



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

Planning Proposal PP_2018_COFFS_003_00
Amend the Height and Built Form Controls of
Coffs Harbour Local Environmental Plan 2013
Within the Coffs Harbour Central Business District

May 2019
VERSION 3 – Re-Exhibition

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INTRODUCTION

Purpose

The purpose of this Planning Proposal is to amend various built form controls within *Coffs Harbour Local Environmental Plan (LEP) 2013* that apply to land within the Coffs Harbour central business district (CBD) and to ensure that the amenity of key public places within the CBD is appropriately protected. It is underpinned by a review of CBD height and built form development controls (the Review) undertaken by an Urban Design Consultancy as commissioned by Coffs Harbour City Council.

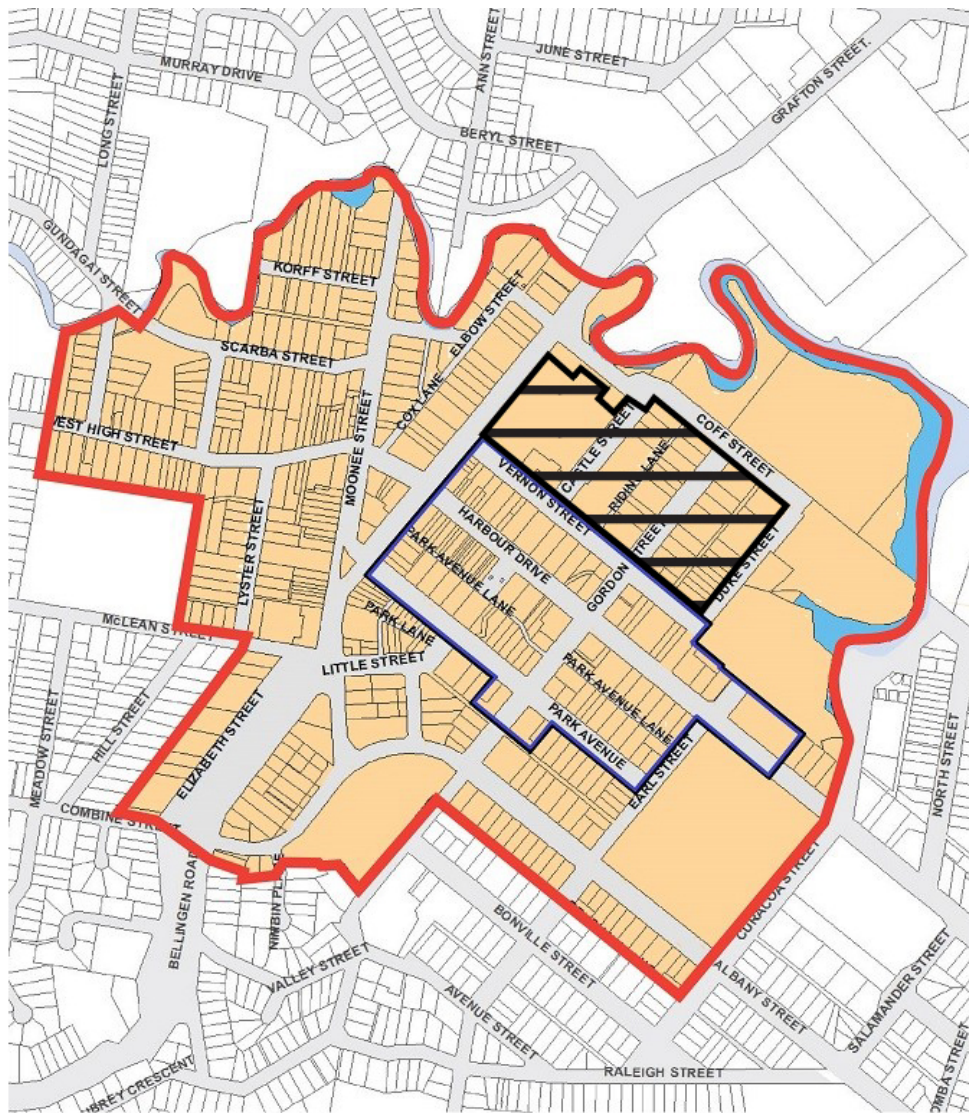
The Review examines height restrictions in the Coffs Harbour CBD within a wider strategic framework and takes built form modeling into consideration to better understand urban design principles as they apply in the CBD. These principles include building height, skyline, bulk, floor space ratios and climate responsive design considerations (including solar access and overshadowing, wind tunnels, reflection and glare). The Review is included as Appendix A to this PP.

The Review outlines several potential scenarios involving an uplift in height in the subject area (showing potential development using existing height controls, a mid-rise approach and a mid-rise approach with strategically located taller buildings). Following feedback received during community workshops held in the early stages of the project, a preferred scenario was developed which recommends an increase in height within the CBD core from 17m (approximately 4 storeys) to 44m (approximately 13-14 storeys) in appropriate places. The preferred scenario also seeks to protect solar access to key spaces within the CBD. The 44m height limit was also seen to be appropriate when considering the Coffs Harbour Airport Obstacle Limitation Surface Plan limit of 48.06m (AHD) that applies to the CBD area (also taking into account the general ground level of 4m AHD experienced in this location).

A Planning Proposal based on the preferred scenario was publicly exhibited in accordance with a Gateway Determination issued by NSW Planning and Environment from 23 January 2019 to 20 February 2019. To address issues raised by submissions received during this exhibition period, the Planning Proposal has been revised to include additional land to which an increase in building heights and floor space ratios is proposed (see Figure 1 below).

Site location, context and setting

The Planning Proposal applies to land located within the Coffs Harbour CBD. The Coffs Harbour CBD is 92 hectares in size and is setback approximately two kilometers from the coastline and beaches, and nestled into the coastal plain. The land subject to the initial Planning Proposal, and the revised Planning Proposal is shown in figure 1.






-  Coffs Harbour Central Business District
-  Core Area within initial Planning Proposal
-  Additional Land within revised Planning Proposal

Figure 1 – Land Subject to Planning Proposal

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the revised Planning Proposal is to:

- Increase the maximum building height for land within parts of the Coffs Harbour CBD;
- Increase allowable site densities within parts of the Coffs Harbour CBD;
- Provide solar access protection for key public places within the Coffs Harbour CBD; and
- Require consolidation of sites within the CBD to facilitate a high standard of built form outcomes.

The LEP amendments are intended to provide for an uplift in building height and stimulate economic investment and opportunity within the Coffs Harbour CBD, while embracing the vision and driving principles outlined in the Coffs Harbour City Centre Masterplan. The provisions seek to maintain the integrity, amenity and future desired use of key public areas within the CBD, particularly City Square.

PART 2 – EXPLANATION OF PROVISIONS

The intended outcomes of the Planning Proposal will be achieved by making amendments to the maps contained within Coffs Harbour LEP 2013 and written provisions as follows:

- Amend Coffs Harbour LEP 2013 Height of Buildings (HOB) map. Existing and proposed HOB mapping is shown in Figures 4 & 5 in Part 4 of this Planning Proposal.
- Amend Coffs Harbour LEP 2013 Floor Space Ratio (FSR) map. Existing and proposed FSR mapping is shown in Figures 6 & 7 in Part 4 of this Planning Proposal.
- Amend clause 4.4 of Coffs Harbour LEP 2013 to reflect the proposed FSR mapping as outlined above. An additional row has been added to the FSR Table to address the new 4.0:1 FSR category of the amended FSR Map. The proposed amendment to clause 4.4 is outlined below:

Clause 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to define the allowable development density of a site,
 - (b) to encourage increased building densities through site amalgamation at certain locations.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), if the maximum floor space ratio for a building on land is shown on the Floor Space Ratio Map as a ratio specified in Column 1 of the Table, the maximum floor space ratio for that building is the amount specified in:
 - (a) If the site area for the development is less than or equal to 600 square metres – Column 2 of the Table, or
 - (b) If the site area for the development is greater than 600 square metres but less than or equal to 1,500 square metres – Column 3 of the Table.

