

Planning Services

Gateway Determination Report

LGA	Coffs Harbour
RPA	Coffs Harbour City Council
NAME	North Boambee Valley (West) Residential Investigation Area (94 hectares of proposed residential land, approximately 820 dwellings)
NUMBER	PP_2017_COFFS_003_00
LEP TO BE AMENDED	Coffs Harbour LEP 2013
ADDRESS	The proposal applies to the North Boambee Valley (West) Residential Investigation Area
DESCRIPTION	The planning proposal applies to numerous land parcels within the North Boambee Valley (West) Residential Investigation Area.
RECEIVED	6 September 2017
FILE NO.	15/03372
QA NUMBER	qA418941
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to rezone approximately 94 hectares of land at North Boambee Valley from RU2 Rural Landscape, RE2 Private Recreation and E2 Environmental Conservation to R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management to enable residential development on the subject land.

The proposal will also:

- amend the Lot Size Map, to apply a 400m² minimum lot size (MLS) to the land proposed to be zoned R2;
- make changes to the Terrestrial Biodiversity, Drinking Water, Riparian Lands and Watercourses Map to identify appropriate land to which the provisions of clauses 7.4 Terrestrial Biodiversity and 7.6 Riparian Land and Watercourses will apply; and
- amend the Land Reservation Acquisition Map to identify the land proposed to be zoned RE1 as 'Local Open Space'

Site Description

The planning proposal applies to approximately 140 hectares of land within the North Boambee Valley (West) Residential Investigation Area. The subject land (outlined in red) and the current zoning is shown in the following Figure 1.

