

Planning Services

IRF19/1564

Gateway determination report

LGA	Coffs Harbour City Council
PPA	Coffs Harbour City Council
NAME	Rezone and amend the minimum lot size of Lot 111, DP 730304, 7 Tasman Street and adjoining road reserve, Corindi Beach
NUMBER	PP_2019_COFFS_001_00
LEP TO BE AMENDED	Coffs Harbour Local Environmental Plan 2013
ADDRESS	7 Tasman Street, Corindi Beach
DESCRIPTION	Lot 111, DP730304 and adjoining Tasman Street road reserve
RECEIVED	18 July 2019
FILE NO.	IRF19/1564
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 amend the Coffs Harbour Local Environmental Plan 2013 to rezone Lot 111, DP 730304 and adjoining road reserve from RU2 Rural Landscape to part R1 General Residential and R2 Low Density Residential for the purpose of low density residential development and tourist and visitor accommodation in conjunction with an existing pub (currently a non-conforming use within the zone).

Site description

The subject site is Lot 111 DP730304, 7 Tasman Street, Corindi Beach and the adjoining Tasman Street road reserve. The subject site is the last remaining significant greenfield site in the coastal village of Corindi Beach. It is located on the south-western interface of Corindi Beach. The site is 4.3ha which gently slopes from the north to the south. It is currently occupied by the Amble Inn (Pub) at the northern extremity of the site, while the remainder of the land is vacant (Figure 1).

The subject site adjoins land zoned SP2 Infrastructure to the west (Solitary Island Way - old Pacific Highway), RE2 Private Recreation to the south, R2 Low Density Residential to the east, a B1 Neighbourhood Centre node to the north east and RU2 Rural Landscape land to the north (Figure 2).



Figure 1 - Site location

Existing planning controls

The subject site is zoned RU2 Rural Landscape with a 40ha minimum lot size. (Figures 2 & 3). The Amble Inn (Pub) is a non-conforming use within the zone and as such any additional or ancillary development such as motel accommodation/uses associated with a Pub are prohibited in the zone.