Table - Floor Space Ratio		
Column 1	Column 2	Column 3
2.5 : 1	1 : 1	$1 + (1.5 \times X) : 1$
3 : 1	1 : 1	$1 + (2 \times X) : 1$
3.5 : 1	1 : 1	$1 + (2.7 \times X) : 1$
4.0 : 1	1 : 1	$1 + (3 \times X) : 1$
4.5 : 1	1 : 1	$1 + (3.5 \times X) : 1$

(2B) For the purposes of Column 3 of the Table to subclause (2A), X is to be calculated in accordance with the following formula:

$$X = \frac{(\text{the site area in square metres} - 600)}{900}$$

Note: The maximum potential floor space may not be achievable on small lots unless amalgamated to create a larger site area.

- Include a new local provision that provides solar access protection for key public places within the Coffs Harbour CBD. The intent of the local provision is set out below:

Overshadowing of certain public places

Objective - to protect public open space in city parks and footpaths from additional overshadowing.

Intent - Not to grant development consent to development that results in any part of a building causing additional overshadowing (over and above any overshadowing that would naturally occur prior to the development proceeding) of any of the following locations during the times specified in relation to those locations:

- City Square—between 12.00–14.00 on 21 June in any year
- Brelsford Park— between 12.00–14.00 on 21 June in any year
- Lions Safety Park— between 12.00–14.00 on 21 June in any year
- ANZAC Memorial Park—between 12.00–14.00 on 21 June in any year
- Footpath areas on the Southern side of Harbour Drive and West High Street—between 12.00–14.00 on 21 June in any year

Specific sites and locations are indicated on the Solar Access Protection (SAP) map shown in Figure 8 in Part 4 of this Planning Proposal.

- Include a new local provision that requires a minimum combined street frontage length of 30m for sites to facilitate quality built form outcomes. The intent of the local provision is set out below:

Minimum building street frontage

Objectives:

- to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,
- to provide appropriate dimensions and spacing to ensure adequate privacy between any residential component and the adjoining land use,
- to provide appropriate dimensions for the design of car parking levels and ensure access is reasonably spaced along roads and lanes,

- (d) to encourage larger development of commercial office, business, residential and mixed-use buildings provided for under this Plan.

Intent - Not to grant development consent to the erection of a building over 28 metres in height on land zoned B3 Commercial Core that does not have at least one street frontage of 30 metres or more. For corner development sites with two street frontages, both frontages are to be a minimum dimension of 30 metres. Despite this, the consent authority may grant consent to the erection of a building on such land if it is of the opinion that:

- (a) due to the physical constraints of the site or an adjoining site or sites, it is not possible for the building to be erected with at least one street frontage of 30 metres or more, and
- (b) the development is consistent with the aims and objectives of the Plan.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

Yes. The need for the Planning Proposal has come about as a result of a Council initiated review of CBD height and built form development controls (the Review) as they apply in the Coffs Harbour CBD. At a meeting on 9 February 2017, Coffs Harbour City Council resolved to undertake a review of *the building heights in the CBD of Coffs Harbour (as defined in the City Centre Masterplan) with a view to seeking an amendment to the LEP based on the findings*. This was supported on 23 March 2017, where Council resolved to *endorse a Project Plan and Consultant Brief for the Review of the Coffs Harbour CBD Height and Built Form Controls*. The Review was undertaken by an Urban Design consultancy and is included as Appendix A to this PP.

The Review examined height restrictions in the Coffs Harbour CBD within a wider strategic framework which took built form modeling into consideration to better understand urban design principles as they apply in the Coffs Harbour CBD. These principles include building height, skyline, bulk, floor space ratios and climate responsive design considerations (including solar access and overshadowing, wind tunnels, reflection and glare). This approach was taken as it was considered to be imperative to address building height in context with an urban design and modeling study. Community engagement was also seen as a necessity to understand the community's expectations for built form and its effects on public spaces.

The urban design considerations recommended within the Review aim to ensure that the amenity currently enjoyed within the CBD is maintained and enhanced in order to encourage people to live and/or work in the area. The Review proposes a logical and legible city built form, which maximises development potential, whilst also maintaining important urban amenity, such as streets with buildings which have a comfortable human scale and which incorporate city plazas, city parks and footpaths that are sunny in winter.

Generally, any CBD will contain tall buildings and a degree of overshadowing of the public domain (the streets, plazas and urban parks) is accepted as inevitable. A realistic approach, therefore, is to protect solar access to those places of highest importance and at the key lunchtime hours of the day. City Square, the southern footpaths of the city's main streets and city parks are seen as important public places to protect.

In order to retain and protect solar access to key public places, certain immediately adjacent sites and locations within those sites will not be able to achieve as much height as others within CBD. This has necessitated placing a lesser height of buildings (HOB mapping) and/or floor space ratio (FSR mapping) limit in this Planning Proposal on those sites adjacent to City Square and open space areas zoned RE1 Public Recreation. Detailed controls have also been added to Council's Development Control Plan (DCP) that will address development. Proposed additions to DCP controls include street wall heights and above street wall setbacks. Compliance with the Apartment Design Guideline (NSW Planning and Environment 2015) requirements will help reinforce residential tower separation distances. Existing LEP and DCP controls aimed at protecting the amenity of City Square have been in existence since the introduction of LEP 2013 and are well accepted throughout the community. The intended outcomes of this LEP amendment are seen as a continuation of this approach.

Amenity considerations including the retention of solar access to these key public places was a focus of the Review and community consultation was undertaken during the Review including community workshops and public exhibition of the Review document itself. The community response included support for the protection of general amenity, including solar access within the CBD. The introduction of a proposed *Solar Access* clause and associated *Solar Access Protection Map* will help to ensure that the amenity of these public places is retained and protected from overbearing adjacent development. An LEP clause is considered to be the best way of ensuring that such protection is provided.

The Review also acknowledges the existence of many relatively narrow CBD allotments, with some as little as 5.5 metres in width. In order to realise an appropriate uplift in height on these sites, the recommendations include a requirement to consolidate narrow sites where necessary in order to provide each development site with a minimum street frontage of 30 metres. This requirement has been included as a proposed LEP clause to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions. It will also avoid the creation of unviable floor plates and extensive blank side boundary walls. An LEP clause is also considered, in this situation, to be the best way of ensuring compliance with such a requirement. As this requirement is zone based (B3 zone) and there are B3 zoned sites outside of the study area with a lesser maximum height of building limitation than those sites within the study area, the proposed clause is earmarked to only apply to buildings over 28 metres in height.

For buildings above eight stories in height, better urban design outcomes result when the building type (in terms of built form) changes from the traditional Perimeter Block building type (i.e. buildings which concentrate the building mass solely at the street frontage), to a Podium and Tower building type. The reason a Podium and Tower building type is recommended above eight stories is that it provides improved solar access, natural ventilation and opens up opportunities for district and ocean views from the upper levels of the building. The other consideration is that when Perimeter Block building types extend over eight stories in height, they create large and tall continuous walls of buildings along the edge of CBD streets which are of significant building mass and of inappropriate scale. This building type would block solar access to streets throughout the day and limit opportunities for the sharing of regional and ocean views for the upper stories. It is not considered appropriate to apply the minimum 30m frontage requirement to buildings up to 28m height, as a Perimeter Block building type with the current development set back and FSR controls in place would provide a satisfactory urban design outcome up to an eight storey height. The Apartment Design Guideline (NSW Planning and Environment 2015) which applies to residential and mixed use buildings also requires additional building-to building separation above eight storeys (24m separation) between habitable to habitable rooms or balconies.

Community workshops held during the preparation of the Review drew a wide range of opinion including a view to adopting a maximum height only, with no other controls aimed at the protection of amenity as outlined above. In response to this, five selected sites within the study area were

tested and an analysis of potential development with and without the recommended built form controls aimed at protecting the amenity of the CBD was undertaken. The analysis provided substantial evidence to justify a need for the recommended built form controls, such as an overshadowing clause, a minimum street frontage clause and height and floor space ratio mapping (to limit building bulk). The Testing and Analysis is included as Appendix B to this Planning Proposal.

The Coffs Harbour City Centre Masterplan (2013) vision advocates for the CBD area to be the key retail, commercial, services and entertainment focus for the region, and to have an attractive urban environment. The vision considers that the CBD will develop 'lifestyle facilities' that attract residential living to the City Centre. The increase in height limits, FSRs and associated urban design recommendations as contained in the Review is seen to offer a suitable solution in the sense of being able to offer uplift within the CBD core while encouraging good design outcomes and retaining amenity within this area in line with the City Centre Masterplan vision.

