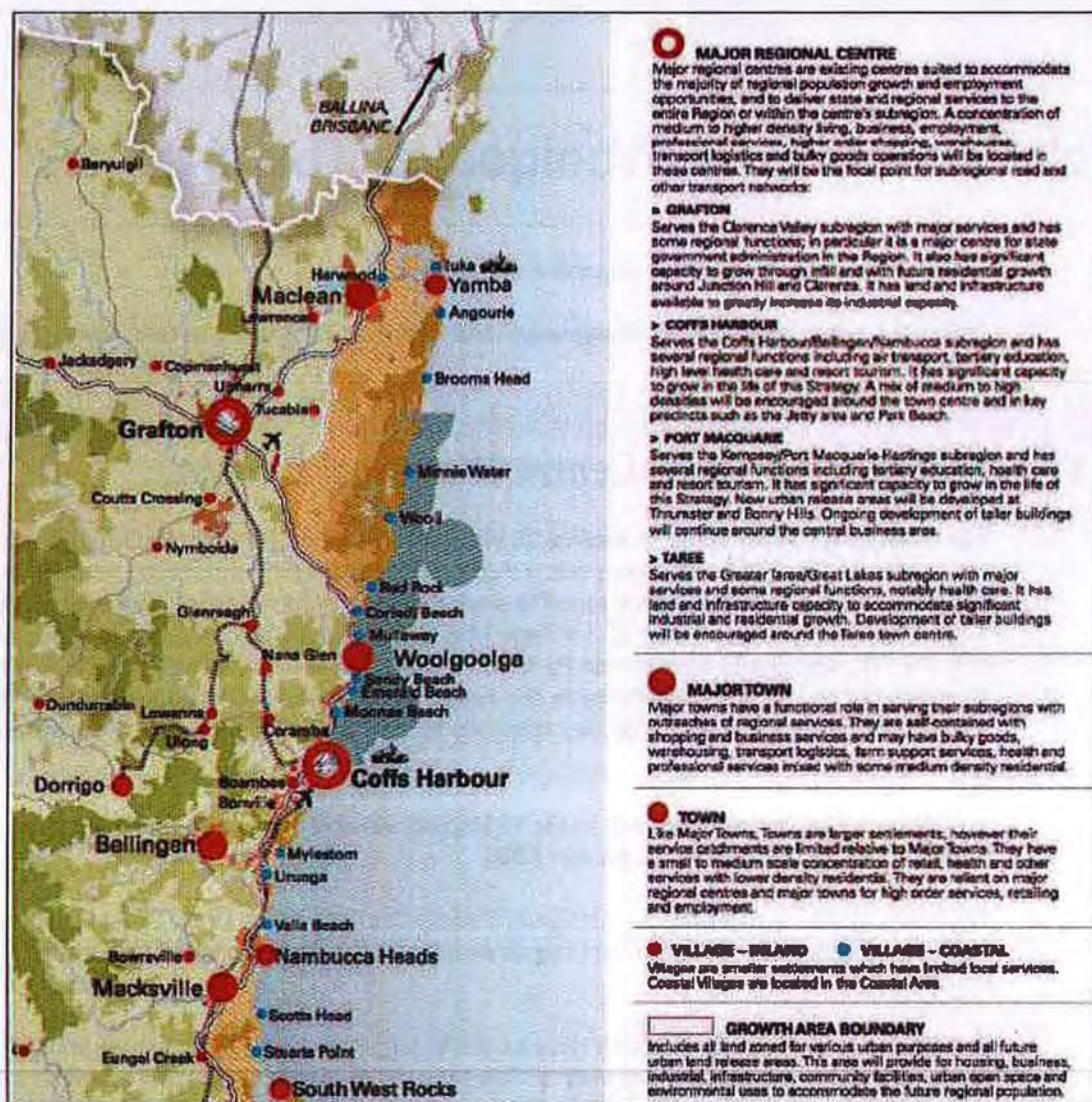


Figure 10: Extract from the Mid North Coast Regional Strategy

Woolgoolga is planned to be a Major Town and serves a resident population of 10,970 persons made up of the following:

Woolgoolga	4,715
Sandy/Emerald Beach	3,093
Red Rock	274
Corindi Beach	834
Arrawarra	445
Arrawarra Headland	541
Mullaway	415
Safety Beach	653
Total	10,970

Source: Coffs Harbour City Population Profile 2009

The Northern Beaches of Coffs Harbour contain the major new growth areas in the LGA and is projected to have a population of 30,619 by the year 2031; the population of the northern beaches locality at the 2006 Census was 19,703; refer Table below.