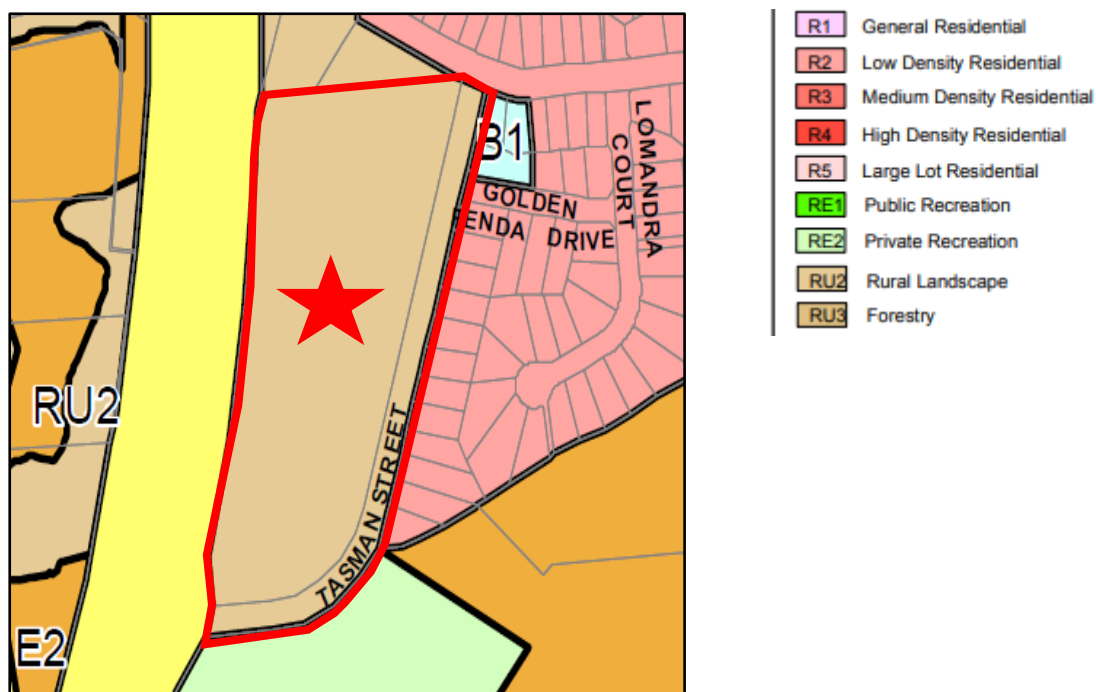


Figure 2 - Current zoning under Coffs Harbour LEP 2013

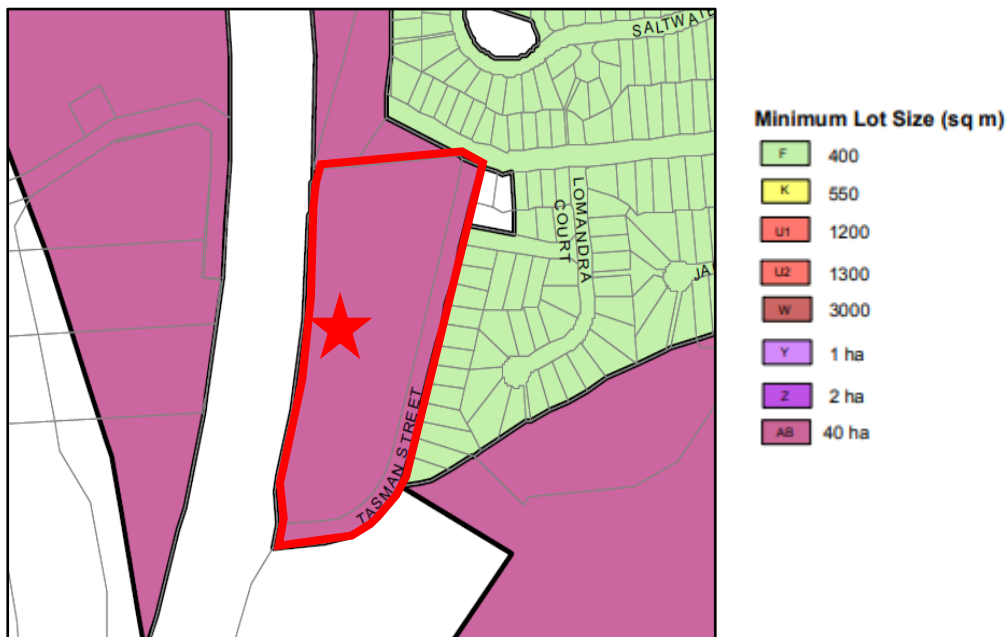


Figure 3 - Current Minimum Lot Size under Coffs Harbour LEP 2013

Surrounding area

The surrounding area is characterised by a combination of low density residential landuse and private recreation (which contains environmentally constrained land including wetlands) to the south and southeast. The site is isolated from adjoining land directly to the west by the old Pacific Highway.

Summary of recommendation

The proposal is considered appropriate and is supported subject to conditions.

PROPOSAL

Objectives or intended outcomes

The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to:

- rezone Lot 111 DP 730304 and the adjoining road reserve from RU2 Rural Landscape to R1 General Residential and R2 Low Density Residential; and
- amend the minimum lot size (MLS) from 40 ha to:
 - R1 – 1200m²; and
 - R2 – 400m².

Explanation of provisions

The explanation of provisions adequately addresses the intended changes to Coffs Harbour LEP 2013 to enact the intended outcomes detailed above. These changes are:

- amend map sheet LZN_004B to rezone the subject site and adjoining road reserve from RU2 Rural Landscape to R1 General Residential and R2 Low Density Residential; and
- amend map sheet LSZ_004B for the subject site and adjoining road reserve to show a MLS of R1 – 1200m² and R2 – 400m².

Mapping

The planning proposal includes current and proposed LZN and LSZ maps which adequately reflect the proposed amendments. These maps are suitable for exhibition

purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will however need to be prepared before the LEP is made.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report but a response to the landowner's request as the current pub (the 'Amble Inn') is an existing non-conforming use within the zone. The requested zone change is therefore considered necessary to facilitate the ongoing operation and future expansion of the pub. Amending the zone to part R1 would also permit tourist and visitor accommodation (motel) to be considered for the site. The site will also be zoned part R2 which will enable the development of approximately 31 low density residential lots.