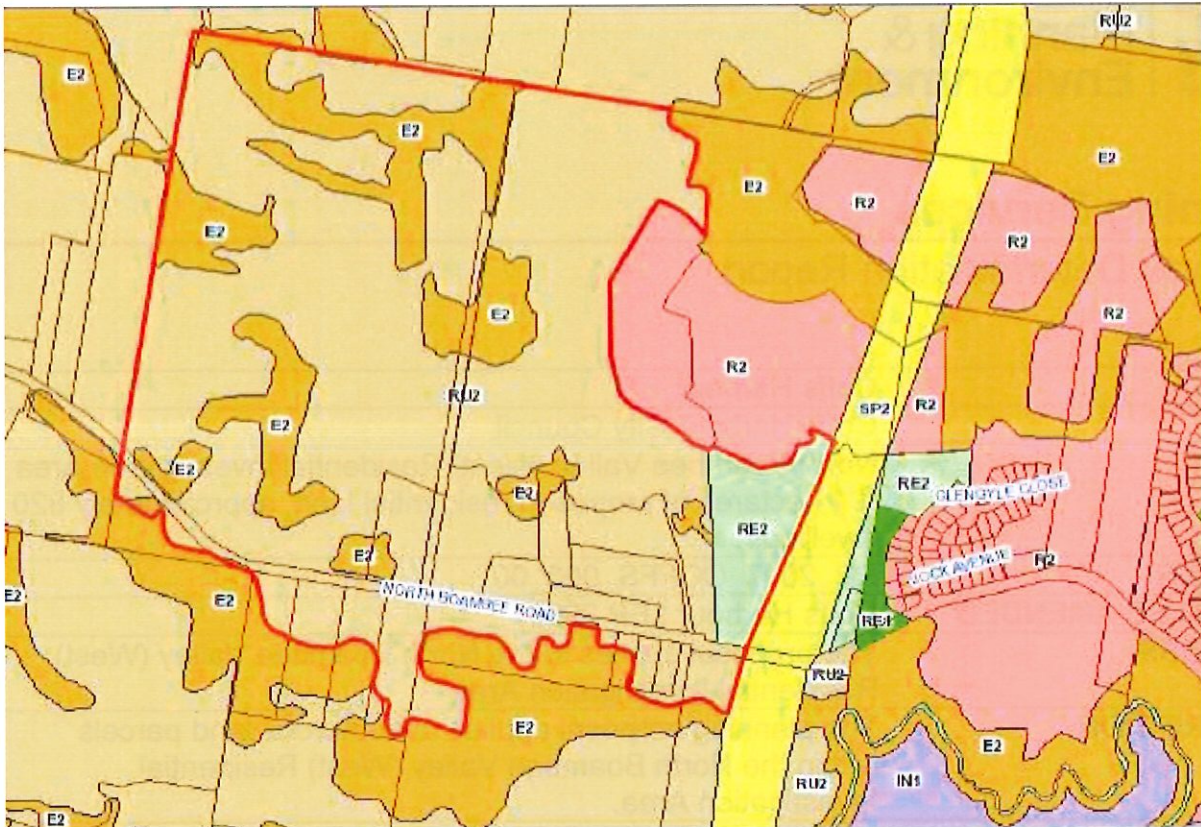


Figure 1 – Locality map and current zones.

Surrounding Area

As shown in Figure 1, the surrounding land to the north, west and south is rural land zoned either rural or environmental protection. Land to the east is currently zoned residential, though is undeveloped at this stage, and the subject land is located immediately west of the proposed route for the Coffs Harbour Pacific Highway bypass.

Summary of Recommendation

It is recommended that the planning proposal proceed with conditions for the following reasons:

1. the proposal will rezone approximately 94 hectares of land in an identified urban release area to facilitate future low density residential development (approximately 820 new dwellings) contributing to the future housing needs for the Coffs Harbour local government area;
2. the proposal has reassessed the planning controls for land with environmental significance and applies zones which more accurately reflect the vegetation attributes of the land; and
3. the proposal is broadly consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

PROPOSAL

Objectives or Intended Outcomes

The intended outcomes of the planning proposal are to:

1. enable the development of the subject land for low density residential purposes;
2. identify land for future public open space; and
3. introduce an E3 zone to be applied to compensatory habitat located to ensure interconnection between areas of E2 zoned land.

Explanation of Provisions

The planning proposal will:

- amend the zoning map to rezone the subject land from RU2 Rural Landscape, RE2 Private Recreation and E2 Environmental Conservation to R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management;
- amend the Lot Size Map to apply a 400m² minimum lot size (MLS) to the land proposed to be zoned R2;
- make changes to the Terrestrial Biodiversity, Drinking Water, Riparian Lands and Watercourses Map to identify appropriate land to which the provisions of clauses 7.4 Terrestrial Biodiversity and 7.6 Riparian Land and Watercourses will apply;
- amend the Land Reservation Acquisition Map to identify the land proposed to be zoned RE1 as 'Local Open Space' so as to enable its acquisition by Council in accordance with clause 5.1 of the LEP; and
- introduce an E3 Environmental Management zone to the Coffs Harbour LEP 2013 and make subsequent changes to some of the provisions in the LEP as necessary.

Mapping

The planning proposal contains maps which adequately show the subject land and the existing and proposed zones. While the proposal includes maps which also show the proposed changes to the Lot Size Map and the Terrestrial Biodiversity map it does not contain maps which show the current planning controls. It is recommended that a condition be placed on the Gateway determination requiring the planning proposal include maps which show the current planning controls.

NEED FOR THE PLANNING PROPOSAL

The proposal implements the planning undertaken in the Coffs Harbour Our Living City Settlement Strategy, the North Boambee Valley (West) Structure Plan and the North Coast Regional Plan 2036. Land in the North Boambee Valley has been identified for both residential and employment generating land uses in these strategic planning documents. The proposal has investigated the land and its constraints and now seeks to apply a residential zone to suitable land.

Council engaged Geoff Smyth Consulting and deGroot and Benson Pty Ltd to prepare a report which supports the planning proposal. This report further investigates the constraints of land within the broader North Boambee Valley (West) Investigation Area. In response to these investigations the proposal seeks to rezone:

- 94ha of land from RU2 Rural Landscape and E2 Environmental Conservation to R2 Low Density Residential to facilitate the development of approximately 820 dwellings;
- 2.26ha of land from RU2 and RE2 Private Recreation to RE1 Public Recreation; and
- rationalise the environmental zoning of the land by applying E2 Environmental Conservation (16 hectares) and E3 Environmental Management (18 hectares) zones to land containing high ecological value vegetation.