Public Consultation on the Initial Planning Proposal

Public exhibition of the initial planning proposal attracted submissions that suggested that Council consider:

1. Expanding the area affected by the planning proposal to include the entire CBD; and
2. Expanding the area affected by the planning proposal to include land located immediately to the north of the existing planning proposal area.

A discussion on these two matters is as follows:

1. Expansion of the planning proposal area to include the entire CBD area is not considered appropriate for the following reasons:
 - The Planning Proposal primarily seeks to increase building heights to 44m and floor space ratios to 4.5:1 within a targeted area of the CBD (with the exception of a few key sites to ensure the protection of solar access to City Square). Land on the western side of the Pacific Highway subject to the Planning Proposal provides a transition between commercial land within the CBD and medium and low density residential land located further to the West. Retention of lower heights and FSRs will assist to preserve this transition. It is also noted that some of the land located on the western side of, and adjacent to the Pacific Highway already has an existing maximum height of 40m and an associated FSR of 4.5:1 - see figure 2.
 - Land at the southern edge of the CBD not included in the planning proposal area is also considered to provide a transition between commercial land and medium density residential land located further to the south. Retention of lower heights and FSRs will also assist to preserve this transition and lessen any potential associated amenity impacts.

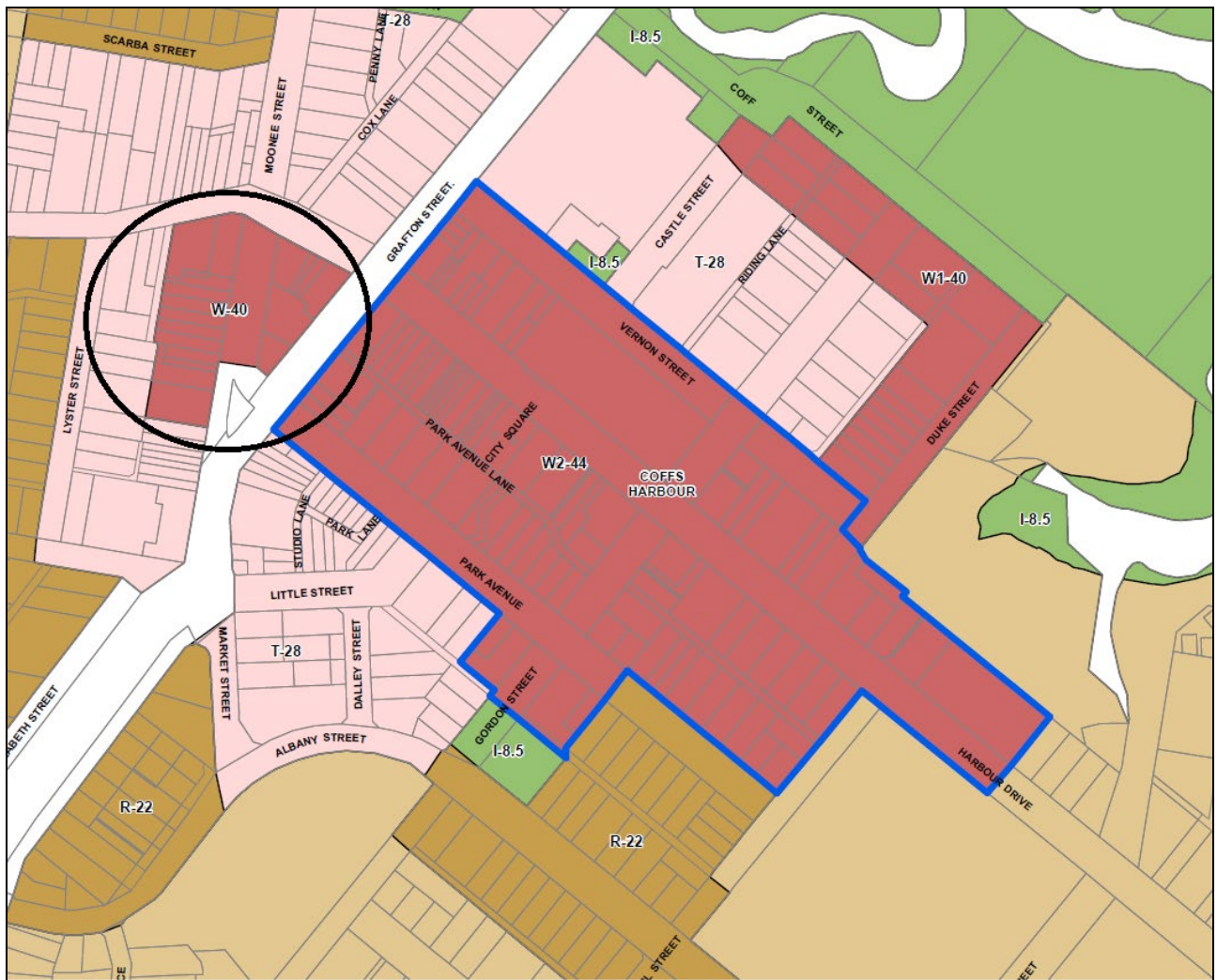


Figure 2 – Land on Western side of Pacific Highway with existing 40m Maximum Height of Building

2. Expansion of the planning proposal area to include part of the CBD located immediately to the north of the existing planning proposal area (see hatched area within figure 1) is considered appropriate for the following reasons:
 - The northern edge of the CBD already has an existing maximum building height of 40m and an FSR of 4.5:1. This Planning Proposal would increase the maximum height of buildings to 44m / 4.5:1 FSR. The increased building height in this locality would not compromise the amenity of any adjacent residential land.
 - The original Planning Proposal would have resulted in a dip in building heights between the core area and the northern part of the CBD, which is not considered to provide a quality urban design outcome – see figure 3.