The site is identified in Council's Local Growth Management Strategy – Urban Lands Component 2008 as an Urban Investigation Area for 'Future Motel' as well as being identified in the North Coast Regional Plan (NCRP) 2036 as 'Investigation Area – Urban land'.

A planning proposal to amend the land zoning and minimum lot sizes to facilitate the proposed development is the only means of achieving the intended outcome and is considered appropriate.

STRATEGIC ASSESSMENT

Regional

North Coast Regional Plan 2036

The subject site is located within the Urban Growth Area Boundary of the NCRP and identified as Investigation Area – Urban Land (Figure 4). The proposal is generally consistent with the NCRP in particular, Direction 22 – Deliver greater housing supply and Direction 23 – Increase housing diversity and choice. As the planning proposal will also enable the continuation of the existing pub and future motel development, it is also considered to be consistent with Direction 8 by promoting the growth of tourism.

The subject site is however mapped as containing Potential High Environmental Value land and as such does not align with Action 2.1 of the NCRP which seeks to focus development towards areas of least biodiversity sensitivity. The inconsistency of the proposal with the NCRP in this regard is considered to be of minor significance as:

- the land has been identified as an Urban Investigation Area in a Department approved strategy (Coffs Harbour Local Growth Management Strategy – Urban Lands component 'Our Living City' 2008 (Figure 5);
- the land is within the identified North Coast Regional Plan 2036 as 'Investigation Area – Urban land', providing consistency with delivering housing opportunities and greater housing supply (Direction 22);
- the subject site is within the Urban Growth Area Boundary; and
- An ecological assessment will be undertaken prior to consultation to determine the environmental value of the land particularly in regard to threatened grasses and/or orchards.

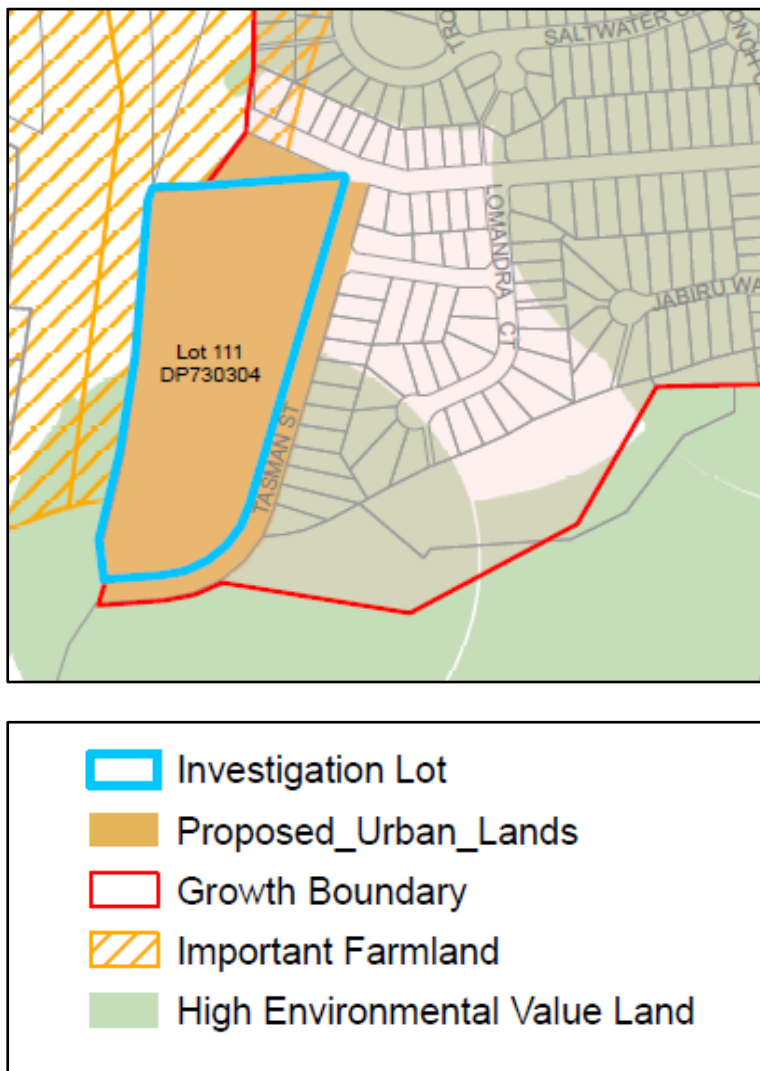


Figure 4 - High Environmental Value land

Local

Coffs Harbour Local Growth Management Strategy (Urban Lands Component 2008)

The subject site is identified as 'Investigation Area for Future Motel' with a medium-term priority program of between 2011-2016 (Figure 5). The estimated population growth for Corindi Beach is 840 persons in 2004 to 1950 persons in 2031.

