



REPORT TO ORDINARY COUNCIL MEETING

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

REPORTING OFFICER:	Team Leader, Sustainable Planning
DIRECTOR:	Director, Sustainable Communities
COFFS HARBOUR 2030:	LC 3 We have strong civic leadership and governance LE 3.2 Enhance protection of our catchments, waterways and marine areas MA 2.2 Facilitate safe traffic, bicycle and pedestrian movement MA 2.3 Reduce the impact of the highway on our community
ATTACHMENTS:	ATT1 Environmental Study ATT1A Additional Maps ATT1B Ecological Report ATT1C Aboriginal Heritage Report ATT1D Water Management Report ATT1E Servicing Report ATT1F Detailed Zoning Table ATT2 Planning Proposal ATT3 Development Control Plans ATT4 Developer Contributions Plans

Recommendation:

1. That Council endorse and forward the subject Planning Proposal to NSW Planning and Environment seeking a 'Gateway Determination' for the rezoning of the Deferred Areas of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach areas as shown in Attachment 2 to this report.
2. That subject to the 'Gateway Determination' from NSW Planning and Environment, Council place the Planning Proposal on public exhibition.
3. That subject to the 'Gateway Determination' from NSW Planning and Environment, Council place the draft Coffs Harbour Development Control Plan (Component G7 and G14) (Attachment 3 to this report) on public exhibition.
4. That subject to the 'Gateway Determination' from NSW Planning and Environment, Council place the draft Developer Contributions Plans (Attachment 4 to this report) on public exhibition.
5. That a further report be considered by Council, concerning the outcome of the public exhibition.
6. That landowners in the Deferred Areas of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach areas be informed of Council's decision.



REPORT TO ORDINARY COUNCIL MEETING

EXECUTIVE SUMMARY

The objective of this report is to provide Council with draft documents that support the progression of a Planning Proposal (PP) for lands which were previously deferred when Coffs Harbour Local Environmental Plan (LEP) 2013 was made. This will facilitate orderly development of the subject lands.

The main purpose of the PP and associated documents is to provide consistency in the decision making process throughout the Coffs Harbour Local Government Area. Council would be aware that the Deferred Areas are still governed by the provisions of Coffs Harbour City LEP 2000 because these lands were excluded from Coffs Harbour LEP 2013 on 13 December 2012 until further environmental work was undertaken to guide zone footprints to be applied to the lands.

REPORT

Description of Item:

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

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

The location of these Deferred Areas are shown in Maps 1 and 2. Council's decision to defer these lands was a result of representations received from land owners, during the exhibition of Coffs Harbour LEP 2013, that the proposed zones recommended under the then draft Coffs Harbour LEP 2012 were applied without a comprehensive Local Environmental Study (LES) or equivalent studies being undertaken. The previous environmental work undertaken for these lands was a considerable period of time ago.

