

FOR ACTION

COUNCIL MEETING

11/06/2020

TO: Planner/Urban Designer (Pfister, Jackson)

Item Number: SC20/28
Subject: Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (Including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) - Pre-Exhibition
Target Date: 18/06/2020

Notes:

Resolution Number: 2020/126

RESOLVED (Cr Paul Amos / Cr John Arkan)

That Council:

1. Endorse and forward a planning proposal (Attachment 1) for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) to NSW Department of Planning, Industry and Environment for determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979 with the removal of Item No. 3 Amendment to LEP 2013 Floor Space Ratio Map (FSR_005).
2. Request that the Secretary of NSW Department of Planning, Industry and Environment issue written authorisation to Council to exercise delegation of the plan making functions pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979 for Coffs Harbour Local Environmental Plan 2013 -Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas).
3. Resolve to publicly exhibit for a period of 40 days a planning proposal for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) following determination by NSW Department of Planning, Industry and Environment pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.
4. Note that a further report will be brought back to Council for consideration following public exhibition of a planning proposal for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas).
5. Consider a further report on amendments to the Floor Space Ratio controls to support the intent of the Woolgoolga Town Centre Master Plan.

The Motion on being put to the meeting was carried unanimously.

CARRIED

SC20/28 COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HOUSEKEEPING AMENDMENT NO. 3 (INCLUDING WOOLGOOLGA TOWN CENTRE MASTER PLAN AND LOCAL GROWTH MANAGEMENT STRATEGY DESIGN EXCELLENCE FOR INDUSTRIAL AREAS) - PRE-EXHIBITION

Author: Planner/Urban Designer
Authoriser: Director Sustainable Communities
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 SC20/28 Planning Proposal - Coffs Harbour LEP 2013 - Housekeeping No 3 (Including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) - Version 1 Pre-Exhibition

EXECUTIVE SUMMARY

Coffs Harbour Local Environmental Plan (LEP) 2013 came into force on 27 September 2013. Regular housekeeping reviews of this Plan are undertaken in order to ensure that Council's principal LEP remains accurate and relevant. Two housekeeping reviews of Coffs Harbour LEP 2013 have previously been undertaken (8 January 2016 and 9 February 2018).

This report relates to a third housekeeping review of Coffs Harbour LEP 2013. The proposed housekeeping LEP amendment comprises a number of matters relating to the correction of mapping anomalies; the correction of listed heritage items; alignment with the Woolgoolga Town Centre Masterplan which was adopted by Council on 22 February 2018 (amendments to land use zones, building height controls and floor space ratio controls); and alignment with the Coffs Harbour Local Growth Management Strategy relating to design excellence.

The purpose of this report is to seek endorsement from Council to initiate Coffs Harbour LEP 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) (Attachment 1) and to obtain endorsement from NSW Department of Planning, Industry and Environment for the planning proposal to proceed, as well as authorisation for local plan making functions.

RECOMMENDATION:**That Council:**

1. Endorse and forward a planning proposal (Attachment 1) for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) to NSW Department of Planning, Industry and Environment for determination pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
2. Request that the Secretary of NSW Department of Planning, Industry and Environment issue written authorisation to Council to exercise delegation of the plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas).
3. Resolve to publicly exhibit a planning proposal for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) following determination by NSW Department of Planning, Industry and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment*

Act 1979.

4. **Note that a further report will be brought back to Council for consideration following public exhibition of a planning proposal for Coffs Harbour Local Environmental Plan 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas).**

REPORT**Description of Item:**

Coffs Harbour LEP 2013 came into force on 27 September 2013. Regular housekeeping reviews of this Plan are undertaken in order to ensure that Council's principal LEP remains accurate and relevant. Two housekeeping reviews of Coffs Harbour LEP 2013 have previously been undertaken (8 January 2016 and 9 February 2018).

