

Coffs Harbour LEP 2013 Amendment - 2 Arrawarra Road, Mullaway

Proposal Title : **Coffs Harbour LEP 2013 Amendment - 2 Arrawarra Road, Mullaway**

Proposal Summary : **This Planning Proposal seeks to amend the Coffs Harbour LEP 2013 by:**

1. Rezoning Lot 1, DP 417132, 2 Arrawarra Road, Mullaway from part RU2 Rural Landscape and part RE1 Public Recreation to R2 Low Density Residential; and

2. Altering the minimum lot size for the subject land to 400m2.

PP Number : **PP_2014_COFFS_001_00**

Dop File No :

14/16298

Proposal Details

Date Planning
Proposal Received : **25-Sep-2014**

LGA covered : **Coffs Harbour**

Region : **Northern**

RPA : **Coffs Harbour City Council**

State Electorate : **COFFS HARBOUR**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2 Arrawarra Road**

Suburb :

City : **Mullaway**

Postcode : **2456**

Land Parcel : **Lot 1, DP 417132**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

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RPA Contact Details

Contact Name : **Grahame Fry**

Contact Number : **0266484654**

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

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	3.11	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	22
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **This proposal seeks to rezone the subject land (3.112ha) to permit the land to be developed for residential purposes. The subject land adjoins the existing village of Mullaway to the east that is zoned R2 Low Density Residential. The land is bounded to north and west by land managed by the NPWS that is zoned RE1 Public Recreation and E2 Environmental Conservation. To the south is Mullaway Road and low density residential development.**

Parts 1 and 2 of the Planning Proposal clearly show the intention to rezone the land, however, it is not clear until later in the document that it also intends to amend the minimum lot size of the land. It is recommended that, if supported, the Planning Proposal be amended to clearly state the site is proposed to be rezoned and the minimum lot size is to be amended.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Coffs Harbour LEP 2013.**

It is recommended that, if supported the Planning Proposal be amended to make it clear that the subject land will rezoned and have an amendment to its minimum lot size.

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

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

Comment : **The Planning Proposal provides a explanation of the intended provisions to achieve the objectives and intended outcome. However, it is recommended that, if supported the Planning Proposal be amended to make it clearer that the subject land will rezoned and have an amendment to its minimum lot size.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

North Coast REP 1988

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

Mid North Coast Regional Strategy;

Council's local settlement strategy 'Our Living City Settlement Strategy 2008'.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal includes mapping that identifies the location and proposed zoning of the subject land. Additional mapping prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning and minimum lot size will need to be prepared prior to the legal drafting of the amendment.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 14 day exhibition period for the proposal. However, as the proposal is partly on land zoned for recreation and is for a relatively large number of lots (in relation to the size of Mullaway settlement), some community reaction is likely. In these circumstances 28 days is appropriate.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council, if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in February 2015. However given the recommendation for extended community consultation, a February completion date is optimistic. A 9 month completion time is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Coffs Harbour LEP 2013 was made in September 2013.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal has been initiated by the land owners who are seeking to develop the site for residential purposes. A concept subdivision plan for the site shows the land divided into 23 allotments. An existing dwelling is located on the subject land

The Coffs Harbour City Council's settlement strategy identifies part of the subject land for urban investigation (residential purposes). The whole of the site is located within the Mid North Coast Regional Strategy growth boundary and is identified for future urban development.

The land adjoins the existing village of Mullaway. Part of the land is zoned RU2 Rural Landscape with the remainder zoned RE1 Public Recreation. The public recreation zoning was carried over from the Coffs Harbour LEP 2000 after it and adjoining land was identified as a site for a possible future sports field by an Open Space Needs Study. In 2010, Council's Open Space Strategy found the land was not of a suitable size or configuration to achieve a sports field without significant incursion into the adjacent holding managed by the National Parks and Wildlife Service.

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

Consistency with strategic planning framework :

The subject land is identified for potential residential development under the Mid North Coast Regional Strategy and is within the Growth Boundary for Mullaway. Council's 'Our Living City' Settlement Strategy identifies the part of the land that is currently zoned RU2 Rural Landscape as an investigation area for residential purposes. The remainder of the site is identified as open space area but as discussed previously, Council has identified that this site is not appropriate for development as a sports field.