The planning proposal is generally considered consistent with the Growth Management Strategy approved by the Department in 2009 as the proposal provides the investigation in to the subject site establishing that a combination of residential development (to add to population growth) and motel accommodation (which is the strategic position of the Growth Management Plan) is the best development outcome for this site.

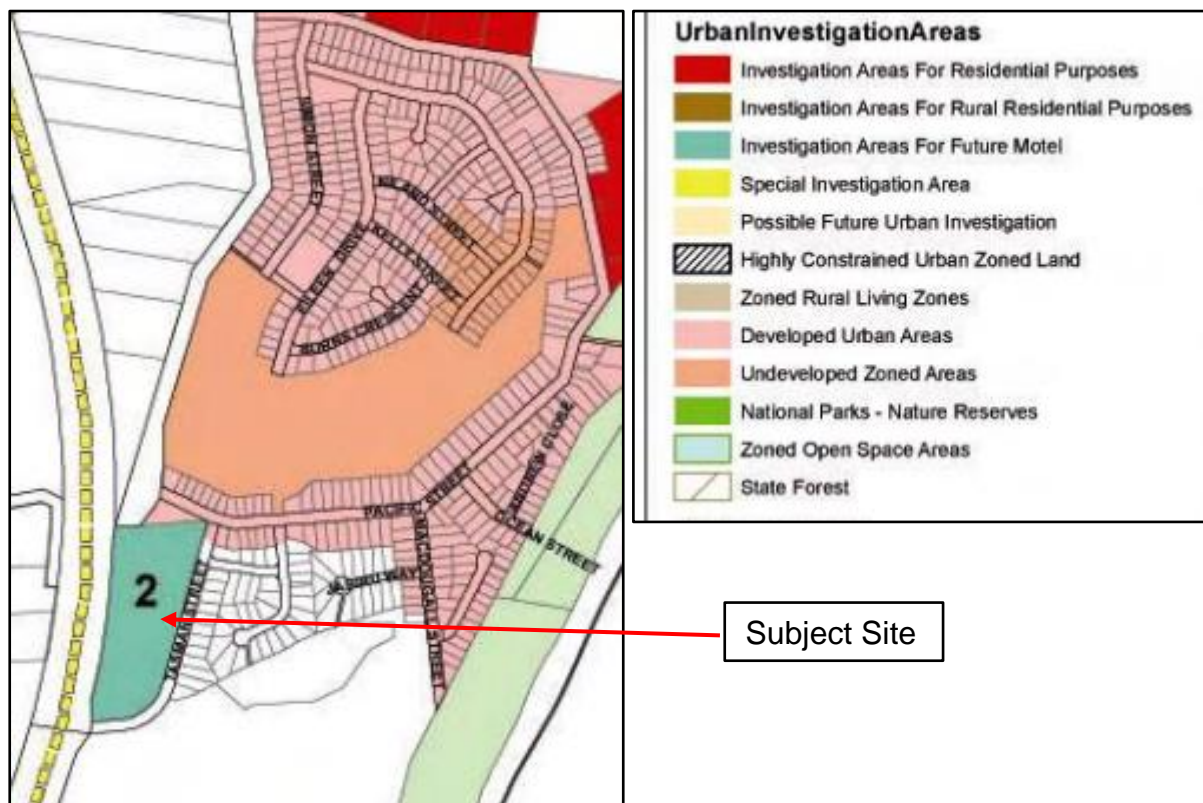


Figure 5 – Red Rock/Corindi Beach – Urban Investigations Areas

Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant Section 9.1 Directions except the following:

Direction 1.2 Rural Zones

This proposal is inconsistent with this direction as it seeks to rezone land from a rural zone to a residential zone. This inconsistency is considered to be of minor significance due to the subject site's current use as a pub/tavern, the relatively small area involved (4.3ha), the cleared nature of the land and as it has been identified in an approved Local Growth Management Strategy as 'Investigation Area for Future Motel' as well as 'Investigation Area – Urban Land' in the NCRP.