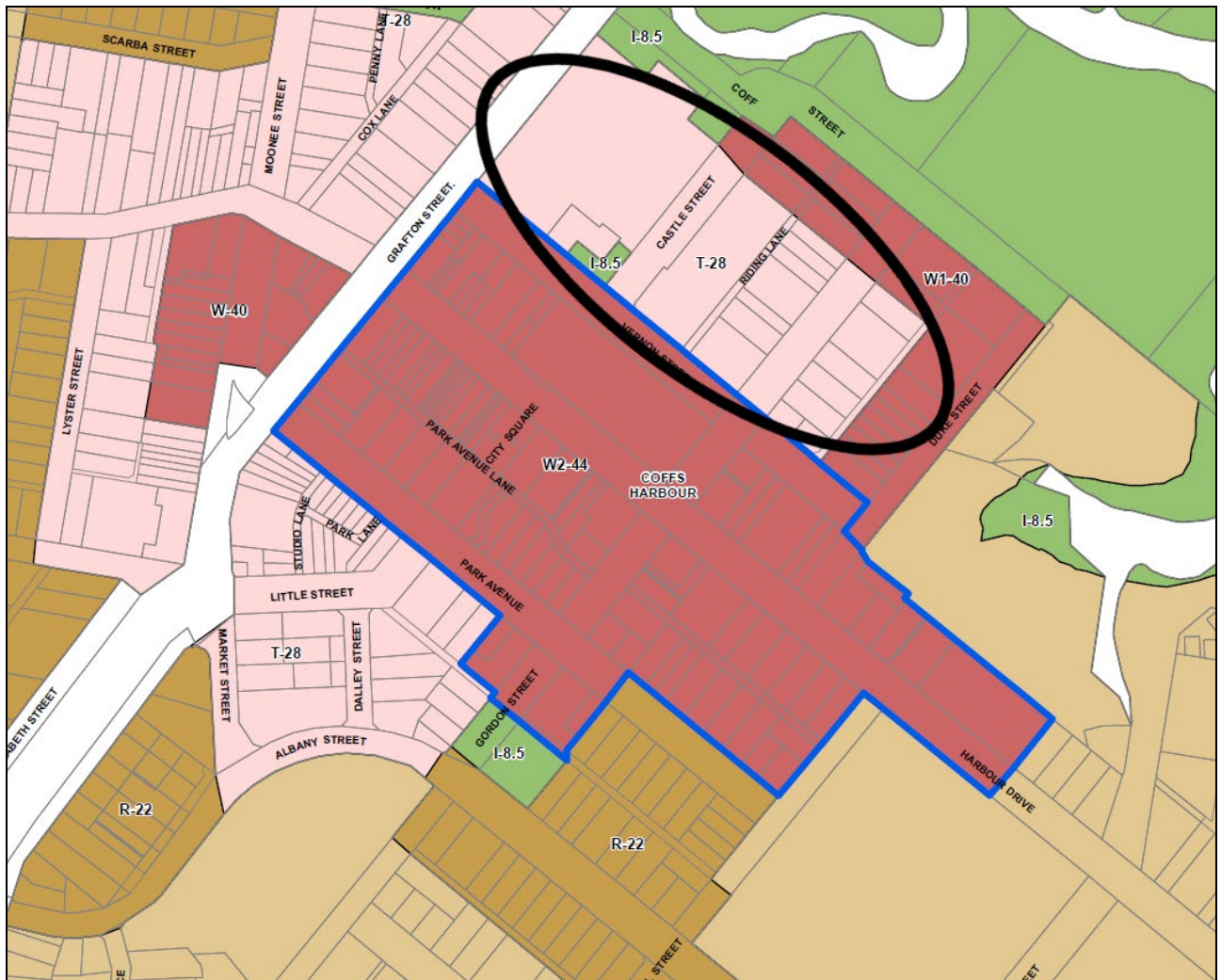


Figure 3 – Land adjacent to initial Planning Proposal area with existing 28m Maximum Height of Building

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

Yes. The recommendations of the Height and Built Form Controls Review can only be achieved by a planning proposal process to amend Coffs Harbour LEP 2013 to increase maximum building heights and allowable densities.

3. Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to planning proposals that promote significant increased residential areas or densities, or significantly increased employment areas or the like. This Planning Proposal will not change any land use zones under *Coffs Harbour LEP 2013*. However, it will allow for a potential increase in residential and commercial densities by increasing height and floor space ratios within the Coffs Harbour CBD. This Planning Proposal has been assessed against the Net Community Benefit Test criteria as follows:

- ***Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?***

Yes, the subject area is within the Coffs Harbour CBD and is compatible with the following Directions contained within the North Coast Regional Plan:

Direction 1: Deliver environmentally sustainable growth.

This Planning Proposal seeks to direct future growth to a location that can: sustain additional development; is readily serviced; will assist the delivery of sustainable growth across the region; and help protect the environment.

Direction 6: Develop successful centres of employment.

This Planning Proposal affects land within Zone B3 Commercial Core and provides a wide range of uses including large-scale retail, office, businesses, residential, entertainment and community uses. The land is intended to serve the needs of a wider region as well as those of the local community and as such is the subject of controls within Coffs Harbour LEP 2013 that are designed to protect the primacy of the CBD. This Planning Proposal will assist this goal.

Direction 7: Coordinate the growth of regional cities.

Coffs Harbour has been identified as a Regional City within the North Coast Regional Plan 2036. This Planning Proposal will help to ensure that the scale and nature of future development within the Coffs Harbour CBD will reinforce the role of the CBD as the primary commercial, employment and retail centre in the region. It will also help to ensure that the design of new commercial and mixed-use buildings makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.

Direction 14: Provide great places to live and work.

This Planning Proposal will help to ensure that the design of new commercial and mixed-use buildings makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.

A mixed-use environment within the CBD will foster a lively and activated environment which encourages investment across a number of potential markets (office/retail and residential). The urban design considerations recommended within the Review will ensure that the amenity and the “human scale” enjoyed within the CBD is retained and enhanced to encourage people to live and/or work in the area. This mixed-use approach has the potential to bring a new ‘24/7’ life to city streets, plazas and parks activating the CBD. Council has been encouraging this kind of growth in the CBD since the adoption of Coffs Harbour LEP 2000. This approach as outlined in the Review is also reflected in the North Coast Regional Plan 2036 and is a key inclusion within the City Centre Masterplan vision.

Direction 20: Maintain the region’s distinctive built character

The existing Coffs Harbour CBD is generally characterised by buildings of between one and three storeys in height, with a handful of individual mid-rise tower buildings of up to eight storeys in height, scattered through the CBD. The significant width of major CBD streets and the generous depth of the city blocks, combined with convenient rear laneway service access, indicate a

robust urban structure that is able to accommodate increased density and building height. Most of the CBD blocks incorporate deep lots and there are many generous sized blocks which bode well for accommodating new development at an increased density. New investment in the CBD will seek development parcels of reasonable proportion (rather than long and narrow properties), as this makes parking and structural systems more efficient and cost effective. In this situation, controls which incentivise consolidation and retain urban amenity and existing coastal character are proposed as part of this Planning Proposal.

Direction 21: Coordinate local infrastructure delivery.

Encouraging growth within the Coffs Harbour CBD provides a substantial opportunity for infill residential development and consolidated commercial development. This, in turn, ensures that local infrastructure can be delivered in a timely and efficient way when compared to less cost-effective methods involving urban sprawl.

Direction 22: Deliver greater housing supply.

According to the North Coast Regional Plan 2036, the region's population is projected to grow by 76,200 people, and 46,000 more homes will be required over the next 20 years – an increase of 8,950 dwellings. There is a delivery target of 40% multi-dwelling housing (up from 30% in 2013-14). The North Coast Regional Plan 2036 identifies the need to pursue suitable housing densities in the right locations, including creating a compact urban footprint and protecting significant environmental areas. This Planning Proposal will result in a potential addition of 167,038 m² of residential gross floor area in the Coffs Harbour CBD, facilitating a greater housing supply.

Direction 23: Increase housing diversity and choice.

This Planning Proposal will result in a potential addition of 167,038 m² of residential gross floor area in the Coffs Harbour CBD, facilitating a greater housing supply. This will be primarily in the form of shop-top housing, however, this is likely to include a variety of unit sizes and also offers the ability to pursue affordable housing options.

Direction 25: Deliver more opportunities for affordable housing

This Planning Proposal will result in additional residential gross floor area in the Coffs Harbour CBD, facilitating a greater housing supply. This is likely to include a variety of unit sizes and also offers the ability to pursue affordable housing options.

- ***Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?***

Yes, Coffs Harbour is identified by the North Coast Regional Plan 2036 as a Regional City.

- ***Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?***

Yes, the changes proposed in this Planning Proposal will allow landholders to pursue options for taller development with an accompanying increase in density.

- ***Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?***

There is no spot rezoning proposed as part of this Planning Proposal.

- ***Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?***

The Planning Proposal will add to the available land-stock for commercial development within the Coffs Harbour city CBD.

- ***Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?***

The Planning Proposal will add to the available land-stock for residential development in the form of inner-city shop top housing. It will enhance the variety of housing options available by potentially increasing the number of homes within the Coffs Harbour city centre area.

- ***Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?***

Yes, existing public infrastructure is capable of servicing the land subject to this Planning Proposal. Roads within the CBD are capable of accommodating additional development, and any necessary upgrades to utilities will be able to be accommodated for on a site by site basis. Three local bus operators service the CBD with connections to West Coffs, south to Sawtell/Toormina, and north to Woolgoolga. All buses currently stop in the CBD. Buses generally operate:

- Monday to Saturday with frequencies between 30-60 minutes, with the last services being about 9:30 pm; and
- Sunday with reduced frequencies and operating times.

Existing bike paths connect the CBD to the Jetty, south to Sawtell/Toormina, and north to Park Beach.

- ***Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?***

No, the potential development would consolidate more residents and business operators within the Coffs Harbour CBD, thereby potentially reducing car distances travelled by customers, employees and suppliers.

- ***Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?***

Council and the private sector have invested heavily in the CBD to stimulate economic activity within this area. The likely development occurring as a result of this Planning Proposal will assist in this manner. Patronage of any Government investments in infrastructure or services in the area is likely to increase which will require a further injection of investment in infrastructure and services over time. Developer contributions will assist to fund this increase.

- ***Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?***

The likely development occurring as a result of this Planning Proposal will not adversely impact on threatened species, populations, or ecological communities. Flood hazard is addressed on page 27 of this Planning Proposal as part of the local planning directions.

- ***Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?***

A mixed-use environment within the CBD will foster a lively and activated environment which encourages investment across a number of potential markets (office/retail and residential). The urban design considerations recommended within this Planning Proposal and associated DCP changes will ensure that the amenity and the “human scale” enjoyed within the CBD is retained and enhanced to encourage people to live and/or work in the area.