The proposal to rezone the land is the most appropriate means of achieving the intent of the planning proposal.

Use of E3 zone

The proposal intends to introduce an E3 Environmental Management zone into the Coffs Harbour LEP 2013. The land use table for the proposed E3 zone is included in Appendix J of the planning proposal.

The objectives of the proposed E3 zone and the permitted and prohibited land uses are consistent with the Standard Instrument LEP template.

The land to which E3 will be applied constitutes land which is not suited to residential development due to inundation in a 1%AEP flood event, is located in riparian corridors and has habitat linkage benefits. The original planning proposal, which has been discontinued, had intended to zone this land E2 in the absence of an E3 zone. Since Council has proposed the introduction of an E3 zone to the Coffs Harbour LEP 2013, the proposed E3 zone is considered to be a more appropriate zone for this land.

The E3 zone has also been applied to land to compensate for the rezoning of existing areas of E2 zoned land to residential. Council has ground truthed its vegetation mapping and reassessed the necessary environmental planning controls. Some of the E2 zoned land in the subject investigation area is small in size and isolated from other vegetation. Council has recognised that the ecological value of these parcels is limited and will be further compromised by future surrounding residential development. Council has therefore proposed to rezone the small isolated areas of E2 zoned land to R2 Low Density Residential and proposes to apply an E3 zone to other areas of the land as an offset to the loss of the E2 zoned vegetation.

The proposed E3 zone allows a range of land uses with consent including dwelling houses, camping grounds, community facilities, and eco-tourist facilities. Extensive agriculture is also permitted without consent.

Council's methodology for applying the proposed E3 zone is consistent with Practice Note PN11-002 *Preparing LEPs using the Standard Instrument: standard zones*, for applying E zones which notes for the E3 zone that:

A limited range of development including 'dwelling houses' could be permitted. This zone might also be suitable as a transition between areas of high conservation value and other more intensive land uses such as rural or residential.

The proposal is also consistent with Practice Note PN 09-002 Environment Protection Zones which identifies that an E3 zone may be used as a transition between high conservation value land such as E2 zoned land and other land such as residential.

It is considered that Council's use of the proposed E3 zone is appropriate.

Terrestrial Ecology, Watercourses and Riparian Lands Map

The planning proposal will also amend the Terrestrial Ecology, Watercourses and Riparian Lands map (TEWRL) to reflect the revised E zones. The TEWRL map identifies land to which clauses 7.4 Terrestrial Biodiversity and 7.6 Riparian Land and Watercourses of the Coffs Harbour LEP 2013 apply. These clauses establish heads of consideration which must be addressed when a development application is lodged on land mapped on the TEWRL map. It is appropriate that the TEWRL map be revised in light of the proposed changes to the E zones following the revision of the vegetation mapping in the North Boambee Valley (West) investigation area.

R3 Medium Density Residential Zoned Land.

The original planning proposal which has been discontinued proposed an area of R3 Medium Density Residential zoned land along North Boambee Road. The current planning proposal does not propose an area of R3 zoned land. Council determined that the services to cater for medium density development in the area are insufficient due to the distance

from the Coffs Harbour CBD and the fact that medium density residential development would not be in keeping with the remainder of the residential precinct.

The North Boambee Valley Structure Plan identified the land that was to be zoned R3 as a village centre including a neighbourhood shopping centre of approximately 4000m² in total area. This centre is intended to primarily provide for the daily convenience needs of local residents including those residing in North Boambee Valley (east). It is expected to consist of a small convenience store of approximately 500 m² - 1000 m² and a combined 1,500 m² of other retail based small scale tenancies such as café, post office, takeaway food premises, detached bottle shop, newsagency or the like.

The Structure Plan also identifies the need for community facilities including a community hall, childcare centre and accommodation for seniors living or aged care services. This will enhance their local service capability and diversify local employment and business opportunities. For convenience and accessibility, these facilities should be located in close proximity to the proposed neighbourhood centre and the sporting field.