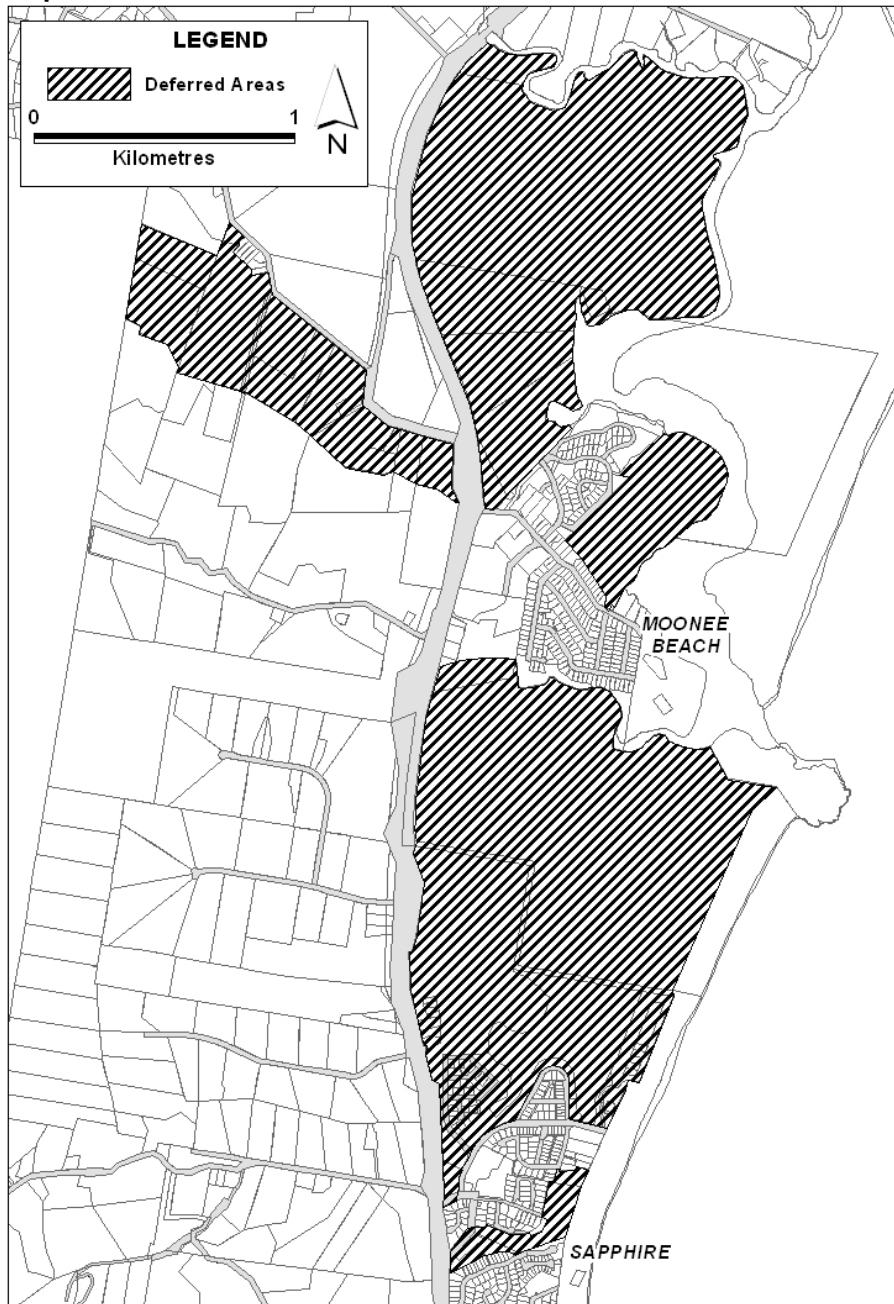
As a result, it was considered that the most appropriate method to determine the potential use of the land was to defer the subject lands from draft Coffs Harbour LEP 2013 until such time as the environmental investigations were revisited.

This would mean that once further investigations were completed, they could be used to inform a PP to the NSW Department of Planning and Environment (P&E). In the interim, these deferred areas as identified on Map 1 and Map 2 remained subject to the provisions of Coffs Harbour City LEP 2000 and associated DCPs.

Map 1: Hearn's Lake/Sandy Beach/Emerald Beach



Map 2: Moonee



As a result of the abovementioned resolution, on 27 March 2013, Council considered a report on how the subject environmental investigations and associated planning documents would be funded and undertaken for the lands deferred from Coffs Harbour LEP 2013. At this meeting, Council resolved:

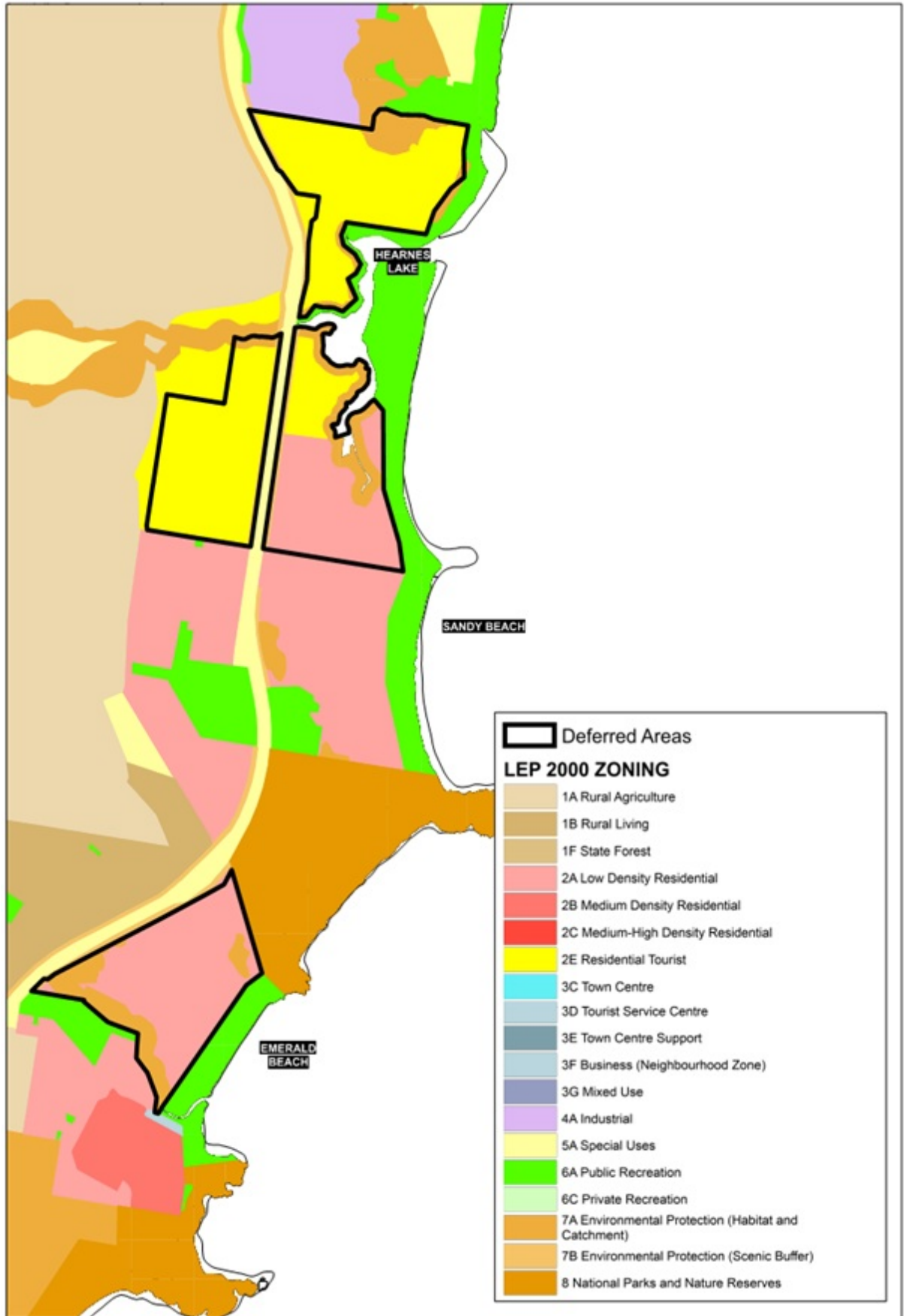
1. That Council reallocates surplus funds totaling \$100,000 from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$150,000) to the local environmental study and associated planning documents for the deferred areas from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