Table 4 – Population growth							
Locality	2001	2006	2011	2016	2021	2026	2031
Northern Beaches comprising the following localities:	18,022	19,703	22,292	24,733	26,776	28,704	30,619
• Red Rock/Corindi Beach/Corindi Plateau	(1.8%)	(2.5%)	(2.1%)	(1.6%)	(1.4%)	(1.3%)	
• Ararwana/Mullaway/Safety Beach							
• Woolgoolga							
• Sandy Beach/Emerald Beach							
• Moonee/Sapphire							
• Korora							
Coffs Urban	23,547	25,744	27,870	30,024	32,185	34,332	36,442
	(1.8%)	(1.6%)	(1.5%)	(1.4%)	(1.3%)	(1.2%)	
Sawtell/Toorina/East Boambee	13,831	15,121	16,370	17,548	18,719	19,968	21,195
	(1.8%)	(1.6%)	(1.5%)	(1.4%)	(1.3%)	(1.2%)	
West Boambee	1,689	1,847	2,000	2,165	2,310	2,464	2,615
	(1.8%)	(1.6%)	(1.5%)	(1.4%)	(1.3%)	(1.2%)	
Bonville	1,872	2,047	2,205	2,375	2,546	2,716	2,883
	(1.8%)	(1.6%)	(1.5%)	(1.4%)	(1.3%)	(1.2%)	
Coramba	297	312	325	338	352	368	379
	(1%)	(0.8%)	(0.8%)	(0.8%)	(0.8%)	(0.7%)	
Ulong	122	128	133	138	144	150	155
	(1%)	(0.8%)	(0.8%)	(0.8%)	(0.8%)	(0.7%)	
Nana Glen/Bucca	1,469	1,544	1,607	1,672	1,740	1,811	1,875
	(1%)	(0.8%)	(0.8%)	(0.8%)	(0.8%)	(0.7%)	
Coffs Rural	2,044	2,148	2,235	2,328	2,421	2,519	2,608
	(1%)	(0.8%)	(0.8%)	(0.8%)	(0.8%)	(0.7%)	
Total LGA	62,893	68,594	75,037	81,309	87,193	93,030	98,771

Extract Coffs Harbour City Population Profile 2009

7.3 Relationship with the Woolgoolga Town Centre:

As stated previously the subject land is located 1.5km from the Woolgoolga CBD and is located within 500m of the Highway Business Centre and the River Street Business Centre. Council's strategic direction for Woolgoolga is for both consolidation and expansion in a westerly direction. The Woolgoolga industrial area and environmental sensitivities associated with Hearn's Lake limit expansion south and the sensitivities associated with Woolgoolga Lake and Woolgoolga Creek prevent expansion northwards.

Westerly expansion is defined by the extent of the Highway Bypass under construction and this bypass will appropriately define the urban expansion limits of the Woolgoolga Township in the foreseeable future.

Council has recently agreed to rezoning the "Raj Mahal" Indian Emporium site on the north western corner of the Pacific Highway and Pullen Street to service the westerly expansion of Woolgoolga and to provide an increased retail choice for the township generally. In the rezoning process concerns were raised over the fragmentation of the Centre and potential for escape expenditure from the man Town Centre. Further development of housing in west Woolgoolga will provide an accessible market and reduce pressure for this centre to compete for business from the eastern areas of the Woolgoolga Township; this will in turn assist in maintaining the viability of the three centres.

The subject land is strategically placed to assist in providing housing to support the planned growth and development of the Woolgoolga Town Centre. The subject land provides a more strategic location for future housing than the current rerelease areas at Safety Beach, Corindi Beach and Sandy Beach which are all located well away from the commercial and retail support services provided by the Woolgoolga Business Centres. Moreover, the North West Woolgoolga area while being within reasonable proximity to the Town Centre, requires residents to utilise the existing Highway for local trips to the business centres. The South West Woolgoolga Release area can utilise the local road network to access the proposed shopping centre on the corner of Pullen Street and the Pacific Highway; Pullen Street provides direct access to the South West Woolgoolga Release Area.