The above land uses which would comprise a neighbourhood centre (centre based child care facilities; community facilities; health consulting rooms; kiosks; neighbourhood shops; and shop top housing) are all currently permissible with consent in the R2 zone. Similarly, higher density residential development such as attached dwellings, dual occupancies and semi-attached dwellings are also permitted with consent in the R2 zone and would enable a higher residential density.

The only benefit of an R3 zone would be to permit a higher density of residential development. It would not enable additional land uses characteristic of a neighbourhood centre and would actually prohibit health consulting rooms which are considered to be a valid land use in a small neighbourhood centre.

It is considered that the omission of the R3 zoning in the North Boambee Valley (West) residential investigation area is acceptable in the circumstances.

Land Reservation Acquisition

The proposal seeks to rezone approximately 2.6ha of land to RE1 Public Recreation. The land is currently vacant rural land and is identified for future open space in Council's open space strategy. The land is located adjacent to the Coffs Harbour Pacific Highway Bypass corridor and is part of a larger lot which contains a large area of proposed R2 zoned land. It is Council's intention that the proposed RE1 zoned land will be dedicated to Council when the R2 zoned land is developed. The proposal seeks to map the subject land on the Land Reservation Acquisition map to identify the proposed RE1 zoned land for acquisition by Council pursuant to clause 5.1 of the Coffs Harbour LEP 2013.

It is considered that the identification of the land for public recreation purposes is appropriate since the land is identified in Council's open space strategy, is not suitable for residential development due to flood affectation, and the remainder of the land parcel contains land which will be rezoned to residential providing the land owner with an uplift in zoning for their land.

STRATEGIC ASSESSMENT

State

The proposal is consistent with the NSW State Plan. The land has been identified in the strategic planning framework as suitable for future urban purposes. The proposal will

enable the development of approximately 94 hectares of land for residential purposes with an estimated yield of 820 new dwellings.

Regional / District

The North Coast Regional Plan 2036 (NCRP) is the relevant regional planning document for the proposal. The subject land is located within the urban growth area boundaries and is mapped as an urban land investigation area. The proposal addresses the relevant directions of the NCRP. The proposal is considered to be consistent with the actions of the NCRP.

Local

Coffs Harbour Our Living City Settlement Strategy (the 'Settlement Strategy')

The proposal is generally consistent with the Settlement Strategy. The Settlement Strategy identifies all the subject land as a special investigation area for the purposes of future urban development. The area of proposed residential zoned land in the planning proposal is a slightly reduced area to that identified as 'proposed residential' in the Settlement Strategy as it reflects the higher level of investigation of land constraints undertaken to inform the planning proposal.

North Boambee Valley (West) Structure Plan

The proposal is generally consistent with the North Boambee Valley (West) Structure Plan. The Structure Plan identifies a neighbourhood centre along North Boambee Road which, as discussed previously in this report can be facilitated through the proposed R2 zone.

Section 117(2) Ministerial Directions

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.4 Commercial and Retail Development along the Pacific Highway North Coast, 5.10 Implementation of Regional Plans, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 1.2, 1.3, 2.1, 3.1, 4.1, 4.3, 4.4 and 6.2.