At an Ordinary meeting of Council on 27 June 2013, Monteath and Powys, in association with David Broyd Consulting Services Pty Ltd, were engaged by Council to prepare the following documents:

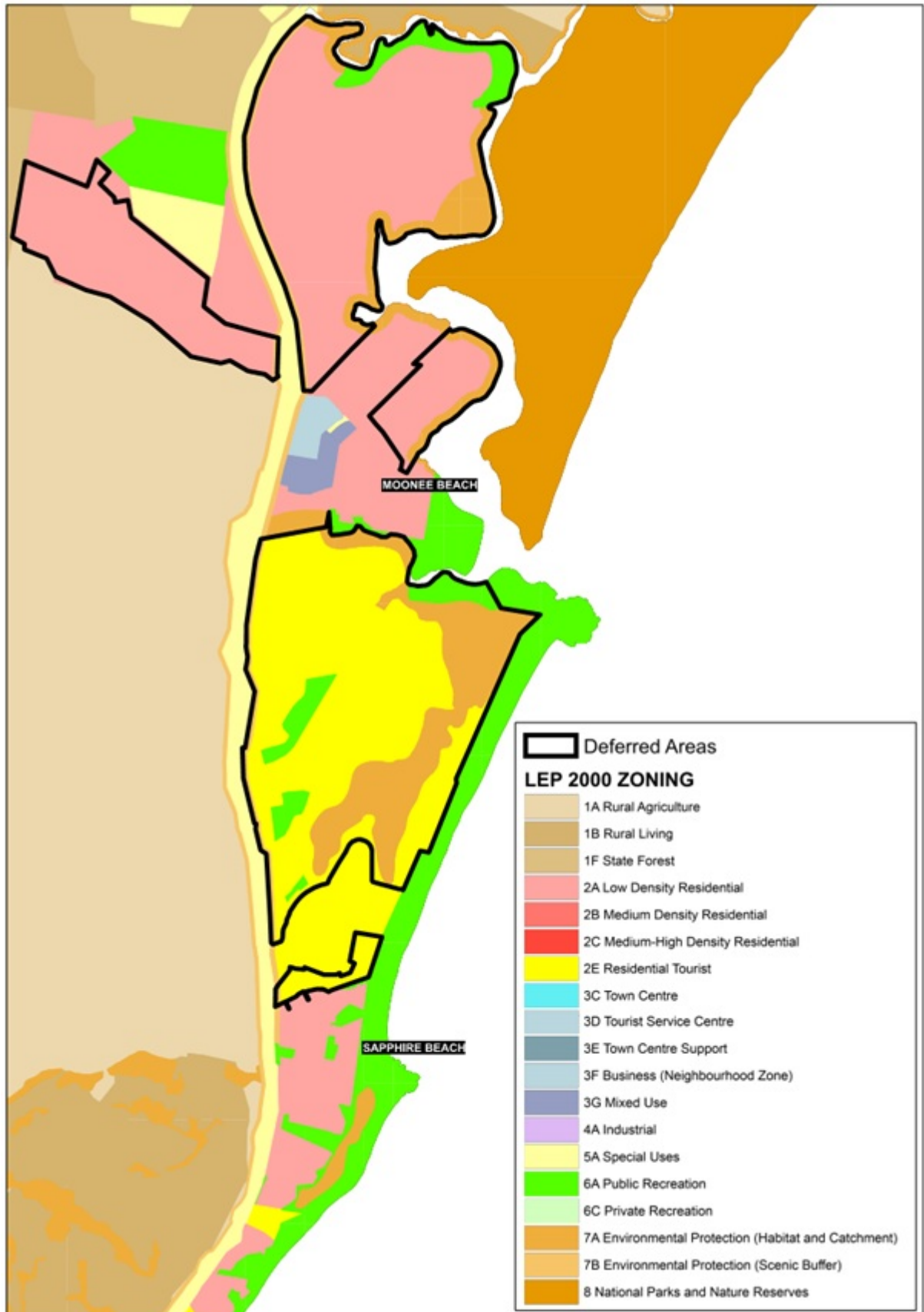
- environmental study and associated PP;
- updated DCPs for Hearnese Lake/Sandy Beach and Moonee Beach areas;
- DCP for the Emerald Beach investigation area; and
- updated Section 94 Developer Contributions Plans for the Hearnese Lake/Sandy Beach and Moonee Beach areas.