Sound planning practice suggests that areas closer to employment recreation and community and social services should be given priority over those located further away; refer to *Improving Transport Choice - Guidelines for planning and development* and *The Right Place for Business and Services - Planning Policy* (DUAP 2001).

For the Woolgoolga Town Centre to effectively achieve its role as a Major Town, housing growth and choice within close proximity to the business centres that make up the Town Centre should be encouraged; the subject land can deliver both housing choice and additional housing stock to meet these growth demands.

Employment Generation

Coffs Harbour City Council has requested the following:

"Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?"

8.1 Employment Generation:

With the rezoning of the land to residential purposes the land can accommodate 57houses which will generate \$ 17 million in construction expenditure.

The land is located close to the business lands that make up the Woolgoolga Town Centre and is also in close proximity to the South Woolgoolga Industrial area and future Industrial area. The development of the land for housing will provide a ready employment market for these employment nodes.

The subdivision construction phase will provide some employment opportunities and the construction of houses on the allotments will provide for further construction jobs. The construction jobs will involve builders, plumbers, electricians, painters, landscapers, utility technicians, plasterers, fabricators and other contractors.

Post construction jobs will relate to the employment opportunities generated by household expenditure which is anticipated to equate to \$2million per annum. This will help improve the viability of the Town Centre.

At present the subject land is vacant land and the only employment generated by the land is related to maintenance of the grasslands by a slashing contractor periodically.

The subject land is located away from land designated for business or industrial purposes under Council's Employment Lands Strategy and the rezoning of the land will not result in the loss of employment lands.

Land Use Compatibility

Coffs Harbour City Council has requested the following:

"Will the proposal be complementary and compatible with surrounding land uses? i.e. adjacent agriculture."

9.1 Compatibility with Surrounding Land Uses:

To the north of the subject lands are detached dwelling houses developed in accordance with the 2A zone. The dwellings are a mix of single storey and two storey dwellings and the majority of these dwellings are constructed with brick walls and tiled roofs. The subject lands adjoin the rear yards of the dwellings fronting Ryan Crescent, Mc Cready Street, Haviland Street.



View to north over subject land

The proposal will be compatible with the adjoining residential lands providing an extension to this residential land use. Presently the land is vacant and is periodically infested with weeds between slashing works. Development of the land for housing will enable the better management of these lands and provides a more compatible use than the present use.

To the east of the subject land are three small rural lots with the adjoining lot used as a horse paddock. East of these small rural lots are a number of large elongated residential lots and further east of the residential lots is the Pacific Highway. The proposal provides for a roadway to be constructed between the subject land and the small rural lots to provide a buffer between these uses. With a road reserve of approximately 20m and a front setback of 6m to future dwellings the rural lots and future housing lots will have an adequate buffer (i.e. 27m) to avoid any potential land use conflicts between these uses.



View to small rural holdings to East over subject land

To the south of the subject land are a number of rural lots previously used for banana growing and currently used for blueberry farming. Further south of these lots are banana plantations and the alignment of the Pacific Highway Bypass which is currently under construction.

The proposal will result in a number of allotments with their rear yards being the interface with the rural lands to the south. The rural lands to the south are likely to continue to be used for blueberry farming in the interim period pending the rezoning of these lands for residential purposes.

Blueberry farming by its nature is a low intensity agricultural use. Harvesting of the blueberries is conducted by hand picking and the plantations are enclosed within nets to provide protection from pests and weather events. Accordingly, potential conflicts associated with spray drift and weed infestation are mitigated by the netting. Moreover, noise levels are also very low because harvesting is necessarily conducted by hand.



View to south over subject land

The only significant potential land use conflict concerns the visual impacts of the netting and structures upon future residents. Given that the blueberry farms are in existence 'caveat emptor' (buyer beware) applies to the future purchasers of residential lots. It is also expected that these adjoining lands will be in the process of being rezoned for residential purposes or already rezoned for residential purposes by the time housing is developed on this southern part of the subject land.