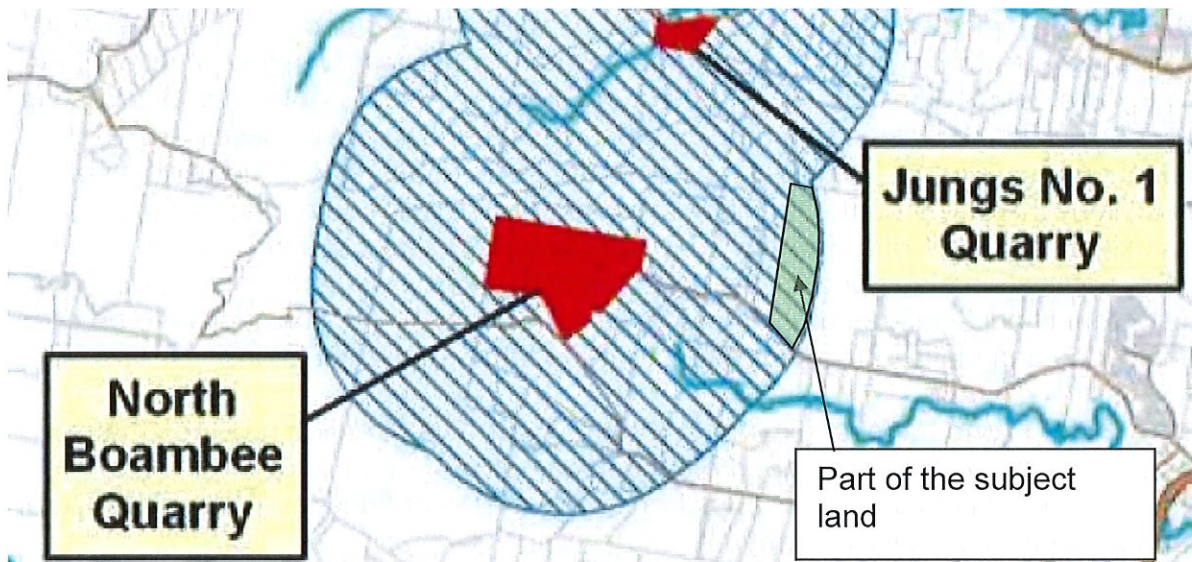
Direction 1.2 Rural Zones is relevant to the proposal. The direction provides that a planning proposal must not rezone land from a rural to a residential or industrial zone. The planning proposal seeks to rezone areas of the subject land from RU2 Rural Landscape to R2 Low Density Residential. The direction provides that the planning proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or study or is of minor significance.

The land to be zoned R2 is identified for future urban or employment lands in the NCRP. It is considered that the inconsistency of the proposal with the direction is justified by a regional strategy and therefore has been justified in accordance with the terms of the direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries is relevant to the planning proposal. The direction provides that a planning proposal should not restrict the

potential development of State or regionally significant extractive materials by permitting a land use that may be incompatible.

The western most part of the proposed R2 zone is located within the transition area of the North Boambee Quarry which is identified as a regionally significant resource.



The direction provides that Council shall consult with the State agency responsible for mineral resources being NSW Division of Resources and Geoscience. It is considered that until this consultation has occurred, the potential inconsistency of the proposal with the direction remains unresolved.

Direction 2.1 Environmental Protection Zones is relevant to the planning proposal. The direction provides that a planning proposal must not reduce the environmental protection standards that apply to land. The proposal seeks to rezone some land from E2 Environmental Conservation to R2 Low Density Residential.

The direction provides that the proposal may be inconsistent with the direction if it is justified in accordance with a strategy or is of minor significance. The subject land is identified for future urban purposes in the NCRP and Council's Settlement Strategy. The land to be rezoned from E2 to R2 is small in area and isolated from other more significant areas of vegetation and therefore has less ecological benefit and would be further compromised by being surrounded by future residential development. Council also intends to rezone some riparian areas which have habitat connectivity value, are flood prone and therefore not suited to residential development, to E3 Environmental Management to offset the loss of the E2 zoned land. This approach is considered to be appropriate and it is considered that the inconsistency of the proposal with the direction is of minor significance and justified in accordance with the terms of the direction.

Direction 3.1 Residential Zones is relevant to the proposal. The Direction provides that a planning proposal must reduce the consumption of land on the urban fringe. The proposal seeks to rezone approximately 94ha of land from rural to low density residential.

The direction provides that a proposal may be inconsistent with this direction if it is justified by a strategy. The land to be zoned residential is identified for future urban purposes in the NCRP and in Council's Settlement Strategy. It is therefore considered that the inconsistency of the proposal with the direction has been justified in accordance with the terms of the direction.