To best determine appropriate zones for the Deferred Areas, an up-to-date environmental study (see Attachment 1) has been prepared. The environmental study addresses the environmental, social and economic issues associated with the Deferred Areas. It provides an assessment of the general suitability of the area for development purposes and the appropriateness of zonings that would be complementary to surrounding areas. The following maps illustrate the proposed zones under the PP as well as the current zones under Coffs Harbour City LEP 2000 for the study area.

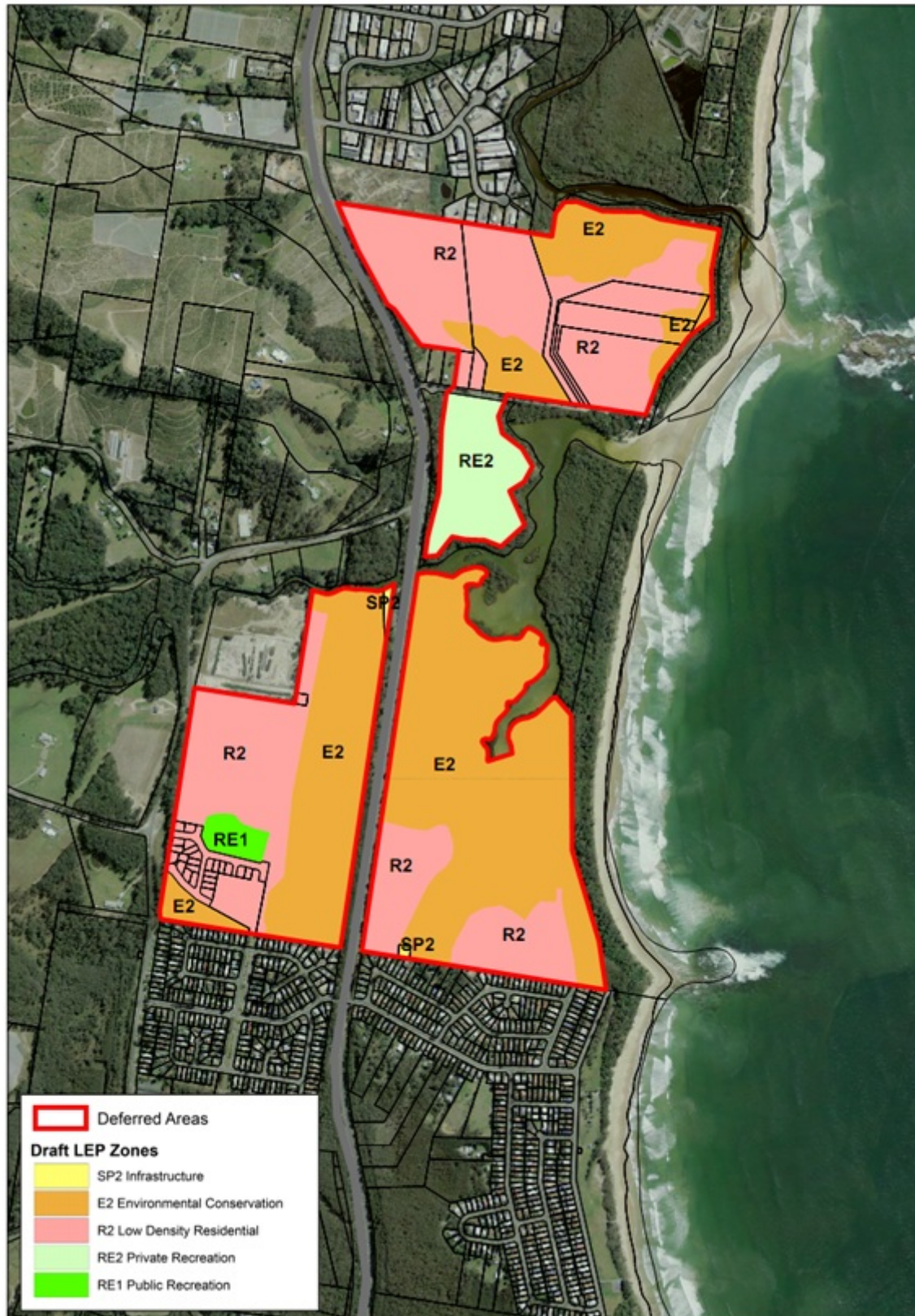
Map 3: Hearn's Lake/Sandy Beach and Emerald Beach



