

Coffs Harbour LEP 2013 – Korora Basin – Rural Residential rezoning

Proposal Title : Coffs Harbour LEP 2013 – Korora Basin – Rural Residential rezoning

Proposal Summary : The planning proposal seeks to amend Coffs Harbour LEP 2013 by rezoning a portion of the Korora Basin from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40ha to 1ha.

PP Number : PP_2016_COFFS_002_00 **Dop File No :** 16/15188

Proposal Details

Date Planning Proposal Received : 24-Nov-2016 **LGA covered :** Coffs Harbour

Region : Northern **RPA :** Coffs Harbour City Council

State Electorate : COFFS HARBOUR **Section of the Act :** 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb : **City :** **Postcode :**

Land Parcel : Part Lot 10 DP 1158363; Part Lot 367 DP 44801; Part Lot 36 DP 1127066; Part Lot 349 DP 752834; Lot 336 DP 752834; Part Lot 226 DP 752834.

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : **Release Area Name :**

Regional / Sub Regional Strategy : Mid North Coast Regional Strategy **Consistent with Strategy :** No

Coffs Harbour LEP 2013 – Korora Basin – Rural Residential rezoning

MDP Number :

Date of Release :

Area of Release (Ha) **14.00**

Type of Release (eg

Residential

:

Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **11**
(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **No**

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.

Have there been **No**

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment

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

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

Comment :

The statement of objectives describes the intention of the planning proposal. The proposal intends to amend Coffs Harbour LEP 2013 to permit rural residential development over the land.

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

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

Comment :

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend the Land Zoning Map and Lot Size Map to apply appropriate zones and other planning controls to the land.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.4 Oyster Aquaculture

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation 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
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
5.4 Commercial and Retail Development along the Pacific Highway, North Coast

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

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

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

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

If No, explain : **Yes. See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which adequately show the subject land, the current and proposed zone and minimum lot size. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal indicates that community consultation will be undertaken and nominates a 28 day consultation time frame. As the planning proposal provides for development outside the agreed Local Growth Management Strategy, a 28 day exhibition process is consistent with "A Guide to Preparing Local Environmental Plans", DPE, 2016.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal includes a project timeline which estimates the completion of the planning proposal in 7 months concluding in May 2017. To ensure the RPA has adequate time to complete the additional investigation, exhibition, reporting, and legal drafting, it is recommended that a time frame of 9 months is appropriate.**

The RPA has requested an Authorisation to exercise delegation for this proposal. The proposal is considered to be of local planning significance as it relates to the release of approximately 11 infill development allotments. It is recommended that an Authorisation for the execution of delegation be issued to the RPA in this instance.

The planning proposal satisfies the adequacy criteria by:

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

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Coffs Harbour 2013 is the principal LEP which applies to this land. This planning proposal seeks an amendment to the Coffs Harbour LEP 2013.

Assessment Criteria

Need for planning
proposal :

The proposal results from the outcomes of Council's Rural Residential Strategy (RRS) 2009 and subsequently the Korora - West Sapphire- Monee Large Lot Residential Investigation Area Environmental Study (KWSM Environmental Study) 2016.

Stage 1 of the RRS was adopted by the Department on 3 May 2010. In the Department's letter approving the strategy, Council was advised that development in Stage 2 (including the KWSM area) could not be supported until further investigation was undertaken.

In response, Council commissioned the KWSM Environmental Study. The study addresses the overall strategic planning context, environmental constraints, and suitability of lands for rezoning from RU2 Rural Landscape to R5 Large Lot Residential.

The subject site is identified within the KWSM Environment Study as being viable and suitable for large lot residential purposes.

The subject site is approximately 16 hectares in size and adjacent an established large lot residential precinct in the Korora Basin. The Pacific Highway and Bruxner Park Road provide access to the land.

The planning proposal seeks to rezone the subject site from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40ha to 1ha. This is consistent with the majority of the surrounding land west of the Pacific Highway in this locality.

The proposal to amend the Coffs Harbour LEP 2013 is the best means of enabling development which is similar and compatible to adjoining land uses, being large lot residential subdivision.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS)

The Mid North Coast Regional Strategy (MNCRS) supports rural residential development in accordance with an agreed LGMS. The proposed development is not in accordance with the agreed local growth management strategy as this component of the strategy was not agreed to by the Department of Planning until further studies had been completed and the final highway corridor had been determined.

The inconsistency is justified and considered to be of minor significance as the highway corridor has now been finalised, and the required investigative studies have been undertaken and identified this area as suitable for rural residential development.

Draft North Coast Regional Plan

The proposal is inconsistent with the Draft North Coast Regional Growth Plan (Draft NCRGP) as it recommends that new rural residential development should be in accordance with an approved local strategy. As discussed the land is not within a Department approved local strategy. This inconsistency is considered to be of minor significance for the reasons discussed above in regard to the MNCRS.

SEPPs

SEPP 55 Remediation of Land

The proposal states that a desktop contaminated land assessment has been undertaken and concludes that minor isolated contamination arising from previous banana cultivation is present. This is considered satisfactory subject to a preliminary site investigation being undertaken prior to public exhibition to confirm the land is suitable for the proposed residential zoning.

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RLSEPP) contains Rural Planning and Subdivision Principles to guide development on rural land. It is considered the proposal is inconsistent with the Rural Planning and Subdivision Principles as it will rezone rural land to residential and increase land fragmentation. This inconsistency is considered to be of minor significance as the site is isolated from other rural lands, is surrounded by infrastructure and residential development and is not highly productive rural land.

The proposal is otherwise consistent with relevant State Environmental Planning Policies.