Direction 1.5 Rural Lands

The planning proposal is inconsistent with this Direction as it proposes to rezone rural land and reduce the minimum lot size and is unable to demonstrate compliance with all the relevant planning principles including rural land fragmentation. This inconsistency is considered to be of minor significance as the proposal will not result in the loss of viable agricultural land due to the sites current landuse, small size and adjoining residential land. The site has also been identified in an approved Local Growth Management Strategy as 'Investigation Area for Future Motel', is within the Urban Growth Area boundary as well as being mapped as 'Investigation Area – Urban Land' in the NCRP.

Direction 2.1 Environment Protection Zones

The proposal is inconsistent with this Direction as it effects land mapped as containing High Environmental Value and will therefore reduce the current environmental protection standards by rezoning the subject land from RU2 Rural Landscape to R1 General Residential and R2 Low Density Residential. Council have

stated that an ecological assessment will be sought post Gateway to help further determine the environmental value of the land. Until this has occurred, the inconsistency with this Direction remains unresolved.

Direction 2.2 Coastal Management

The proposal is inconsistent with this Direction as it includes land mapped in the SEPP (as proximity area) and does not include provisions which give effect to the objectives of the *Coastal Management Act 2016*, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 and any coastal management program or coastal zone management plan that applies to the land. The inconsistency is considered to be of minor significance as the subject site is identified in an approved Local Growth Management Strategy as 'Investigation Area for Future Motel', is located within the Urban Growth Area Boundary and is mapped as 'Investigation Area – Urban Land' in the NCRP.

Direction 2.3 Heritage Conservation

The proposal is inconsistent with this Direction as it does not contain provisions that facilitate the conservation of objects, items or places of environmental, cultural and/or Aboriginal significance. A study was conducted on the subject site which determined that given the finds across the wider landscape and the cultural knowledge of the area, further intensive archaeological work is not required post gateway to determine the actual likelihood of significant evidence of Aboriginal occupation. Despite this, it was recommended that a cultural values assessment be conducted in consultation and collaboration with the Garby Elders to consider and implement appropriate recognition and preservation of historical Aboriginal heritage values. Until this has occurred, the inconsistency with this Direction remains unresolved.

Direction 4.1 Acid Sulfate Soils

The planning proposal is inconsistent with this Direction as it will allow an intensification of land use on Class 3 & 5 acid sulfate soils and it is not supported by an acid sulfate soils study. The inconsistency is considered to be of minor significance as Class 5 acid sulfate soils are considered a low risk class and Coffs Harbour LEP 2013 contains suitable provisions to ensure that this matter can be appropriately considered and addressed at development application stage.

Direction 4.3 Flood Prone Land

This direction applies as part of the subject area is flood prone (Figure 6). The proposal states that a narrow band of land identified as being within the flood planning level is located at the edge of the southern boundary which will affect part of 2 residential lots and the proposed retention basin (Figure 7). No dwelling development is likely to occur in this location that would be adversely impacted by any inundation. This inconsistency is considered to be of minor significance as Coffs Harbour LEP 2013 contains relevant provisions that will enable the issue to be appropriately addressed at the development application stage.