Map 4: Moonee Beach



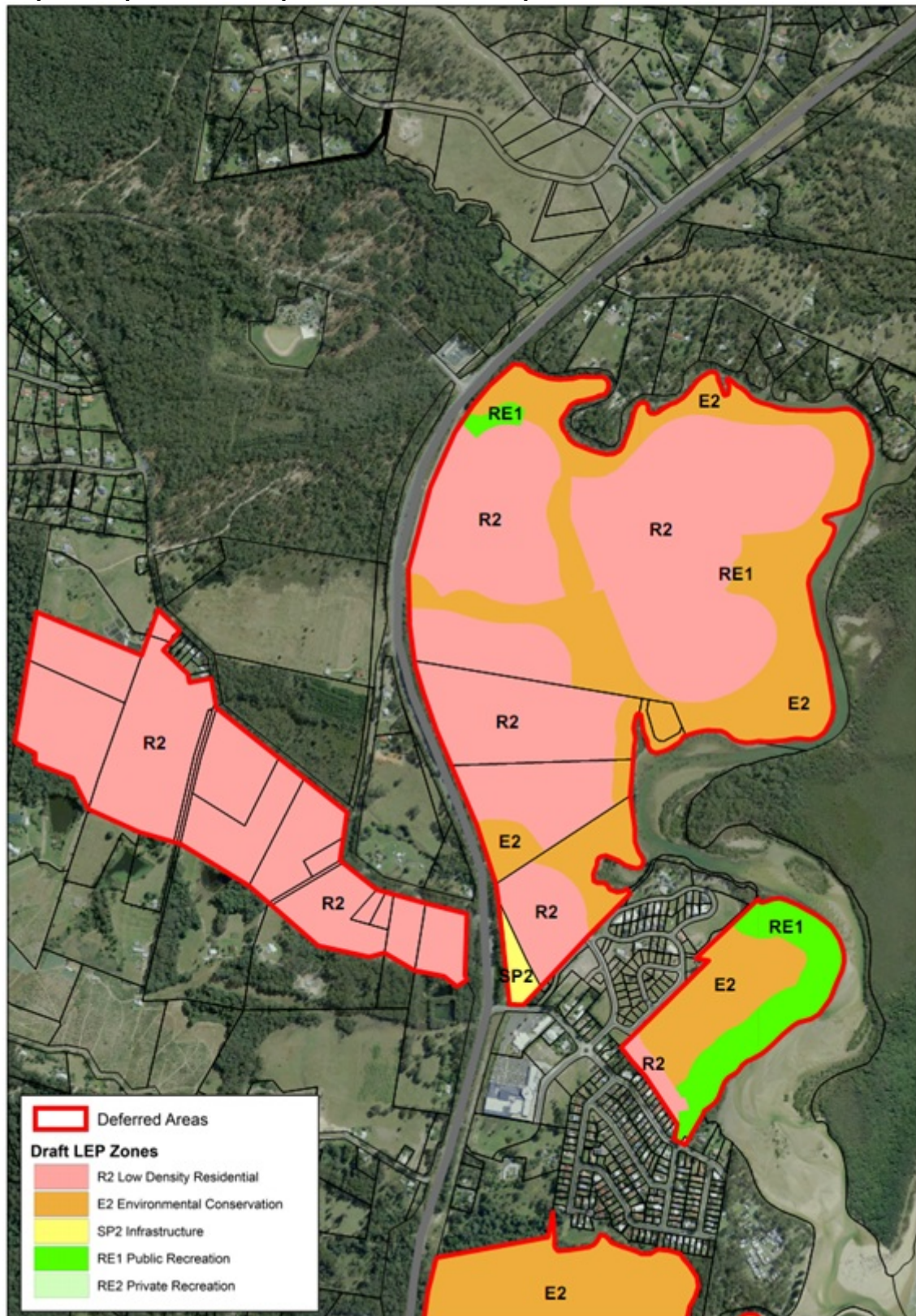
Map 5: Proposed Zones (Hearnes Lake/Sandy Beach)