A mixed-use approach has the potential to bring a new ‘24/7’ life to city streets, plazas and parks activating the CBD. Council has been encouraging this kind of growth in the CBD since the adoption of LEP 2000. This approach is also reflected in the North Coast Regional Plan 2036 and is a key inclusion within the City Centre Masterplan vision.

The City Centre Masterplan vision advocates for the CBD area to be the key retail, commercial, services and entertainment focus for the region, and to have an attractive urban environment. The vision considers that the CBD will develop ‘lifestyle facilities’ that attract residential living to the City Centre.

The increase in building height limits, FSRs and associated urban design recommendations within this Planning Proposal and associated DCP changes will encourage good design outcomes and retain amenity within this area in line with the City Centre Masterplan vision.

- ***Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?***

The likely development occurring as a result of this Planning Proposal will increase choice and competition by increasing the number of retail and commercial premises operating in the area.

An increase in total commercial gross floor area within the CBD core area will be generated by the Planning Proposal. Given the current slow market and taking into account commercial floor space demand figures as shown in The Local Growth Management Strategy (Business Lands Strategy 2010) and the Department of Planning and Environment’s North Coast Employment Land Review (2015), this would satisfy the likely demand for 80+ years.

An uplift in building height and an accompanying increase in floor space ratio allowances as proposed will mean that buildings are permitted to build at street frontages up to RL 17m - equivalent to the current Coffs Harbour LEP building height limit. This street frontage control matches existing maximum height controls, and, within the overall height limit, takes a flexible approach. For instance, within this height, two large retail levels plus two residential levels are possible, alternatively, one retail, one commercial plus three residential levels are possible.

Above RL 17m, buildings are setback 3m to ensure an appropriate human scale for city streets. The effect of setting taller buildings back at this level is to ensure an appropriate street proportion (in cross-section) of approximately a 2:1 ratio (i.e. 30m wide streets and 17m high street wall).

- ***If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?***

N/A - This Planning Proposal relates to a centre.

- ***What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?***

This Planning Proposal primarily endeavors to increase the capacity of the CBD to foster economic growth and to meet the demographic needs of the Coffs Harbour Local Government Area which is characterised by a high population growth rate and an ageing population.

The Planning Proposal also seeks to address issues of quality design options, solar access to City Square and other public spaces, amenity and visual impacts. These factors will naturally promote a positive pedestrian experience which will assist to activate and increase the vibrancy of the CBD area. This reflects Council's long-term strategic vision for the City as endorsed in the Our Living City Settlement Strategy, the MyCoffs Community Strategic Plan, Coffs Harbour City Centre Masterplan 2031, LEP 2013 and DCP 2015.

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 North Coast Regional Plan 2036 applies to the Coffs Harbour LGA and includes a 20-year vision for the North Coast as:

“The best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities”

The Plan sets the following regionally focussed goals:

Goal 1: The most stunning environment in NSW

Goal 2: A thriving, interconnected economy

Goal 3: Vibrant and engaged communities

Goal 4: Great housing choice and lifestyle options

The plan recognises the delicate balance between economic, social and environmental factors and the ongoing sustainability of growth in the region.

The relevant planning principles for guiding growth in the North Coast are:

Principle 1: **Direct growth to the identified urban growth areas**

Principle 2: **Manage the sensitive coastal strip**

Principles 3: **Provide great places to live and work in a unique environment.**

The NCRP also includes a number of strategic directions and specific actions which identify the Plan's priorities for urban land.

The Plan includes specific actions on environmental, community and economic opportunities, maintaining character and housing.

In relation to the environment, the North Coast Regional Plan 2036 includes the following actions:

1.1 Focus future urban development to mapped urban growth areas.

In relation to the economy, the North Coast Regional Plan 2036 includes the following actions:

6.3 Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.

6.4 Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.

6.6 Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.

7.1 Prepare action plans for regional cities that:

- *ensure planning provisions promote employment growth and greater housing diversity;*
- *promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;*
- *identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and*
- *deliver infrastructure and coordinate the most appropriate staging and sequencing of development.*

In relation to community, the North Coast Regional Plan 2036 states:

14.2 Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).

20.1 Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009).

21.2 Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.

In relation to planning for housing, it states:

22.1 Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.

23.1 Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.

23.2 Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.

25.1 *Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.*

The Planning Proposal supports the intent of these actions and is therefore considered to be consistent with the North Coast Regional Plan 2036.

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

MyCoffs Community Strategic Plan

Coffs Harbour City Council's Community Strategic Plan (MyCoffs) is based on four key themes, being: Community Wellbeing, Community Prosperity, and a Place for Community, and Sustainable Community Leadership.

This Planning Proposal is generally consistent with the following relevant Objectives from the MyCoffs Plan:

A thriving and sustainable local economy	B1.2 We attract people to work, live and visit in the Coffs Harbour local government area
Liveable neighbourhoods with a defined identity	C1.1 - We create livable spaces that are beautiful and appealing. C1.2 We undertake development that is environmentally, socially and economically responsible
Our leaders give us confidence in the future	D1.1 - We foster informed and inspired leadership in our community. D1.2 We undertake effective engagement and are informed
We have effective use of public resources	D2.1 - We effectively manage the planning and provision of regional public services and infrastructure. D2.2 We collaborate to achieve the best possible future for all the Coffs Harbour area

Coffs Harbour Local Growth Management Strategy (LGMS) - Business Lands Component 2010

Coffs Harbour City Council's LGMS - Business Lands Component was adopted by Council and endorsed by NSW Planning in 2010.

The LGMS recognises that the Coffs Harbour CBD is the primary retail and commercial centre for the LGA and that this role should be maintained. This was recognised, at the time, through its designation under the Mid North Coast Regional Strategy as a Major Regional Centre (and subsequently under the NCRP). The LGMS states that the Coffs Harbour CBD should "continue to function as the principal office location in the LGA and development controls should facilitate this. Some higher density residential development may be appropriate subject to the findings of a residential study, but these should not 'sterilise' the CBD for further retail or commercial development". The strategy also recognises that a high priority should be given to supporting areas where the provision of land for employment close to the labour markets (i.e. residential areas) will

reduce vehicle trips and deliver associated benefits. This Planning Proposal supports these aspirations.

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

The State Environmental Planning Policies relevant to the Planning Proposal are discussed in Table 1 below:

Table 1: Consistency with SEPPs

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 33 – Hazardous and Offensive Development	N/A
SEPP No 36 – Manufactured Home Estates	N/A
SEPP No 44 – Koala Habitat Protection	N/A
SEPP No 47 – Moore Park Showground	N/A
SEPP No 50 – Canal Estate Development	N/A
SEPP No 55 – Remediation of Land	N/A
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	Consistent. This draft Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP (Aboriginal Land) 2019	N/A
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Coastal Management)	Consistent. This draft Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A

State Environmental Planning Policy	Consistency
SEPP (Infrastructure) 2007	Consistent. This draft Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
SEPP (Miscellaneous Consent Provisions) 2007	N/A
SEPP (Primary Production and Rural Development) 2019	N/A
SEPP (State and Regional Development) 2011	N/A
SEPP (State Significant Precincts) 2005	N/A
SEPP (Urban Renewal) 2010	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	N/A

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Consistency with the s9.1 Local Planning Directions is assessed in Table 2 below.