To the immediate west of the subject land is an open space reserve and a small waterway; the drainage line extending through the release area debouches into this waterway. Surrounding this waterway are rural residential lots with frontage to Greys Road and Woolgoolga Creek Road and residential lots fronting Ryan Crescent. As stated earlier, an open space reserve will be created as a buffer to the existing reserve to protect the koala habitat values of the land and assist with filtering runoff waters.



View to western bushland

Precedent Issues

Coffs Harbour City Council has requested the following:

"Is the proposal likely to create a precedent; or create a change the expectations of the landowner or the landholders?"

10.1 Precedent Issues:

The long history of attempts to have the land rezoned for residential purposes is unique to the subject land. The subject land is one of a few large residential allotments adjoining an existing residential area, sited within a designated release area and with an owner with the capacity to fund the necessary studies required to enable the realisation of the rezoning.

The planning history and current planning status of the land indicates that the rezoning of the land is inevitable and this proposal simply brings forward the programmed release of the land. Given the size of the land, the land's location at the end of Backhouse and Haviland Streets and the closeness of water and sewer services, it is expected that it would be the first stage in the release area; the land is of sufficient size for good economies of scale for the extension of the nearby infrastructure services. The release of the land as Stage 1 for the release area is in accordance with the Medium Term timeframe of 2011 to 2016 outlined under the Our Living City Settlement Strategy. This land can be released in 2011-2012 and the balance of the release area can be released in 2012-2016.

While broad scale strategic planning is desirable, it is often inflexible and unable to respond to the more immediate market dynamics and the range of circumstances that apply to private land developments. This proposal, whilst being a site specific rezoning, is within the broad scale strategic planning of the City and presents an opportunity to increase the locational choice of housing within close proximity to a Major Town Centre; it being noted that Woolgoolga is the only Major Town Centre in the Coffs Harbour LGA.

The uniqueness of the situation for the rezoning of this land is such that is unlikely to create a negative precedent.

The proposal will provide a positive alteration to the expectations of the adjoining landholders. The adjoining landholders expect their land to be rezoned in the Medium Term (2011-2016) as shown in the Settlement Strategy and this rezoning will provide for an extension of services and the road network closer to these properties. The proposal is expected to be seen as a positive change from the adjoining landowner's perspective.

Supply and Demand of Land

Coffs Harbour City Council has requested the following:

"Council would need to demonstrate a compelling case to justify an amendment to the priority 2 status of the land under our local Strategy based on the current supply and demand for land in the Woolgoolga catchment. Council considers that there is not urgent demand for the land or significant urban growth and demand for residential land at Woolgoolga."

11.1 Supply and Demand of Land

The Our Living City Settlement Strategy provides for the growth and development of the Coffs Harbour Local Government Area to the year 2031 and nominates areas for future land release.

The Our Living City Settlement Strategy nominates the South West Woolgoolga Release Area as Priority 2 for release in the Medium Term – 2011-2016. This release program is based on the land supply and population projections for the Northern Beaches area that are included in the Settlement Strategy and produced below:

Table 4 – Population growth

Locality	2001	2006	2011	2016	2021	2026	2031
Northern Beaches comprising the following localities:	18,022 (1.8%)	19,733 (2.5%)	22,292 (2.1%)	24,733 (1.6%)	26,776 (1.4%)	28,704 (1.3%)	30,619
• Red Rock/Corindi Beach/Corindi Plateau							
• Ararua/Mullaway/Safety Beach							
• Woolgoolga							
• Sandy Beach/Emerald Beach							
• Moonee/Sapphire							
• Korora							

Table 5 – Growth in dwelling numbers

Locality	2001 - 2006	2006 - 2011	2011 - 2016	2016 - 2021	2021 - 2026	2026 - 2031	Total
Northern Beaches comprising the following localities:	672	1036	676	817	771	768	5,038
• Red Rock/Corindi Beach/Corindi Plateau							
• Ararua/Mullaway/Safety Beach							
• Woolgoolga							
• Sandy Beach/Emerald Beach							
• Moonee/Sapphire							
• Korora							

Extracts from OLC Tables

These figures indicate that the Northern Beaches area, which includes Woolgoolga, will have a population of 30,619 people by 2031 and a demand for an additional total of 5,038 dwellings within this period. The Our Living City Settlement Strategy indicates that all the future release areas in the Northern Beaches are to be developed from 2016 when land stocks will begin to be exhausted. The supply and demand figures are not disputed, but the planning outcomes and underlying objectives of the program for release are questioned.