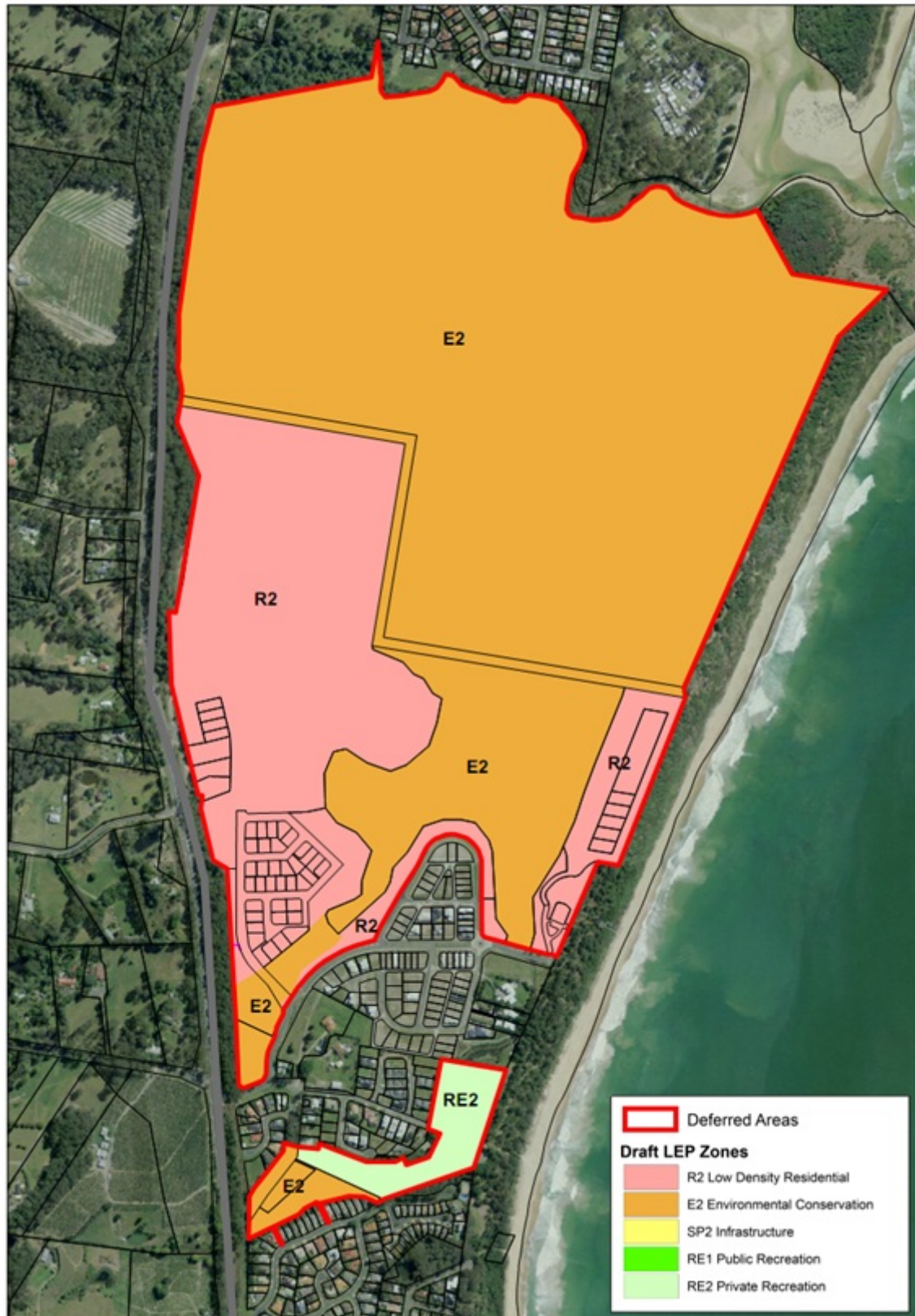
Map 6: Proposed Zones (Emerald Beach)



Map 7: Proposed Zones (Moonee Beach North)



Map 8: Proposed Zones (Sapphire Beach)