Table 2: Consistency with s9.1 (2) Directions

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	This Planning Proposal does not reduce employment land in business and industrial zones and supports the economic viability of the Coffs Harbour CBD by providing additional commercial and residential development opportunities in the area.	Consistent
1.2 Rural Zones	Applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Under this direction a Planning Proposal must: (a) not rezone land from a rural zone to a residential, business,	This Planning Proposal does not affect land contained within a rural zone.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	industrial, village or tourist zone, (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).		
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a Planning Proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Nothing in this Planning Proposal will prohibit or restrict exploration or mining.	N/A
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.	This Planning Proposal does not impact on a Priority Oyster Aquaculture Area.	N/A
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone	This Planning Proposal does not affect land contained within a rural zone.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>(including the alteration of any existing rural or environment protection zone boundary), or</p> <p>(b) a relevant planning authority prepares a Planning Proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A Planning Proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A Planning Proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>		
2 Environment and Heritage			
2.1 Environment Protection Zones	<p>(4) A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</p>	This Planning Proposal does not alter or remove any environment protection zones.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
2.2 Coastal Management	<p>Applies when a relevant planning authority prepares a Planning Proposal that applies to land in coastal areas of NSW.</p> <p>(4) A Planning Proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>, that applies to the land.</p>	<p>The Coffs Harbour CBD is located within a coastal area of NSW.</p> <p>The <i>Coastal Management Act 2016</i> and associated SEPP requires that Council must consider a range of matters when preparing an amendment to its Local Environmental Plan. A brief response to these matters is as follows:</p> <ul style="list-style-type: none"> • The Planning Proposal is unlikely to generate development that affects public access to the coastal foreshore or generate the need to provide new access. • It will not result in impacts upon the scenic qualities or amenity of the coast, or impact on any animals or fish that occur along the coast as these matters are required to be considered in the assessment process. • Prospective development will be assessed in context and will need to be compatible with the land use in the surrounding area. • Prospective development on land affected by hazards such as bushfire or flooding will need to demonstrate that the development is compatible with this hazard, and risk to life and property is acceptable. • Prospective development will need to show that it is unlikely to have an impact on water quality and is unlikely to impact on Aboriginal heritage. <p>The Planning Proposal will not alter the relevance or effect of the Coastal Design Guidelines.</p> <p>The Planning Proposal is not on land affected by coastal</p>	Consistent

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		processes or hazards.	
2.3 Heritage Conservation	<p>A Planning Proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 	Nothing in this Planning Proposal will stop or inhibit the conservation of heritage items, places or relics or Aboriginal objects or places.	Consistent
2.4 Recreation Vehicle Areas	<p>A Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <ul style="list-style-type: none"> (a) where the land is within an environment protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in 	The proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas</i>, Soil Conservation Service of New South Wales, September, 1985, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas</i>, State Pollution Control Commission, September 1985.</p>		
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>(3) This direction applies when a relevant planning authority prepares a planning proposal:</p> <p>(a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone;</p> <p>(b) that introduces or alters an overlay and associated clause.</p>	The Planning Proposal does not affect E2 or E3 zoned land.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p>(3) This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(4) A Planning Proposal must include provisions that encourage the provision of housing that will:</p>	The Planning Proposal does not affect residential zoned land.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(5) A Planning Proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) 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 (b) not contain provisions which will reduce the permissible residential density of land. 		
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies when a relevant planning authority prepares a Planning Proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a Planning Proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> 	This proposal does not seek to permit or prohibit development for the purpose of a caravan park or manufactured homes estate.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>that would facilitate the retention of the existing caravan park.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a Planning Proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent. 		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The Planning Proposal does not affect home occupation provisions under <i>Coffs Harbour LEP 2013</i> .	N/A
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>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:</p> <ul style="list-style-type: none"> (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and 	The Planning Proposal is aligned with the objectives and directions of integrating land use and transport by improving access to affordable housing close to jobs and services.	Consistent

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).		
3.5 Development Near Regulated Airports and Defence Airfields	<p>Applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>In the preparation of a Planning Proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>(c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and</p> <p>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a Planning Proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained</p>	<p>The Coffs Harbour Airport Obstacle Limitation Surface Plan limit of 48.06m (AHD) applies to the Coffs Harbour CBD area.</p> <p>The amendment to the Height of Buildings Map recommends an increase in height within parts of the CBD to 44m. This height limit was seen to be appropriate when considering the Coffs Harbour Airport Obstacle Limitation Surface Plan limit of 48.06m (AHD) that applies to the CBD area when taking into account the general ground level of 4m AHD experienced in this location.</p>	Consistent
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a Planning Proposal that will affect, create, alter or remove a zone or a provision	The Planning Proposal does not affect land adjacent to and/or adjoining an existing shooting range.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	relating to land adjacent to and/or adjoining an existing shooting range.		
3.7 Reduction in non-hosted short term rental accommodation period	This direction applies to Byron Shire Council. This direction applies when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.	This direction does not apply to Coffs Harbour City Council.	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The Coffs Harbour CBD is identified in the <i>Coffs Harbour LEP 2013 Acid Sulfate Soils</i> map as containing acid sulfate soils. There is a suite of standard provisions in the LEP that apply to this land and must be considered in any future Development Application. The acid sulfate soil provisions of the LEP will apply unchanged to any future development application. The Director General has stated in the Gateway Determination of 14 November 2018 that any inconsistency is justified and that no further approval is required in relation to this Direction.	Justifiably inconsistent for reasons listed.
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a Planning Proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public	This proposal does not impact on any known mine subsidence area.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	authority and provided to the relevant planning authority.		
4.3 Flood Prone Land	<p>Applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A Planning Proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), 	<p>This Planning Proposal will not remove or alter any zone or any provision that relates to flooding. The NSW Office of Environment and Heritage have no objection to the Planning Proposal proceeding as outlined in their correspondence to Council dated 2 April 2019.</p> <p>Any future Development Application will need to address hazards such as flooding.</p> <p>The Planning Proposal will not:</p> <ul style="list-style-type: none"> • Permit development in a floodway; • Result in significant effects on other property; • Permit a significantly different use of the land from that which already occurs there; • Require significant government spending on flood mitigation or services; • Permit development without consent; or • Impose flood related controls. <p>In light of the above, an approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.</p>	Justifiably inconsistent for reasons listed.

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>roads or exempt development.</p> <p>A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
4.4 Planning for Bushfire Protection	<p>Applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a Planning Proposal, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of schedule 1 cl 4 of the Act, and take into account any comments so made.</p> <p>A Planning Proposal must:</p> <p>(a) have regard to <i>Planning for</i></p>	<p>The Planning Proposal affects a small area of land that is mapped as bushfire prone land. This may be a consideration in a future development application.</p> <p>Consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act will take place when the Alteration to Gateway determination has been received.</p> <p>Given the precedent set by other NSW councils, it is assumed that any concerns RFS may have can be addressed.</p> <p>Revising building heights and floor space ratios will not impact</p>	Inconsistent pending consultation with RFS

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p><i>Bushfire Protection 2006,</i></p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p>	on the existing planning controls that address the issue of bushfire hazard on rural land.	
5. Regional Planning			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>Applies when a relevant planning authority prepares a Planning Proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p>(4) A Planning Proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</p> <p>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</p> <p>(c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour.</p>	<p>This proposal will affect commercial and retail land along the Pacific Highway, North Coast. Any development with frontage to the Pacific Highway will be required to consider the impact the development has on the safety and efficiency of the highway.</p> <p>The layout of land affected by this Planning Proposal is such that it will not necessarily compromise the efficiency of the Pacific Highway in this CBD location.</p> <p>For these reasons the provisions of the Planning Proposal that are inconsistent are considered to be “of minor significance”.</p> <p>An approval for a variation to this Local Planning Direction is considered to be reasonable under the circumstances.</p>	Justifiably inconsistent for reasons listed
5.10 Implementation of Regional Plans	Planning proposals must be consistent with a regional Plan released by the Minister for Planning.	The North Coast Regional Plan 2036 (NCRP) applies to the Coffs Harbour LGA. The NCRP includes actions on environmental, economic and social (community) opportunities, as well as maintaining character and housing.	Consistent

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		Specific responses to relevant strategic directions and the accompanying actions contained within the NCRP are provided in Part 3, Section A (3) and Section B (4) above. It is considered that the Planning Proposal will result in development that supports the intent of the above actions and is therefore considered to be consistent with the NCRP.	
5.11 Development of Aboriginal Land Council land	<p>(3) This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i>.</p> <p>Note: When this direction was made, <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> applied only to land in the Central Coast local government area.</p>	This direction does not apply to Coffs Harbour City Council.	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
6. Local Plan Making			
6.1 Approval and Referral Requirements	<p>A Planning Proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), <p>prior to undertaking community consultation in satisfaction of schedule 1 cl 4 of the Act, and</p> (c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of schedule 1 cl 4 of the Act. 	<p>The Planning Proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>It does not identify development as designated development.</p>	N/A

S9.1 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
6.2 Reserving Land for Public Purposes	(4) 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 Planning Proposal does not create, alter or reduce land reserved for a public purpose.	N/A
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>(4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>(5) A Planning Proposal must not contain or refer to drawings that show details of the development proposal.</p>	The Planning Proposal does not allow or not allow a particular development proposal. It will therefore not contain drawings that show details of a particular development proposal.	Consistent

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?