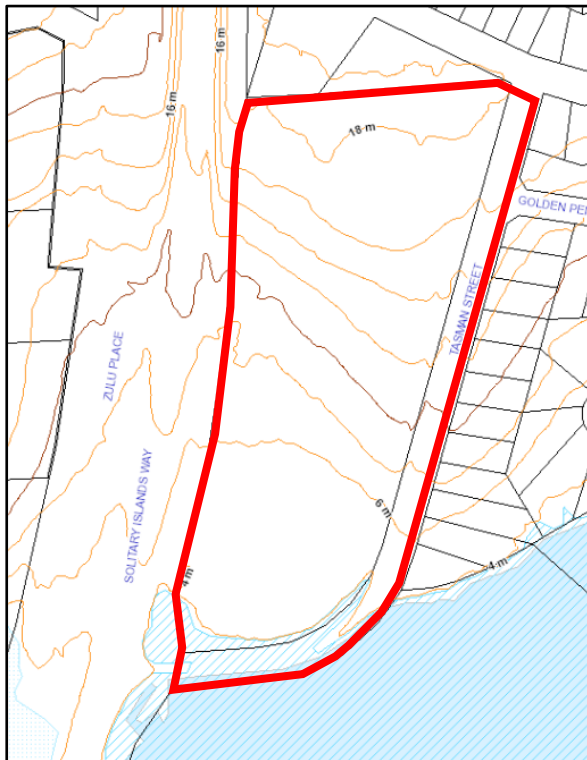


Figure 6 - Flood Mapping

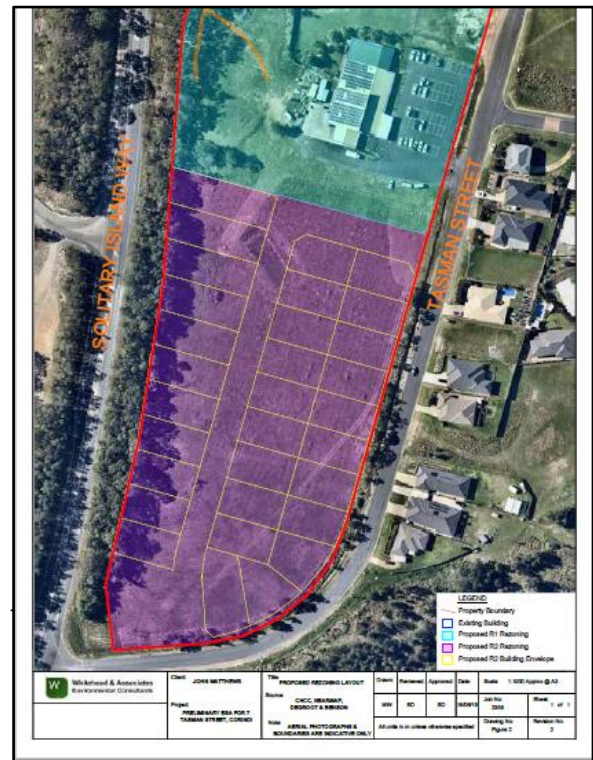


Figure 7 - Proposed subdivision layout

Direction 4.4 Planning for Bushfire Protection

The proposal is potentially inconsistent with this Direction as part of the affected land has been mapped as bushfire prone. The Direction requires Council as the Relevant Planning Authority to consult with the Commissioner of the NSW Rural Fire Service after the Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

5.10 Implementation of Regional Plans

The proposal is inconsistent with this Direction as previously discussed in regard to the North Coast Regional Plan 2036. The inconsistency is considered to be of minor significance for the reasons outlined above.

State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, except the following:

SEPP No. 55 – Remediation of Land

A preliminary land contamination assessment has been undertaken for the site. The historical review and site inspection show that there is a low risk of significant contamination being present that would preclude the proposed R2 Low Density Residential development on the southern portion of the subject lot. This level of assessment is considered appropriate for the rezoning stage of the proposal with further assessment to be carried out under the provisions of Council's LEP.

Council should ensure that the Preliminary Contaminated Land Assessment is exhibited in conjunction with the planning proposal.



Figure 7 – State Environmental Planning Policy (Coastal Mapping) 2018

SITE-SPECIFIC ASSESSMENT

Social and Economic

It is anticipated that the provision of an additional 31 additional residential lots will have both a positive social and economic benefit to the local Corindi community and the broader Coffs Harbour LGA. The location is not isolated from other residential land uses, with community facilities within walking distance from the subject site. The planning proposal indicates that the proposed further development of the subject site is not considered to place unreasonable demands on existing social services in the Corindi Beach village or the immediate area and the proposed additional area for general residential/tourist use can accommodate the future needs of the existing pub.

Environmental

Bushfire

The land is bushfire prone and further consultation with the NSW Rural Fires Service will be necessary to confirm the suitability of the site for development. An accompanying Bushfire Hazard Assessment Report has stated that apart from road widths, all the relevant provisions of PBP-2006 have been or are able to be provided and as such the proposal is supported subject to conditions that are able to be considered at the development application stage.