Issues:

- **Rationale for Proposed Zones under PP**

The zones recommended under the PP are the result of a number of factors being taken into consideration. These include environmental constraints identified from previous studies; development approvals issued by Council or former Part 3A approvals issued by the NSW P&E; the zoning provisions of the site under LEP 2000; draft LEP amendments (i.e. 24 and 29) not gazetted under LEP 2000; the recommended zonings as exhibited under the then draft LEP 2012 (now LEP 2013); strategic documents prepared by Council and State Government agencies; extensive consultation with Council staff, State agencies and key stakeholders; and future population and land supply issues in the Coffs Harbour LGA. Additional information on this matter can be viewed in Tables 9.1 and 10.1 of Attachment 1.

- **Infrastructure, Access and Services**

All lands within the Deferred Areas have the capacity to be serviced for water and sewerage although it may be more costly in some areas than others e.g. West Moonee.

A key matter for consideration is that the link road between the North Sapphire precinct and Moonee Beach village has been removed and has been replaced with a shared path/cycleway. The reasons being that there is a service road recently completed by the Roads and Maritime Services (RMS) on the western side of the Pacific Highway (therefore a lack of need) and the high cost of constructing the link road which would have to traverse high value vegetation as well as the lack of an existing easement.

- **Draft Development Control Plan (DCP)**

The draft DCP has been amended to reflect the new format being proposed for Coffs Harbour DCP 2013. The majority of the current controls under the Moonee Release Area DCP and Hearn's Lake DCP have been adopted in the draft document.

A new section on land dedication has been included in the draft DCP to protect land of high conservation value which is of significant public benefit. This could be undertaken via a voluntary planning agreement or other suitable arrangement.

- **Draft West Moonee DCP**

Separate controls have been developed for West Moonee due to the amount of highly constrained land in the area and the potential for land use conflicts. These include access (there is a need to rationalize access points along Old Bucca Road), ecology, water quality, adjoining agricultural pursuits to the south and flooding.

It must be noted that there are areas of biodiversity value in this locality. However, the environmental investigations contained within the environmental study support the retention of the residential zone subject to stronger controls which are highlighted in the Draft West Moonee DCP.

A 600m² minimum lot size is recommended for the abovementioned reasons with the building height still remaining at 8.5m.

- **Draft Developer Contributions Plans**

The draft Developer Contributions Plans for both Moonee and Hearnese Lake/Sandy Beach takes into consideration any funding shortfalls, future development potential of the locality and works already completed by the RMS as part of the Sapphire to Woolgoolga Pacific Highway upgrade.

The draft Plans accompanying this report are in line with Councils current adopted contributions plans for these areas. The contributions included in the Draft Plans are summarised in the tables below:

Moonee - North Sapphire

Facility	Amount
All Precincts	
Transport & Traffic	\$1,821.99
Urban Planning	\$12.77
Community Facilities	\$1,008.97
Neighbourhood Open Space	\$2,096.00
Total All Precincts	\$4,939.73
Moonee Precinct	
Roads & Traffic Facilities	\$6,425.03
Total Moonee Precinct	\$11,364.76

Hearnese Lake / Sandy Beach

Facility	Amount
<i>All Precincts</i>	
Transport & Traffic	\$1,981.53
Urban Planning	\$30.06
Subtotal All Precincts	\$6,803.67
<i>Northern Precinct</i>	
Roads & Traffic Facilities	\$3,855.21
Neighbourhood Open Space	\$838.17
Sub-district Open Space	\$1,121.75
Subtotal Northern Precinct only	\$5,815.13
<i>Western Precinct</i>	
Roads & Traffic Facilities	\$4,620.04
Neighbourhood Open Space	\$1,359.18
Sub-district Open Space	\$1,121.75
Subtotal Western Precinct only	\$7,100.97
<i>Eastern Precinct</i>	
Roads & Traffic Facilities	\$1,921.22
Subtotal Eastern Precinct only	\$1,921.22
Total all contributions Northern Precinct	\$12,618.80
Total all contributions Western Precinct	\$13,904.63
Total all contributions Eastern Precinct	\$8,724.88

Options:

The following options are available to Council to progress this matter:

1. Proceed with the PP and associated documents as recommended.
2. Proceed with the PP with amendments or alternatives to the contents of the report.
3. Not proceed with the PP and reject the recommendations provided to Council.

It is recommended that Council proceed with option 1 as outlined above.

Sustainability Assessment:

• Environment

Environmental sustainability issues are addressed in the Deferred Areas Planning Studies as follows:

- Flora and Fauna Assessment;
- Acid Sulfate Soils Analysis;
- Geotechnical Assessment;
- Bushfire Hazard Management;
- Flood Prone Land Assessment;
- Stormwater and Water Quality Management;
- Groundwater, Soils and Geology Analysis;
- Visual and Acoustic Analysis;
- Contaminated Land Assessment; and
- Aboriginal Archaeology and European Heritage Analysis.