This report relates to a third housekeeping review of Coffs Harbour LEP 2013. The proposed housekeeping LEP amendment comprises a number of matters relating to the correction of mapping anomalies; the correction of listed heritage items; alignment with the Woolgoolga Town Centre Masterplan which was adopted by Council on 22 February 2018 (i.e. land use zones, building height controls and floor space ratio controls); and alignment with the Coffs Harbour Local Growth Management Strategy relating to design excellence.

Coffs Harbour LEP 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) comprises eleven amendments as follows:

1. Amendment to Land Zoning Map (LZN_005F) to align with the recommendations of the Woolgoolga Town Centre Masterplan by rezoning land along the Clarence and Beach Streets Corridor from Zone R3 Medium Density Residential to Zone R1 General Residential.
2. Amendment to Height of Building Map (LZN_005F) to align with the recommendations of the Woolgoolga Town Centre Masterplan.
3. Amendment to Floor Space Ratio Map (FSR_005F) to support the intent of the Woolgoolga Town Centre Masterplan.
4. Amendment to Clause 7.12 Design Excellence to include land within Zone IN1 General Industrial, IN3 Heavy Industrial and IN4 Working Waterfront to accord with the Coffs Harbour Local Growth Management Strategy.
5. Amendment to Clause 7.12 Design Excellence to reference the in-force Coffs Harbour Development Control Plan (DCP) 2015.
6. Amendment to Land Zoning Map (LZN_006C) to reflect the Council Notice – Dedication of Public Reserve in Government Gazette No 28 of 24 February 2017.
7. Amendment to Land Zoning Map (LZN_005C), Lot Size Map (LSZ_005C) and Height of Building Map (HOB_005C) to align with the cadastral boundary of Lot 204 DP 794312 and reflect Zone RE1 Public Recreation.
8. Amendment to Floor Space Ratio Map (FSR_006D) to fix an anomaly for Lot 131 DP 1244927 and reintroduce a floor space ratio control for this land.
9. Amendment to Heritage Map (HER_006D) and Schedule 5 (Environmental Heritage) of Coffs Harbour LEP 2013 to reflect a new property description and land boundaries following a boundary adjustment associated with Item number I14 (Riley's house).
10. Amendment to Heritage Map (HER_004B) and Schedule 5 (Environmental Heritage) of Coffs Harbour LEP 2013 to remove item I35 and associated mapping following development approval to demolish the item.

11. Amendment to Heritage Map (HER_006) and Schedule 5 (Environmental Heritage) of Coffs Harbour LEP 2013 to remove item I4 and associated mapping following the loss of the item due to fire.

The purpose of this report is to seek endorsement from Council to initiate Coffs Harbour LEP 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) (Attachment 1) and to obtain endorsement from NSW Department of Planning, Industry and Environment for the planning proposal to proceed, as well as authorisation for local plan making functions.

Issues:

The proposed amendments to Coffs Harbour LEP 2013 are set out and justified in the planning proposal provided as Attachment 1 to this report. Specific detail in relation to each of the proposed amendment items is discussed in Appendix 1 of that planning proposal.

The proposed amendments are either supported by an adopted policy position of Council (i.e. Woolgoolga Town Centre Masterplan and Coffs Harbour Local Growth Management Strategy) or seek to rectify mapping and/or written anomalies to ensure that Coffs Harbour LEP 2013 is up to date and relevant.

Woolgoolga Town Centre Masterplan

The Woolgoolga Town Centre Masterplan was developed following extensive community consultation and endorsed by Council on 22 February 2018. The Masterplan outlines a vision and framework and sets strategic responses to urban structure, built form, public realm and movement networks for the Woolgoolga Town Centre.

The vision of the Masterplan is *“to grow Woolgoolga in a way that does not affect its unspoilt & unhurried beachside character, but that is proactive in supporting business growth.”* The adopted masterplan contains a recommendation to amend maximum building height controls to retain a relaxed village character with adequate human scale. It provides a balance between retaining a relaxed village character and enabling taller development on four key sites with specific design requirements. The adopted Masterplan also recommends that floor space ratio controls for land within the Woolgoolga Town Centre be reviewed and amended to ensure that the objectives of the Masterplan can be met.