S117 Directions

The proposal is considered to be consistent with all relevant s117 Directions except in relation to the following:

1.2 Rural Zones

The proposal is inconsistent with direction 1.2 Rural Zones as it seeks to rezone the subject land from RU2 Rural Landscape to R5 Large Lot Residential. The inconsistency is considered to be of minor significance due to the site's limited agricultural capacity resulting from its small size, and it being predominantly surrounded by residential and infrastructure uses. This land is not identified as state or regionally significant farmland.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is inconsistent with this direction as extractive industries and open cut mining will no longer be permissible due the application of the R5 Zone. The land is not mapped as either a resource area or transition area under the Department of Industry resource audit maps. It is considered that the land would be unlikely to support an extractive industry due to its proximity to surrounding residential development, its small size and limitations on providing sufficient buffers to neighbouring allotments. The inconsistency with this direction is considered to be of minor significance.

Direction 1.5 Rural Lands

The proposal is inconsistent with this direction as it reduces the MLS of rural land to enable its subdivision. The inconsistency with this direction is considered to be minor

significance as the land has limited agricultural value and is isolated from other productive farmland.

Direction 2.3 Heritage Conservation

This direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. The proposal indicates that a heritage assessment has been undertaken and has confirmed that no items of heritage have previously been recorded on the site. The heritage assessment notes that there is potential for regionally significant archaeological sites in the larger KWSM investigation area. The proposal also indicates that further consultation with the Local Aboriginal Land Council and the Office of Environmental Heritage should occur. It is appropriate that consistency with this direction be determined once consultation has been undertaken. This consultation should be undertaken prior to community consultation so that the outcome can be included in the exhibited planning proposal.

Direction 4.3 Flood Prone Land

The proposal is inconsistent with this direction as it increases the development potential of flood prone land. The inconsistency with this direction is considered to be of minor significance as the proposed 1ha MLS will ensure every affected allotment will have sufficient land area outside of the flood prone areas to accommodate a dwelling and ancillary structures.

Direction 4.4 Planning for Bushfire Protection

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 cannot occur until after a Gateway Determination. Until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.1 Regional Strategies

The proposal is inconsistent with this direction as it releases rural residential land outside an area agreed in a Department approved local strategy. This inconsistency is considered to be of minor significance as the release area is west of the Pacific Highway as recommended by the MNCRS, and the reasons for the Department's deferral of the land from Council's local strategy have now been addressed.

Environmental social
economic impacts :

Environmental

The proposal is not expected to have any adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. An environmental assessment was undertaken and determined that no EECs are present on the subject site.

Geotechnical

The land does not display any evidence of landslip or geotechnical instability. It is mapped as Class 5 ASS however this is not considered to be a constraint to development potential.

Contamination

The environmental study determines that arsenic is likely to be present above acceptable levels within the planning proposal area. A preliminary site investigation will be required to be completed prior to public consultation to ensure the land can be remediated to a level suitable for residential occupation.

Bushfire

Part of the land is mapped as being Bushfire Prone. The planning proposal will require referral to the NSW Rural Fire Service due to the land being bushfire prone.

Water and Sewerage

The subject site is not currently serviced with reticulated water and sewer infrastructure, and as large lot residential lands this situation will continue. Existing and future allotments and dwellings are to include provision for onsite water supply and onsite effluent disposal systems.

Social and Economic

The planning proposal has given consideration to social and economic impacts of the proposed amendment. The proposal will facilitate the development of 11 additional lots which is likely to have a positive economic impact and increase housing choice in the area. The area is considered to have sufficient social infrastructure to cater for the proposed additional R5 allotments.

Noise

The proposed release area is adjacent to the Pacific Highway Corridor. An acoustic assessment was undertaken and guided development of this proposal. It concluded that noise impacts could be appropriately managed through the existing controls in Councils DCP, and that dwellings would include some noise attenuation measures. A referral to the RMS is recommended to confirm the suitability of the proposal in relation to its proximity to the highway.

Flooding

Part of Lot 10 DP 1158363 was found to be flood prone in the KWSM Study. This flood affected land comprises a gully line and with the proposed 1ha MLS appropriate area will be available on each allotment to have dwellings, OSWMS and ancillary structures located on the flood free land.

Due to the minor nature and scale of the planning proposal, it is considered not to have any direct adverse effect on the natural, built or socio-economic environment.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Contamination

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Coffs Harbour LEP 2013 – Korora Basin – Rural Residential rezoning

Document File Name	DocumentType Name	Is Public
2016-11-25 Planning Proposal Korora Basin.pdf	Proposal	Yes
2016-11-25 Coffs Harbour City Council_24-11-2016_Coffs Harbour LEP 2013 Amendment Korora Basin Large Lot Residential Investigation Area_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation 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
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Additional Information :

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be amended to include:
 - (a) full property descriptions (Lots and Deposited Plans) of all the land to which the proposal relates; and
 - (b) a preliminary site contamination investigation prepared in accordance with relevant standards and guidelines.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service
 - Local Aboriginal Land Council
 - Office of Environment and Heritage
 - NSW Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it

may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. The Secretary's delegate determine that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies are of minor significance.

7. The Secretary's delegate note the outstanding inconsistencies of the proposal with s117 Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection.

8. That a written authorisation to exercise plan making delegations be issued to Coffs Harbour City Council.

Supporting Reasons :

The reasons for the recommendation are as follows:

1. Release of the land for rural residential purposes will provide housing opportunity in line with the RPA's Rural Residential Strategy.
2. The land is relatively unconstrained and has been identified as generally suitable for large lot residential through the strategic planning process
3. The inconsistencies with the strategic planning framework are of minor significance.

Signature:



Printed Name:

Craig Duss

Date:

9/12/16