• Social

Social sustainability issues are addressed in the Deferred Areas Planning Studies as follows:

- provision of water and sewer services;
- provision of public open space;
- opportunities for employment; and
- new residential areas being located in close proximity to existing centres and services.

• Civic Leadership

Over the course of this project, Council will continue to work closely with the community, stakeholders, government authorities, landowners and developers to ensure the outcomes are a clear representation of the views expressed by various groups.

• Economic

Broader Economic Implications

The recommendations of the Deferred Areas Planning Studies anticipate a significant increase in infrastructure provision for the Hearn's Lake/Sandy Beach, Emerald Beach and Moonee Beach areas which will be funded by developer contributions.

Delivery Program/Operational Plan Implications

There will be no immediate impact on Council's Operational Plan, however if the PP progresses, infrastructure works will be required to facilitate development.

Risk Analysis:

The subject PP and development controls are the result of the review of LEP zones in the Deferred Areas and will assist in reducing risk to Council in its decision making and provide better clarity and outcomes to the community in the future development of the study area. In addition, should Council resolve to progress this PP and associated documents, it will bring the Deferred Areas in line with the provisions of Coffs Harbour LEP 2013 and Coffs Harbour DCP 2013.

Consultation:

Extensive consultation has already been undertaken on this project with various State Government Agencies namely NSW P&E; RMS; NSW Office of Water; Marine Parks Authority; Department of Primary Industries (Agriculture); Department of Primary Industries (Fisheries); Office of Environment and Heritage; Coffs Harbour Local Aboriginal Land Council and land owners. Information Session days were held on 3 February 2014 for landowners and 4 February 2014 for State Government Agencies. Requirements raised by agencies have been incorporated into the PP.

During the preparation of the environmental studies, PP, draft DCPs and draft Contributions Plans, all relevant departments of Council have had the opportunity to provide input and where considered appropriate their comments have been incorporated into the final draft documents.

Should Council resolve to progress the PP, all documents will be required to be exhibited under the terms of the Gateway Determination, and the provisions of the Environmental Planning and Assessment (EP&A) Act 1979.

Related Policy, Precedents and / or Statutory Requirements:

The review of the Deferred Areas and resultant PP and DCPs are consistent with the following policies, statutory documents and strategies:

- the EP&A Act 1979 and Regulations;
- the Coffs Harbour 2030 Plan;
- the Mid North Coast Regional Strategy and Growth Area Maps;
- the Our Living City Settlement Strategy 2009;
- the Hearn's Lake and Moonee Estuary Management Studies/Plans;
- the Coffs Harbour Coastal Processes and Hazards Definition Study;
- the Coffs Harbour City Koala Plan of Management;
- State Environmental Planning Policies (SEPPs);
- Section 117 Ministerial Directions under EP&A Act;
- the Mid North Coast Farmland Mapping Project 2009;
- the Coffs Harbour Industrial Lands Strategy 2009;
- the Business Lands Strategy 2010;
- the Coffs Harbour Rural Residential Strategy 2009;
- Coffs Harbour LEP 2013; and
- Coffs Harbour DCP 2013.

Implementation Date / Priority:

Should Council resolve to progress this PP, it will be forwarded to P&E requesting the Gateway Determination as soon as possible.

The timeframe for completion of a PP/rezoning is governed by the EP&A Act 1979. The timeframe commences on the date that the PP is forwarded to P&E.

Conclusion:

This report has presented Council with an Environmental Study which justifies the preparation of a PP for the Deferred Areas of Hearn's Lake/Sandy Beach, Emerald Beach and Moonee Beach areas. In addition, revised DCP components consistent with Council's review of Coffs Harbour DCP 2013 and Developer Contributions Plans have been prepared as part of this project.

The recommended course of action includes proceeding with the PP which will provide clarity to the community as the study area will be governed by the provisions of LEP 2013 consistent with the remainder of the LGA.

The PP should be sent to the NSW P&E for the purposes of seeking a "gateway determination". Following receipt of the gateway determination, the PP, draft DCPs and draft Developer Contributions Plans will be publicly exhibited to gauge public opinion on the proposed amendments.

**COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
26 MARCH 2015**

RESOLUTION NO. 63i

Minutes confirmed at Council meeting: 23 April 2015
To view Report, double-click on Agenda Report link below

[Agenda Report](#)

SC15/11 DEFERRED AREAS FROM COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND MOONEE BEACH AREAS

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63i RESOLVED (Knight/Sultana):

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