The current program for land development is directing housing development to the release areas of Corindi Beach, Sandy Beach and Safety Beach which are located away from the services and facilities provided within the Woolgoolga Town Centre. A more strategic planning approach would be to encourage the release of land in closer proximity to the main nodes of activity such as the Woolgoolga Town Centre; the only Major Town Centre in Coffs Harbour LGA.

Within Woolgoolga there is only one residential release area, the North West Woolgoolga Release Area which has land supply artificially constrained by the major landholders within the area and servicing issues; this release area has capacity for 330 lots. The slow release of land helps maintain land values by limiting supply and distorts real demand projections. For example, in the period from March 2003 to March 2011 only 54 lots have been created in this Release Area which would give the impression that the demand for land in Woolgoolga is only 6-7 lots per annum; refer Figure 11 below.



Figure 11 Lots Created in North West Woolgoolga release Area

A more sustainable land use policy would encourage development in the vicinity of the Woolgoolga Town Centre to reduce vehicle trips, make better use of the higher order services available within the Town Centre and make a more positive contribution to reducing greenhouse emissions.

Interestingly, the subject land falls within the Collector District 1080107 (Australian Bureau of Statistics 2006 Census) which shows a high proportion of people of Indian origin (over 150 people at the 2006 Census), compared to other urban areas, indicating a preference for this area by this segment of the community. Provision of land at this location will meet with the locational needs of this section of the community.

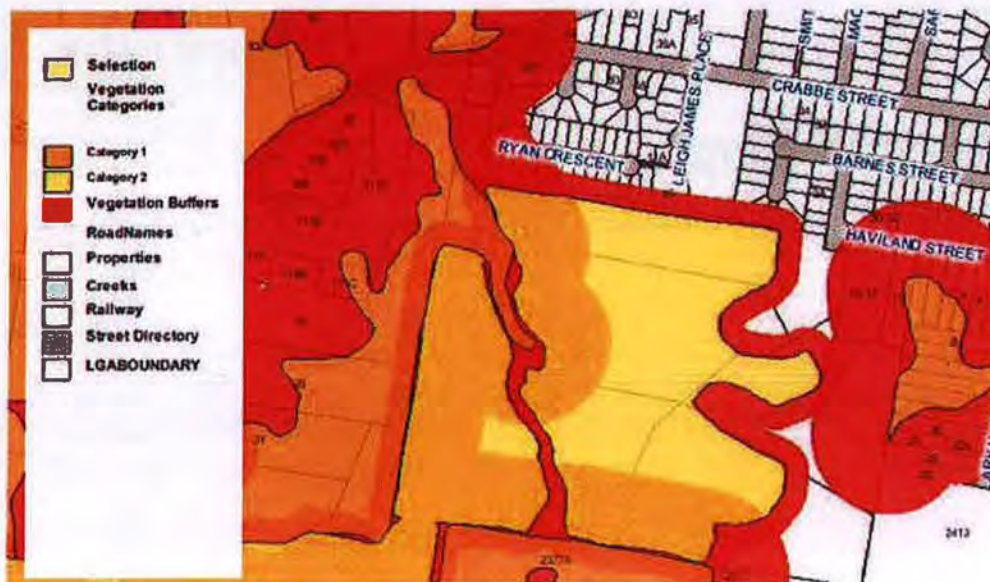
The benefits of releasing land under this proposal in terms of land supply and demand are:

- a land stock supply buffering for the safeguarding of potential shortfalls of land supply expected in 2016; it being noted that the Our Living City Settlement Strategy recognises that the Northern Beaches areas will, for the short to medium term, grow at a faster rate than the remainder of Coffs Harbour (OLC page 67);
- an increase in locational choice for land by providing a second release area in Woolgoolga;
- an opportunity to increase land competition and drive land prices down to improve land affordability and housing affordability;
- an opportunity to have a staged release of land in South West Woolgoolga to ensure sufficient supply of land and to enable a testing of the market; and
- directing land supply and housing to better meet the planning objectives of urban consolidation and bolstering the only Major Town Centre in the Coffs Harbour LGA.