Direction 4.1 Acid Sulfate Soils is relevant to the proposal. The Direction provides that a planning proposal must not propose intensification of land uses on land identified as having a probability of containing acid sulfate soils unless an acid sulfate soil study has been prepared.

Investigations have indicated that the subject land contains class 4 and 5 acid sulfate soils. The direction provides that a planning proposal may be inconsistent with the direction if the inconsistency is of minor significance. The rezoning is expected to enable an intensification of land uses however the class 4 and 5 acid sulfate soils are lower risk classes and only pose a risk of exposure to acid soils during significant excavations that will lower the water table. It is unlikely that the proposed residential development will require such works. Provisions exist within the Coffs Harbour LEP 2013 to address acid sulfate soils at development application stage should a proposal include extensive works in the area containing potential acid sulfate soils. Therefore, the inconsistency is considered to be of minor significance and justified in accordance with the terms of the direction.

Direction 4.3 Flood Prone Land is relevant to the proposal. The direction provides that a draft plan must not rezone land in a flood planning area from rural to residential. The proposal seeks to rezone land that is subject to the 1 in 100 year flood level from RU2 Rural Landscape to R2 Low Density Residential.

The direction states that the proposal may be inconsistent with the direction if the proposal is consistent with a floodplain management plan or the inconsistencies are of minor significance.

A flood study has been undertaken to support the planning proposal. The study found that some areas of the subject land which are proposed to be zoned R2 are flood prone. The study considered the extent of inundation for a 1:100 year event and a 1:500 year event. It was found that there was not a significant difference in flood affectation between the two events and though inundation of the land in a flood event is wide spread the depth of inundation is generally less than half a metre. The study investigated the need to fill some of the land to above the 1:100 year flood level as well as the construction of detention basins and constructed flood ways to enable the land to be rezoned R2 to be developed for residential purposes. The study suggests it is viable to mitigate the flood impacts on the subject land using fill, detention basins and constructed flood ways, and such works will also negate any adverse impact on flood behaviour downstream.

Council adopted the Boambee Newports Creek Flood Risk Management Study in June 2016. This study included recommendations for flood mitigation measures including a detention basin and filling of some flood prone land to enable residential development in the North Boambee Valley (West) residential investigation area. This flood mitigation strategy for the future development of the land is consistent with the intent of the Floodplain Development Manual and therefore it is considered that the inconsistency of the proposal with the direction has been justified in accordance with the terms of the direction.

The use of the 1:500 year event is not contrary to the direction as this level will not be used to apply flood planning controls in the LEP. The LEP does not contain a flood planning area map. The 1:500 year event has been used to factor in a degree of safety to the proposed flood mitigation measures for the purposes of assessing their economic appropriateness.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. Areas of the subject land are identified as being bush fire prone. The direction provides that the RPA

must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before community consultation, and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.10 Implementation of Regional Plans is relevant to the proposal. The direction provides that a planning proposal must be consistent with the regional plan. As previously discussed in this report, the proposal is considered to be consistent with the North Coast Regional Plan 2036.

Direction 6.2 Reserving Land for Public Purposes is relevant to the planning proposal. The direction provides that a planning proposal shall not create zones or reservations of land for public purposes without the approval of the relevant public authority and the Secretary.

The proposal seeks to rezone approximately 2.6ha of land to RE1 Public Recreation. The land is currently vacant rural land and is identified for future open space in Council's open space strategy. The land is located adjacent to the Coffs Harbour Pacific Highway Bypass corridor and is part of a larger lot which contains a large area of proposed R2 zoned land. It is Council's intention that the proposed RE1 zoned land will be dedicated to Council when the R2 zoned land is developed. The Council's agreement to the rezoning is implicit with the planning proposal which also proposes amendment to the Land Reservation Acquisition map to identify the proposed RE1 zoned land for acquisition by Council. The Secretary's agreement to the rezoning has not been sought.