Flooding

The subject site has been mapped showing a narrow band of land on the southern boundary as being within the flood planning level. This will affect 2 proposed residential lots and the retention basin. No dwelling development is likely to occur in

the location effected by the inundation. Whilst Council's LEP contains suitable flood planning provisions that will enable this issue to be appropriately considered at the development assessment stage, referral to Department of Environment, Industry and Environment (DPIE - Environment, Energy and Science) formerly OEH, is also considered appropriate.

Ecological

The site contains an existing non-conforming use in the northern section with the reminding southern portion being cleared and disturbed vacant land. Council have stated that an ecological survey will be required at the development assessment stage of the proposal to fully determine whether any threatened grasses or orchids may be present. It is also considered appropriate that the proposal be referred to DPIE - Environment, Energy and Science, for comment.

Acid Sulfate Soils

The subject site contains land mapped as Class 3 & 5 acid sulfate soils and has not been supported by an acid sulfate soils study. Council's LEP however contains suitable provisions to will enable this issue to be adequately addressed at the development application stage of the proposal.

High Environmental Value Land/Important Farmland

The subject site whilst being mapped as containing Potential High Environmental Value land has been identified as an Urban Investigation Area within the Coffs Harbour Local Growth Management Strategy and is also identified in the NCRP as 'Investigation Area – Urban land'. The subject site also sits within the Urban Growth Area Boundary. The land is cleared of all significant vegetation.

Infrastructure

The provision and funding of State infrastructure is not necessary for this proposal.

In terms of local infrastructure, road access, stormwater drainage and the disposal of sewage can all be accommodated. In this regard, suitable infrastructure is available to service the proposed use of the site.

Heritage

A study was conducted on the subject site which outlined that further assessment of the cultural connection significance is recommended. A cultural values assessment is to be conducted in consultation and collaboration with the Garby Elders to consider and implement appropriate recognition and preservation of historical Aboriginal heritage values and in particular the Song Line of the Corindi Beach and Kangaroo Trail area.

CONSULTATION

Community

The planning proposal does not nominate a community consultation period in accordance with 'A Guide to Preparing Local Environmental Plans'. As the proposal deals primarily only with matters of local significance it is considered that a 14 day community consultation period is appropriate.

Agencies

It is recommended that the council consult with the following agencies:

- NSW Rural Fire Service
- DPIE -Environment, Energy and Science
- Local Aboriginal Land Council

TIME FRAME

The planning proposal has included a timeline that indicates completion by November 2019 assuming a Gateway determination in April-May 2019. Given the nature of the consultation required for this planning proposal, it is recommended that a 9 month timeframe be given and that prior to exhibition, Part 6 – Timeframe be updated to more accurately reflect key dates.

LOCAL PLAN-MAKING AUTHORITY

The proposal is consistent or justifiably inconsistent with the state and regional planning framework and deals primarily with matters of local significance. It is considered appropriate that Council be authorised as the local plan making authority.

CONCLUSION

The proposal seeks to rezone the subject site and amend the minimum lot size to both better reflect the existing landuse on the northern part of the site and to further development the southern unused portion of the site for low density residential purposes. The proposal is located within the Urban Growth Area Boundary of the NCRP as well as being mapped as Investigation Area – Urban. Council's Local Growth Management Strategy has also identified the site as being an Investigation Area suitable for motel development.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.2 Coastal Management, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land. and 5.10 Implementation of Regional Plans are of minor significance or justified in accordance with the terms of the Directions; and
2. note that the consistency with section 9.1 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - DPIE - Environment, Energy and Science
 - Local Aboriginal Land Council

3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to exhibition, the planning proposal is to be updated to:
 - (a) include both an ecological assessment and a cultural values assessment of the site;
 - (b) update the property details to include the adjoining Tasman Street road reserve as also being subject to the planning proposal. This information should also be reflected on all relevant supplementary information;
 - (c) update the timeframe to accurately reflect the Gateway determination and expected completion date; and
 - (d) ensure that the exhibited version of the planning proposal includes a copy of the Preliminary Land Contamination Assessment Report.



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14-8-2019

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