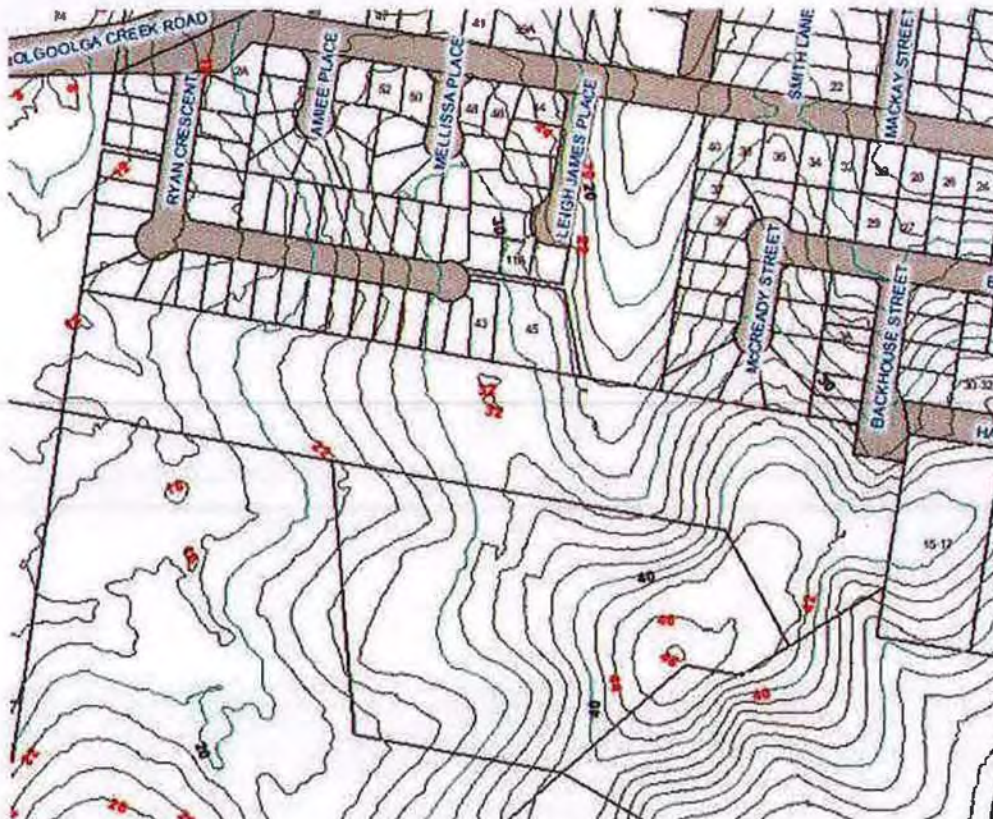
Identification of this land for release as Stage 1 of the South West Woolgoolga release Area will enable the supply of land to be available in 2016. There is a significant lag time between the resolution to rezone land; preparation of the local environmental study, if required; gazetting of the rezoning; lodgement and determination of the subdivision application; certification of the subdivision; and eventual sale and development of housing on the identified land. It is expected that this process takes over two years to complete and will in effect provide for housing from 2014 -2016 generally in accordance with Council's projected timetable. It is to be noted that no land has been identified for future release in the northern beaches before 2016, despite projections of higher than average growth in this district.