The direction provides that a proposal may be inconsistent with the direction if the inconsistency is of minor significance. It is considered that the inconsistency of the proposal due to the absence of the Secretary's agreement is of minor significance since the land proposed to be zoned RE1 is identified in Council's open space strategy, is not suitable for residential development due to flood affectation and will be acquired by the Council, and the remainder of the land parcel contains land which will be rezoned to residential providing the land owner with an uplift in zoning for their land. It is therefore considered that the inconsistency is justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

State Environmental Planning Policies

The proposal lists the State environmental planning policies (SEPPs) applicable to the land. Many SEPPs apply to the subject land and in most cases the proposal is not inconsistent with these SEPPS.

SEPP 55 Remediation of Land

Clause 6 of SEPP 55 requires that contamination and remediation be considered in a rezoning proposal. The potential for contamination from previous agricultural activities was considered. A preliminary investigation was conducted which included soil testing of 32 properties where contamination from previous agricultural activities was expected. Some of the sites revealed levels of arsenic above the accepted soil investigation levels.

The report concludes that while contamination is likely to exist on some of the land proposed for residential development such contamination can usually be remediated, and the matter should be further addressed at development application stage. This approach is considered to be acceptable and consistent with the requirements of the SEPP.

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RLSEPP) establishes Rural Planning Principles to guide development on rural land. It is considered the proposal is consistent with the Rural Planning Principles as it zones land to residential in a manner consistent with the North Coast Regional Plan 2036. The proposal protects land with high conservation value vegetation by applying an E2 zone to this land. None of the subject land is mapped as regionally significant farmland by the Mid North Coast Farmland Mapping Project.

SITE SPECIFIC ASSESSMENT

Social

The proposal is expected to have positive social impacts through the provision of additional housing in a strategically planned release area. The proposal will provide an area of public open space to service the future residential land. The land uses permitted in the R2 zone will enable the development of a neighbourhood centre in the vicinity of the recreation land as envisaged by the North Boambee Valley Structure Plan.

The Coffs Harbour and District Local Aboriginal Land Council has previously undertaken a review of the Indigenous cultural heritage of the North Boambee Valley (West) Residential Investigation area and advised it has no objection to the subject land being rezoned to permit residential development.

There are no matters of European heritage significance within the investigation area.

Some of the proposed residential zoned land in the east of the investigation area, which is immediately located to the west of the proposed Pacific Highway Coffs Harbour Bypass route is predicted to be subject to road traffic noise when the bypass is completed. In the northeast of the investigation area the land that will be subject to road traffic noise is separated from the proposed highway route by land which is already zoned residential while in the south east of the investigation area the land is already predominantly developed for rural residential purposes. The noise investigation report notes that noise mitigation construction will be required for some residential buildings in this location. It is considered that road traffic noise impacts and required mitigation measures can be further considered at development application stage, and when the bypass is constructed. Consultation with the NSW Roads and Maritime Services is recommended.

Environmental

A Flora, Fauna and Biodiversity study was prepared to support the planning proposal. The study found that all native vegetation within the study area contains high ecological value and forested areas contain primary and secondary koala habitat as well as providing a range of resources for other known threatened plant and animal species.

The majority of this existing habitat is currently zoned E2 Environmental Conservation in the Coffs Harbour LEP 2013. Council has identified some areas of E2 land which are small in area and isolated from other more significant areas of vegetation and therefore have minor ecological benefit and would be further compromised by being surrounded by future residential development. These small areas of E2 zoned land will be rezoned R2. Council has also identified riparian corridors that provide connectivity between established vegetation in existing E2 zones and intends to rezone these areas E3 Environmental Management to offset the loss of the E2 zoned land. This approach is considered to be appropriate.

The proposal is not expected to have adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

Economic

The proposal is expected to have a positive economic impact through the release of land for residential development. The R2 zone enables a wide range of land uses that would facilitate the establishment of a neighbourhood centre consistent with the structure planning for the land which will help to develop commercial and community support services in close proximity to the new residential release area.

Council has also concurrently developed a contributions plan to address funding of the necessary flood mitigation detention basin.

Infrastructure

The planning proposal notes that Council has water and sewerage servicing strategies for the North Boambee Valley area. These strategies indicate that the relevant infrastructure can accommodate a population almost twice as large as that expected to be generated by the proposed residential release area.