A short term recommendation within the Masterplan is to rezone land along the Clarence and Beach Streets Corridor from R3 Medium Residential to R1 General Residential under Coffs Harbour LEP 2013 to strengthen and facilitate the development of tourism and mixed uses in Woolgoolga. This zone change will reflect the mix of existing uses in this corridor and encourage development of a broader range of medium density residential accommodation types that support growth of the tourism economy (i.e. more short-stay accommodation options) and increase the choice of living options to meet the needs of an ageing population requiring smaller household sizes.

The proposed LEP amendment seeks to implement the recommendations within the Masterplan in relation to maximum building height controls, floor space ratio controls and land use zones. The Masterplan includes a number of other recommendations which relate to amending Coffs Harbour Development Control Plan (DCP) 2015. The DCP amendments will be addressed through a separate process as they are reliant on the preparation of a People Movement and Transport System Strategy for Woolgoolga which is currently being prepared. This staggered approach to implementation of the Woolgoolga Town Centre Masterplan is in recognition of the fiscal and funding challenges of Council.

Design Excellence

Council is currently reviewing and updating its Local Growth Management Strategy. Chapters 1 to 4 of the Local Growth Management Strategy were endorsed by NSW Department of Planning, Industry and Environment on 13 January 2020. The vision of the Local Growth Management Strategy includes encouraging ‘design excellence’ in built form outcomes.

As part of Council's review of its Local Growth Management Strategy, a stakeholder workshop was facilitated with local architects, building designers, developers and other stakeholders. Design excellence was identified during this consultation as lacking within the Coffs Harbour Local Government Area (LGA) and a key priority for improvement.

To support this, Council has reviewed the design excellence provisions within Coffs Harbour LEP 2013 and has identified the need to amend Clause 7.12 Design Excellence so that it applies to land within an industrial zone within the LGA. In this regard, it is recommended that Clause 7.12 Design Excellence of Coffs Harbour LEP 2013 apply to land within Zone IN1 General Industrial, Zone IN3 Heavy Industrial and Zone IN4 Working Waterfront as this clause currently only applies to residential, business and tourist land use zones within the LGA. Note that this recommendation is also consistent with the draft Coffs Harbour Local Growth Management Strategy – Chapter 8 Employment Lands, which is currently on exhibition.

Mapping & Written Anomalies

As part of the third housekeeping review of Coffs Harbour LEP 2013, a number of matters have been identified that require rectification relating to the correction of written and mapping anomalies, including corrections associated with listed heritage items. These matters are specified in detail within Attachment 1.

Options:

Council has a number of options available in relation to this matter. They include:

1. Resolve to adopt the recommendations of this report.
2. Resolve to undertake an alternative approach.
3. Resolve not to adopt the recommendations of this report.

Option 1 is recommended as the suitable course of action.

Sustainability Assessment:

- **Environment**

The Proposed LEP housekeeping amendment aims to ensure that development within the Coffs Harbour LGA continues to be carried out in an environmentally sustainable manner. Regular housekeeping reviews allow for minor adjustments to Council's principal LEP to ensure that it remains up-to-date and accurate.

- **Social**

Although it is difficult to directly measure the success of the social and cultural sustainability principles of Coffs Harbour LEP 2013 thus far, Council is continuing the use of new and innovative measures in its program to improve the well-being of the people in the LGA. The proposed LEP amendments relating to the Woolgoolga Town Centre are supported by extensive community and stakeholder consultation to ensure that the community's vision for the town is captured. A viable town centre will assist in the development of a stronger social fabric and a vibrant community for Woolgoolga.

- **Civic Leadership**

Council has continued to demonstrate civic leadership under Coffs Harbour LEP 2013. In this regard, Council's strategic planning documents ensure transparency and accountability in local government. Their implementation enables Council to identify and respond to community issues and concerns. Accordingly, the LEP amendment process aligns with the following objectives and strategies of Council's MyCoffs Community Strategic Plan: An Active, Safe and Healthy Community (A2.1, A2.2, A2.3, A2.4); A Thriving and Sustainable Local Economy (B1.1,

B1.2); Liveable Neighbourhoods with a Defined Identity (C1.1, C1.2); and Effective Use of Public Resources (D2.1).