The Planning Proposal is considered to be consistent with all applicable SEPPs and section 117 Directions except the following;

1.5 Rural Lands

This Direction is relevant as the Planning Proposal will affect land within an existing rural zone (RU2 Rural Landscape). The objectives of this Direction are not relevant to this proposal as they aim to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands. The inconsistency with this Direction is considered to be of minor significance due to the size of the land parcel involved and its proximity to existing urban areas.

4.1 Acid Sulfate Soils

This Direction is relevant as the Planning Proposal will affect land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps (Class 5). The inconsistency with this Direction is considered to be of minor significance due to the size of the land parcel involved, the minor nature of any potential excavation of the site and as this issue can be adequately addressed at the development application stage. Coffs Harbour LEP 2013 requires this to occur in any case.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved. The bushfire hazard of the subject land is significant but an assessment of the hazard indicates that the concept subdivision design for site can meet the relevant specifications and requirements of 'Planning for Bushfire Protection 2006'.

6.2 Reserving Land for Public Purposes

This Direction is relevant as the Planning Proposal will affect land that is identified as public open space. This Direction requires that 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). The inconsistency with this Direction is considered to be of minor significance due to the size of the land parcel involved and that Council has identified that land is not suitable for development as a sports field.

Environmental social economic impacts :

The land is generally cleared with pockets of mature vegetation existing on site. A biodiversity assessment has been prepared which confirms that the site is occupied by a derived grassland community dominated by exotic or weed species that is degraded. Small areas of two native plan communities extend into the study area and there is potential for threatened species to utilise the limited resources available in the habitat. The assessment concludes that the Planning Proposal is unlikely to impact significantly on any threatened species or population.

A Bushfire Hazard Assessment has been prepared which confirms that the concept subdivision design can meet the relevant specifications and requirements of 'Planning for Bushfire Protection 2006' subject to recommendations. The recommendations include, but are not limited to:

- An 'Inner Protection Zone' as prescribed by the 'Planning for Bushfire Protection 2006' be a minimum distance of 30m from the northern boundary of the subject site;
- Water, electricity and gas supply services are to be installed underground; and
- The proposed fire trail on the northern boundary is to comply with 'Planning for Bushfire Protection 2006'.

It is recommended that the ensure compliance with S117 Direction 4.4 Planning for Bushfire Protection that this Bushfire Hazard Assessment, along with the Planning Proposal be referred to the NSW Rural Fire Service.

The land is not mapped as being flood prone.

Part of the site is identified on Council's LEP Maps as being Class 5 Acid sulfate soils. Issues with Acid Sulfate Soils can be considered at development application stage.

The site can be adequately serviced through proposed extensions to existing utility supplies.

Lot size and building height provisions are proposed to ensure development of the site is consistent with the surrounding land uses and visual character of the local area. The subject land has a current height of building limit of 8.5m that is not proposed to be changed.

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

Assessment Process

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

Timeframe to make **9 months** Delegation : **RPA**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - 56(2) **NSW Rural Fire Service**
(d) :

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2014-09-25 Cover Letter.pdf	Proposal Covering Letter	Yes

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2014-09-25 Planning Proposal.pdf	Proposal	Yes
2014-09-25 Consultants supporting information.pdf	Proposal	Yes
2014-09-25 Council Report 28 August 2014.pdf	Proposal	Yes
2014-10-03 Location Map.pdf	Map	Yes
2014-09-25 Subdivision Concept Plan.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that:

1. The planning proposal be supported and proceed as a "routine" planning proposal.
2. Prior to public exhibition, Council amend Part 1 and 2 of the Planning Proposal to clearly show that this Proposal includes both the rezoning of the land and the amendment of the minimum lot size for the subject land.
3. The Planning Proposal be exhibited for 28 days.
4. The planning proposal be completed within 9 months.
5. The Director-General's delegate agree that the inconsistencies with S117 Directions 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes are justified as of minor significance.
6. Consultation with the Office of Environment and Heritage be undertaken;
7. Consultation with the NSW Rural Fire Service be undertaken in accordance with S117 Direction 4.4 Planning for Bushfire Protection;
8. Draft LEP Maps prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning and minimum lot size are to be prepared prior to the legal drafting of the amendment.
9. Delegation to finalise the Planning Proposal be issued to the Council.

Supporting Reasons : This Planning Proposal is supported because it is consistent with Council's approved local settlement strategy and the Mid North Coast Regional Strategy and inconsistencies of the proposal with the S117 directions are of minor significance.

Signature:



Printed Name:

JIM CLARK

Date:

3 October 2014