Appendix A

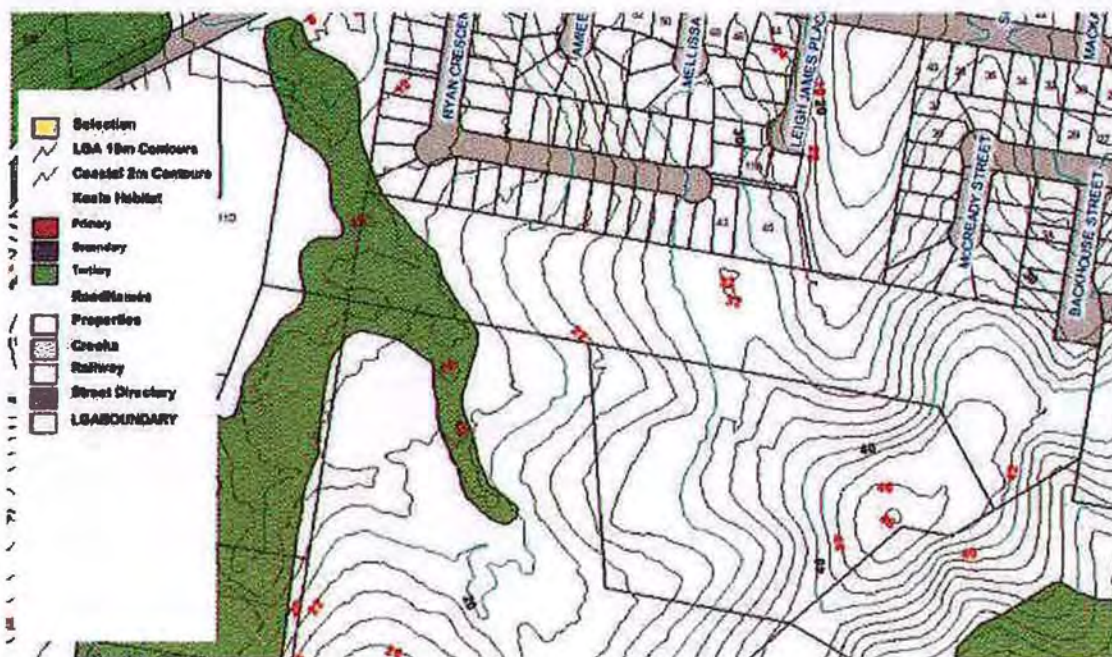
Constraints Map



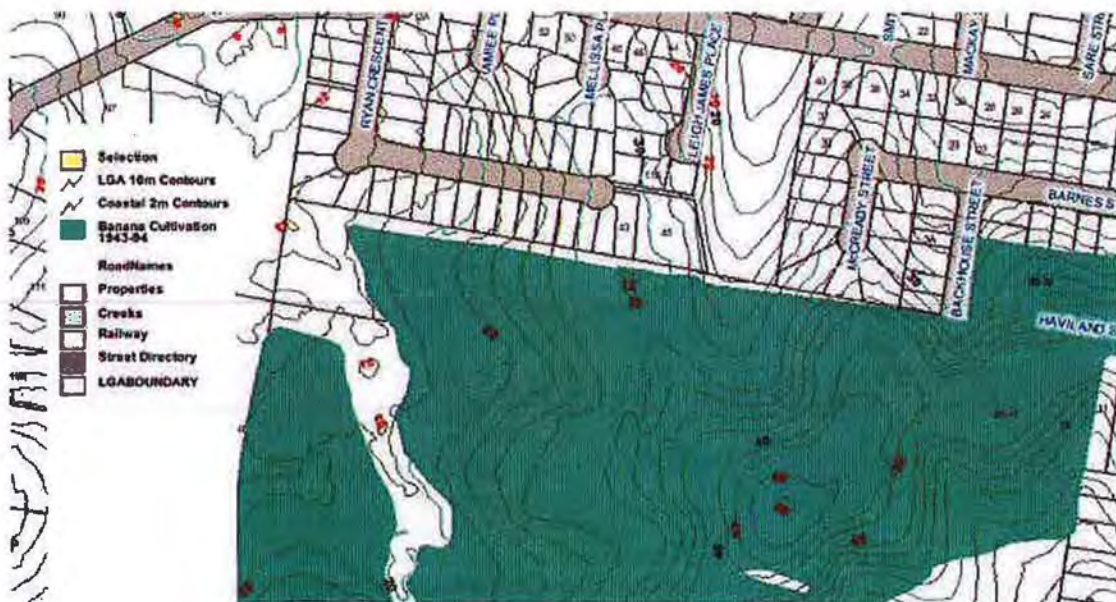
Bushfire Prone Land



Land Slope



Koala Habitat



Potential Contaminated Land