- **Economic – Broader Economic Implications**

Regular housekeeping reviews of Coffs Harbour LEP 2013 aim to provide certainty within the development industry, which assists the local economy. The proposed LEP amendments relating to the Woolgoolga Town Centre will assist in attracting investment and harnessing the unique local qualities and competitive advantages of Woolgoolga.

- **Economic - Delivery Program/Operational Plan Implications**

This housekeeping review of Coffs Harbour LEP 2013 is being undertaken internally, therefore the recommendations of this report are unlikely to result in any impacts to Council's Operational Plan or Delivery Program.

Risk Analysis:

The housekeeping review process provides a mechanism to reduce risk to Council and the community. By reviewing and amending Coffs Harbour LEP 2013 regularly to address minor anomalies and account for changes in Council policy, as well as accommodating legislative changes, Council lessens the likelihood of risk in planning related decision making.

Consultation:

The proposed LEP amendments relating to the Woolgoolga Town Centre Masterplan and Coffs Harbour Local Growth Management Strategy are supported by extensive community and stakeholder consultation.

Subject to the requirements of NSW Department of Planning, Industry and Environment, it is expected that the LEP amendment will be publicly exhibited for a minimum of 28 days. Landowner consultation will also be undertaken as detailed within the planning proposal provided as Attachment 1 to this report. A further report will be brought back to Council to present the outcomes of the public exhibition process. Consultation has been, and will continue to be, undertaken in accordance with Council's Community Participation and Engagement Plan 2019, as follows:

LEP Amendment Process	Inform	Consult	Involve	Collaborate
Public Exhibition	x	x		
Agency and Stakeholder Consultation	x	x		
Council Report on Public Consultation	x	x		
Notification	x			

Placescore:

In early 2019, Council undertook extensive community consultation using the Placescore place-making tool. The 2019 Placescore report was presented to Council on 11 April 2019.

The Coffs Harbour LGA received a Placescore of 65, while Woolgoolga received a score of 67 which are both below the NSW average of 72. Top community requests for liveability improvement priorities within the LGA and Woolgoolga include the quality and condition of public and open space (footpaths, verges, parks etc.); protection of the natural environment, access and safety of walking, cycling and/or public transport (signage, paths, lighting etc.); and provision of walking/jogging/bike paths that connect housing to communal amenity (shops, parks etc.). The proposed LEP amendments supports the community's priorities as identified by Placescore.

Related Policy, Precedents and / or Statutory Requirements:

Relevant Council policies and statutory requirements have been considered in the preparation of the proposed LEP amendment, including: *Environmental Planning and Assessment Act 1979*; *Environmental Planning and Assessment Regulation 2000*; North Coast Regional Plan 2036; Coffs Harbour Local Growth Management Strategy 2020; MyCoffs Community Strategic Plan; Coffs Harbour LEP 2013 and Coffs Harbour DCP 2015.

Implementation Date / Priority:

A project timeline is yet to be determined by NSW Department of Planning, Industry and Environment, however anticipated timeframes are provided within the planning proposal (Attachment 1). The timeline is triggered once Council has obtained endorsement from NSW Department of Planning, Industry and Environment for the planning proposal to proceed.

Conclusion:

This report outlines the findings of a third housekeeping review of Coffs Harbour LEP 2013. The purpose of this report is to seek endorsement from Council to initiate Coffs Harbour LEP 2013 - Housekeeping Amendment No. 3 (including Woolgoolga Town Centre Master Plan and Local Growth Management Strategy Design Excellence for Industrial Areas) (Attachment 1) and to obtain endorsement from NSW Department of Planning, Industry and Environment for the planning proposal to proceed, as well as authorisation for local plan making functions.