Road infrastructure will need to be upgraded and Council has developed a DCP chapter to detail the necessary improvements and has also developed a developer contributions plan to address funding of the necessary works.

CONSULTATION

Community

The planning proposal does not nominate a community consultation period. The planning proposal refers to the community consultation undertaken for the North Boambee Valley West Structure Plan.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is not a low impact planning proposal as it is not consistent with the pattern of surrounding land use zones since it is a new release area and presents minor inconsistencies with the strategic planning framework. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore recommended that a community consultation period of 28 days is appropriate and affected and adjoining properties should be notified in writing.

Agencies

Council previously consulted with several State agencies for the original planning proposal which has now been discontinued. Some of the comments made by the agencies at that time have been incorporated into this new planning proposal. As this proposal is a new planning proposal it is recommended that consultation with the following State agencies and organisations be undertaken:

1. NSW Office of Environment and Heritage;
2. NSW Rural Fire Service;
3. NSW Roads and Maritime Services;
4. NSW Department of Primary Industries – Agriculture;
5. NSW Division of Resources and Geoscience; and
6. The Coffs Harbour and District Local Aboriginal Land Council.

TIMEFRAME

The planning proposal includes a project timeline which estimates the completion of the planning proposal in February 2018. To ensure the RPA has adequate time to complete the exhibition, reporting, preparation of maps and legal drafting, it is recommended that a time frame of 12 months is appropriate.

DELEGATION

The RPA has not requested an Authorisation to exercise delegation for this proposal. An *Evaluation Criteria For the Delegation of Plan Making Functions* has been provided. The proposal is however considered to be of local planning significance since it applies to land identified for future residential purposes in Council's Our Living City Settlement Strategy and the North Coast Regional Plan 2036. Inconsistencies with the strategic planning framework are considered to be of minor significance. It is recommended that an Authorisation for the exercise of delegation be issued to the RPA in this instance.

CONCLUSION

It is recommended that the planning proposal be supported for the following reasons:

1. The proposal will rezone approximately 94 hectares of land in an identified urban release area to facilitate future low density residential development (approximately 820 new dwellings) contributing to the future housing needs for the Coffs Harbour local government area;
2. The proposal has reassessed the planning controls for land with environmental significance and applies zones which more accurately reflect the vegetation attributes of the land; and
3. The proposal is broadly consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that the inconsistencies with Section 117 Directions 1.2 Rural Zones, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the directions; and
2. Note that the consistency with Section 117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.4 Planning for Bushfire Protection are unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to Community Consultation the planning proposal is to be amended as follows:
 - (a) include maps which show the current planning controls as well as the proposed planning controls;
 - (b) include a Land Use Matrix showing all land uses which are permitted or prohibited in the proposed E3 zone;
 - (c) any reference to 'revised planning proposal' is to be removed as this planning proposal is a new planning proposal given that planning proposal PP_2015_COFFS_002_00 has been discontinued;
 - (d) section 117 Direction 5.1 Implementation of Regional Strategies no longer applies to the proposal and discussion on this direction is to be removed from

- the planning proposal and discussion on Direction 5.10 Implementation of Regional Plans is to be included; and
- (e) discussion on section 117 Direction 1.1 Business and Industrial Zones is to be removed from the planning proposal as no business or industrial zones are proposed; and,
- (f) amend Appendix J to include a reference to the E3 Environmental Management Zone in clause 4.1AA.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
- NSW Office of Environment and Heritage;
 - NSW Rural Fire Service;
 - NSW Roads and Maritime Services;
 - NSW Department of Primary Industries – Agriculture;
 - NSW Division of Resources and Geoscience; and
 - The Coffs Harbour and District Local Aboriginal Land Council.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.

T Prentice 21/9/17.
Tamara Prentice
Team Leader, Northern Region

 *25-9-2017*
Jeremy Gray
Director Regions, Northern
Planning Services

Contact Officer: Paul Garnett
Senior Planner, Northern Region
Phone: 6641 6607