No. The Planning Proposal affects disturbed urban land located within parts of Coffs Harbour's CBD and is therefore unlikely to adversely impact on threatened species, populations, or ecological communities.

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

Environmental impacts involving infrastructure provision and traffic movements can be dealt with at the development assessment stage. Proper assessment of applications should avoid any significant environmental effects.

10. How has the Planning Proposal adequately addressed any social and economic effects?

This Planning Proposal seeks to address the quality of built form outcomes, solar access to key public spaces and amenity and visual impacts. The Planning Proposal will assist in the facilitation of positive pedestrian experiences and activation within the CBD. This aligns with Council's long-term strategic vision for the City as endorsed in the Our Living City Settlement Strategy, MyCoffs CSP, Coffs Harbour City Centre Masterplan 2031, Coffs Harbour LEP 2013 and Coffs Harbour Development Control Plan 2015.

The intention to protect solar access to key public places means that certain sites will not be able to achieve as much height as others within the inner core of the CBD.

The Coffs Harbour City Centre Masterplan (2031) vision advocates for the CBD to be the key retail, commercial, services and entertainment focus for the region, and to have an attractive urban environment. The vision considers that the CBD will develop 'lifestyle facilities' that attract residential living to the City Centre. The increase in height limits, FSRs and associated urban design provisions will enable taller buildings within the CBD core area while encouraging better design outcomes and retaining amenity.

This Planning Proposal will support economic growth and assist in meeting the demographic needs of the Coffs Harbour LGA which is characterised by a high population growth rate and an ageing population.

Also see the Net Community Benefit analysis contained in Part 3, Section A (3) of the document.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the Planning Proposal?

Yes. The Coffs Harbour CBD is serviced by adequate public infrastructure. Any upgrades to public infrastructure required to service new development will be addressed during the assessment of future development applications.

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

Council has consulted with the following State Government agencies in accordance with the Gateway Determination issued on 14 November 2018:

Public authority/stakeholder	Issue requiring comment	Comments received
NSW Office of Environment and Heritage	Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> , Ministerial Direction 4.3.	No objection to the Planning Proposal and no issues raised.
NSW Rural Fire Service	Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service.	No objection to the Planning Proposal and no issues raised.
NSW Roads and Maritime Services	Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> , Ministerial Direction 5.4.	<p>No objection to the Planning Proposal. However, the submission urges Council to undertake a strategic evaluation of the likely increase in transport demands that could be generated as a result of the Planning Proposal.</p> <p>Council is currently updating its Local Growth Management Strategy and is also preparing a Future Transport Strategy for Coffs Harbour. The increase in densities within the City Centre that could result from the amended planning controls is being taken into consideration as part of the development of such Strategies to ensure that the transport network is able to cater for the projected growth; and to ensure that appropriate infrastructure is in place to service future development.</p>

PART 4 – MAPPING

The Planning Proposal involves amendments to the Height of Buildings Map Sheet HOB_006D and Floor Space Ratio Map Sheet FSR_006D, as well as the creation of a Solar Access Map. The Existing and proposed HOB and FSR mapping, as well as the proposed Solar Access Map are shown in Figures 4 - 8 below:

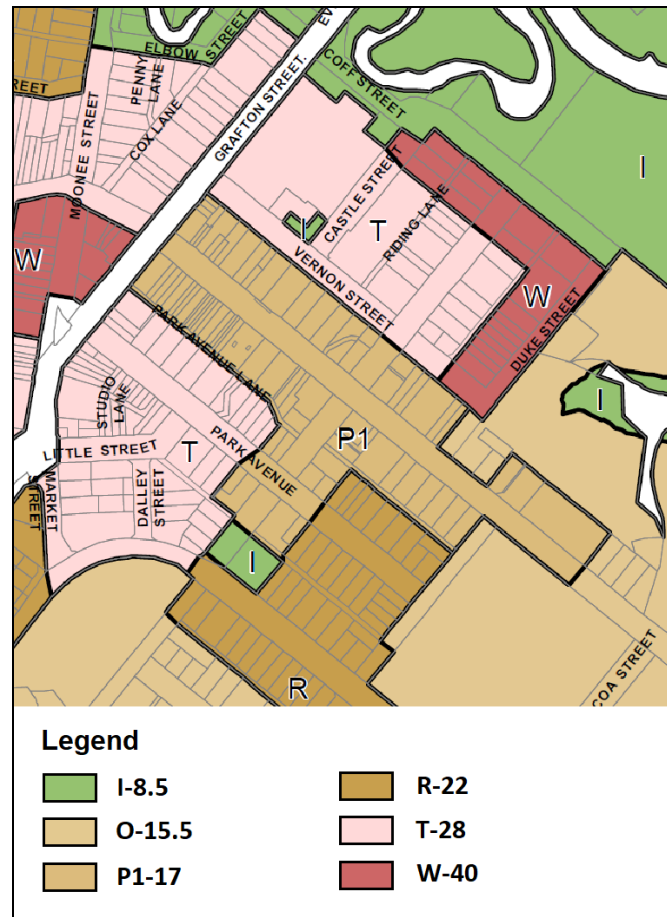


Figure 4 – Existing HOB Mapping

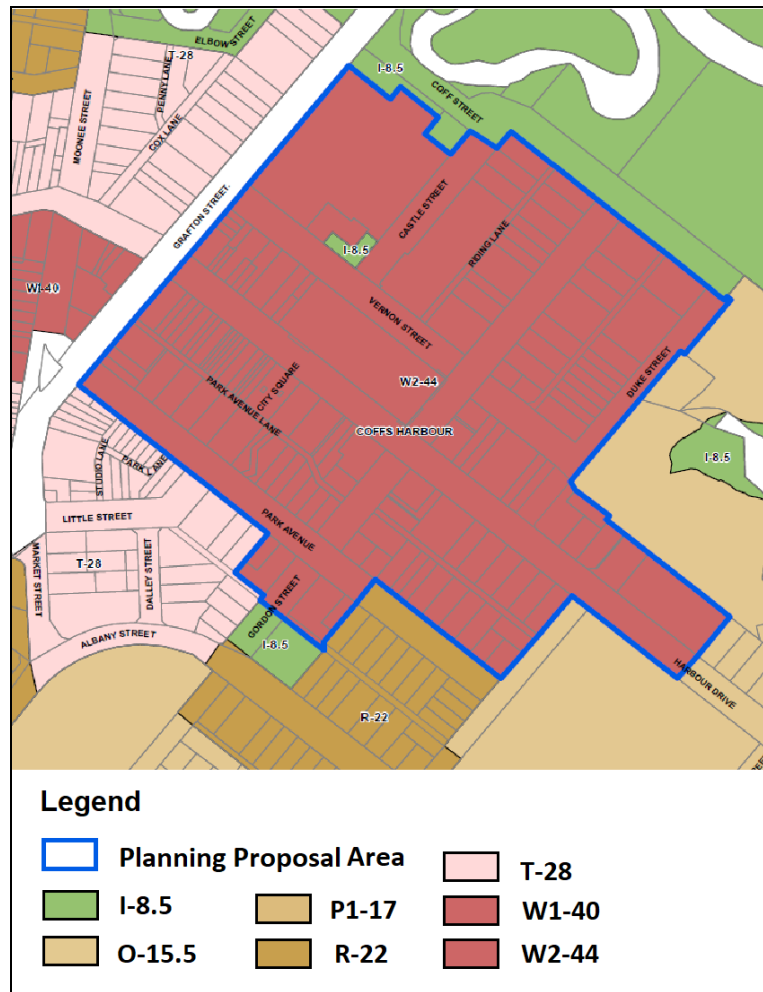


Figure 5 – Proposed HOB Mapping

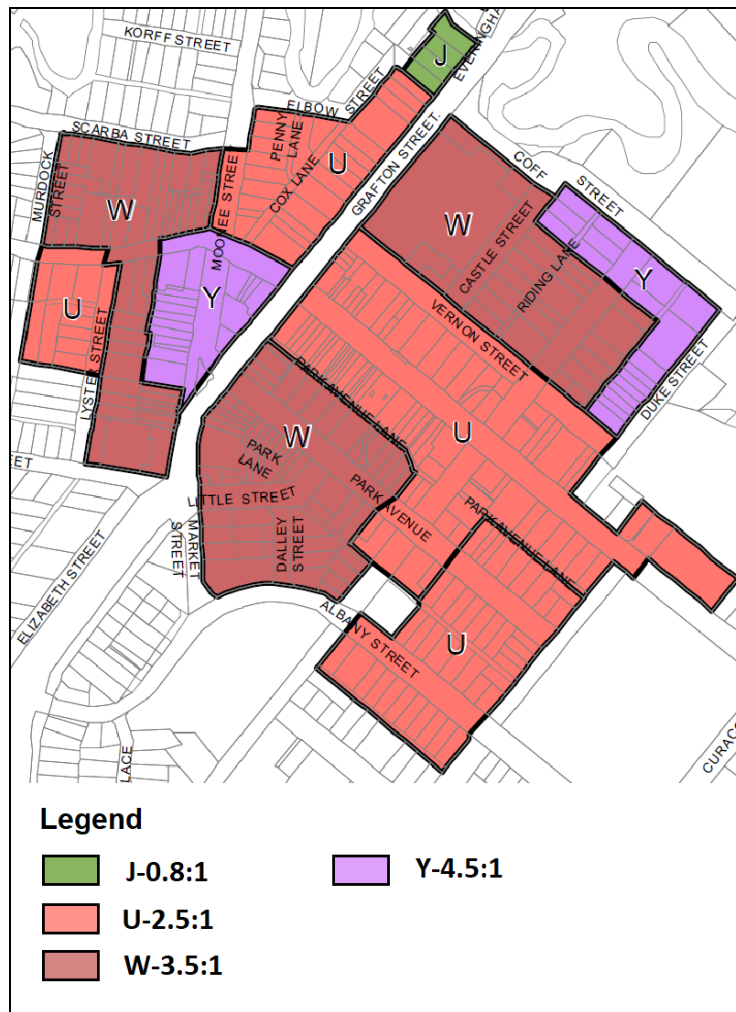


Figure 6 – Existing FSR Mapping

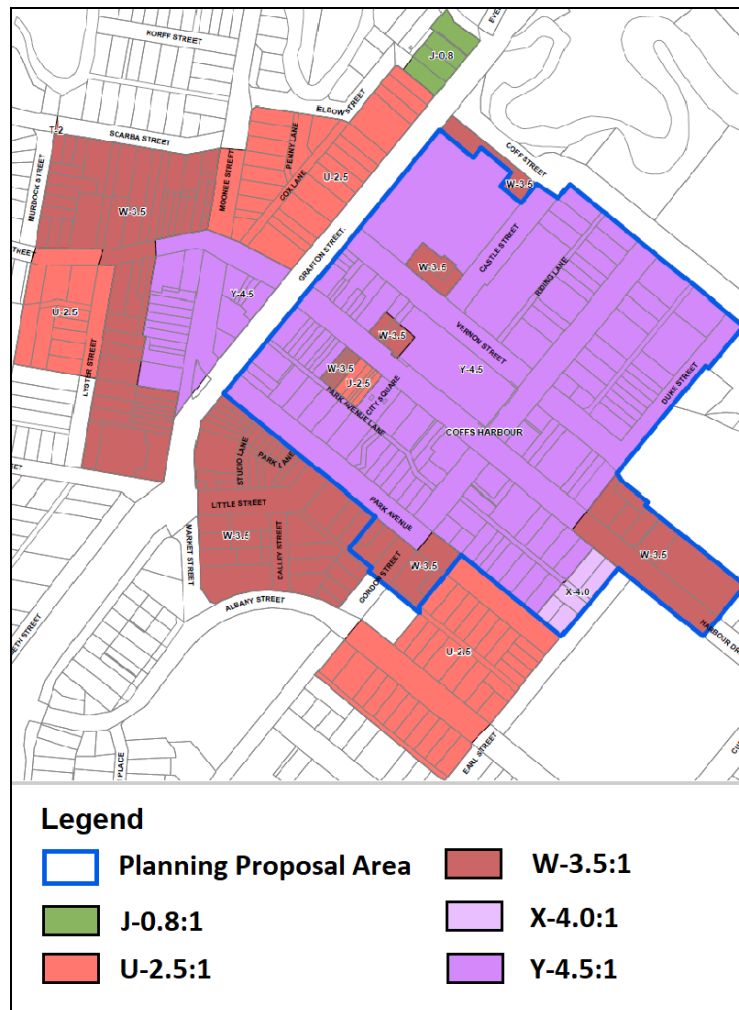


Figure 7 - Proposed FSR Mapping



Figure 8 – Proposed Solar Access Protection (SAP) Map

PART 5 – COMMUNITY CONSULTATION

This Planning Proposal has been initiated by a Council resolution and a subsequent urban design analysis. The revised Planning Proposal accords with the Coffs Harbour Local Growth Management Strategy.

Public exhibition of the initial planning proposal attracted four public submissions. All submissions support the intent of the Planning Proposal, while two submissions request that Council consider:

1. Expanding the area affected by the planning proposal to include the entire CBD; and
2. Expanding the area affected by the planning proposal to include land located immediately to the north of the existing planning proposal area.

A discussion on this matter is provided on page 7 of this Planning Proposal. The Planning Proposal has been revised to address the issues raised by public submissions made during the exhibition process.

Council has also received responses from the following government agencies:

- NSW Office of Environment and Heritage, who did not object to the Planning Proposal and provided no specific comment.
- NSW Roads and Maritime Services did not raise any objection to the Planning Proposal, although the Agency recommends that Council undertake a strategic evaluation of the likely increase in transport demands that could be generated as a result of the Planning Proposal.
- NSW Rural Fire Service, who did not object to the Planning Proposal and provided no specific comment.

Council is currently updating its Local Growth Management Strategy and is also preparing a transport and movement strategy for Coffs Harbour. The increase in densities within the City Centre that could result from the amended planning controls is being taken into consideration as part of the development of such strategies to ensure that the transport network is able to cater for the projected growth; and to ensure that appropriate infrastructure is in place to service future development.

Consultation on the revised Planning Proposal will be undertaken in accordance with the altered Gateway Determination.

PART 6 – INDICATIVE TIMETABLE

Table 3 outlines the indicative timeframe for this Planning Proposal.

Table 3: Indicative timetable

Task	Estimated timeframe
Alteration to Gateway determination	June 2019
Public re-exhibition of Planning Proposal for not less than 28 days	June - July 2019
Agency consultation	June - July 2019
Review submissions	July - August 2019
Report to Council	August 2019
Submission to Planning Minister under delegation	September 2019

SUMMARY AND CONCLUSIONS

This Planning Proposal has been initiated by Council resolution.

At its ordinary meeting of 9 February 2017, Coffs Harbour City Council resolved to “commence urgently a review of the building heights in the CBD of Coffs Harbour (as defined in the CBD Masterplan) with a view to seeking an amendment to the LEP based on the findings”.

In response to this resolution, Council undertook a review that examined height restrictions in the Coffs Harbour CBD within a wider strategic framework. This Review utilized built form 3D modeling to better understand urban design principles as they apply in the Coffs Harbour CBD. Detailed community consultation was undertaken as part of this Review. Public consultation on the initial Planning Proposal was undertaken which has resulted in the inclusion of additional land within a revised Planning Proposal.

The revised Planning Proposal is consistent with Council’s MyCoffs Community Strategic Plan, the North Coast Regional Plan 2036 and is consistent with relevant SEPPs and Section 9.1 Planning Directions other than Direction 4.3 Flood Prone Land, Direction 4.4 Planning for Bushfire Protection and Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast. Such inconsistencies are justifiable pending consultation with the NSW Office of Environment and Heritage, NSW Rural Fire Service and NSW Roads and Maritime Services. It is noted that the Department has supported the inconsistency with Direction 4.1 Acid Sulphate Soils, as indicated in the initial Gateway Determination issued on the 14 November 2019.

It is considered that there is sufficient information to support the revised Planning Proposal.

Appendix A – Coffs Harbour CBD - Review of Height and Built Form Controls

Appendix B – Coffs Harbour CBD Built Form Study – Testing of LEP Controls
