

**SC19/64 PLANNING PROPOSAL - BUTLERS ROAD, BONVILLE - PRE-EXHIBITION**

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<b>Authoriser:</b>	<b>Director Sustainable Communities</b>
<b>MyCoffs:</b>	<b>C.1 Liveable neighbourhoods with a defined identity</b>
<b>Attachments:</b>	<b>ATT1 SC19/64 Planning Proposal - Butlers Road, Bonville - Pre-Exhibition</b>
	<b>ATT2 SC19/64 Draft Coffs Harbour DCP Amendment No. 17 - Butlers Road, Bonville</b>

**EXECUTIVE SUMMARY**

A proponent-led application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 to enable large lot residential development on Lots 4 and 5 DP 41228, Butlers Road, Bonville.

The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend Coffs Harbour LEP 2013 to rezone the subject land from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and Zone E2 Environmental Conservation and to amend Coffs Harbour Development Control Plan (DCP) 2015 (Attachment 2) to align with the proposed land use zones. The application accords with Council's strategic approach for the subject land.

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**RECOMMENDATION:****That Council:**

- 1. Endorse and forward a Planning Proposal (Attachment 1) to rezone Lots 4 and 5 DP 41228, Butlers Road, Bonville - Version 1 Pre-Exhibition to the NSW Department of Planning, Industry and Environment seeking a Gateway Determination.**
- 2. Request that the Secretary of the NSW Department of Planning, Industry and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal.**
- 3. Subject to the Gateway Determination from the NSW Department of Planning, Industry and Environment, place the Planning Proposal and *draft Coffs Harbour Development Control Plan 2015 - Amendment No. 17 (Butlers Road Bonville)* (Attachment 2) on public exhibition.**
- 4. Note that a further report will be brought back to Council for consideration following public exhibition of the Planning Proposal and draft Development Control Plan.**
- 5. Inform the landowners of Council's decision.**

**REPORT****Description of Item:**

A proponent-led application has been received by Council to amend Coffs Harbour LEP 2013 to enable large lot residential development on Lots 4 and 5 DP 41228, Butlers Road, Bonville. This land was included in Planning Proposal PP\_2015\_COFFS\_005\_00 for Bonville as being suitable for large lot residential purposes post exhibition in response to submissions made during the public consultation process for the planning proposal.

At its Ordinary Meeting of 8 December 2016, it was resolved:

*That Council:*

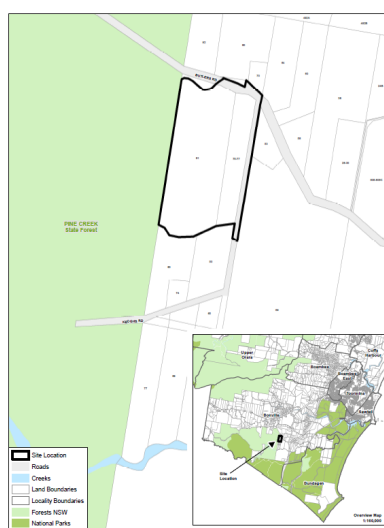
1. *Adopt Planning Proposal PP\_2015\_COFFS\_005\_00 for the Bonville Large Lot Residential Investigation Area: Version 3 – Post Exhibition (Attachment 1).*
2. *Request that NSW Planning and Environment exercise the functions of the Minister under Section 59 of the Environmental Planning and Assessment Act 1979 for the purposes of finalising this Planning Proposal.*
3. *Acknowledge that the final response of the Coffs Harbour Local Aboriginal Land Council (once received) will be forwarded to NSW Planning and Environment for inclusion in the finalisation of this Planning Proposal.*
4. *Adopt Bonville Large Lot Residential Developer Contributions Plan (Attachment 2), which will come into force upon the amendment of Coffs Harbour Local Environmental Plan 2013 consistent with Planning Proposal PP\_2015\_COFFS\_005\_00.*
5. *Inform landowners in the Bonville Large Lot Residential Investigation Area who made submissions to PP\_2015\_COFFS\_005\_00 of Council's resolutions.*

The former NSW Department of Planning and Environment was, however, unable to endorse the subject land for rezoning given that it was added to the planning proposal post exhibition and was therefore not subject to community consultation in accordance with the Gateway Determination. The advice from the Department at that time, was that a rezoning of the subject land for large lot residential purposes should be addressed via an individual planning proposal for the land.

In response to this, Council received an application for a proponent-led amendment to Coffs Harbour LEP 2013. The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend *Coffs Harbour LEP 2013* to rezone the subject land from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and Zone E2 Environmental Conservation and to amend *Coffs Harbour DCP 2015* (Attachment 2) to align with the proposed land use zones.

- **The Subject Land**

The subject land relates to Lots 4 and 5 DP 41228, Butlers Road, Bonville which has an area of 10.13 hectares. The land is located approximately 13kms south of the Coffs Harbour City Centre and is bounded by Butlers Road to the north, Pine Creek State Forest to the west, Keoghs Road to the east, and land within Zone RU2 Rural Landscape to the south (see Figure 1).



**Figure 1: The Subject Land**

- **Existing / Proposed Zoning of the Subject Land**

The subject land is currently located within Zone RU2 Rural Landscape and Zone E2 Environmental Conservation under Coffs Harbour LEP 2013. The planning proposal seeks

to rezone the subject land to Zone R5 Large Lot Residential and Zone E2 Environmental Conservation (see Figure 2 below).

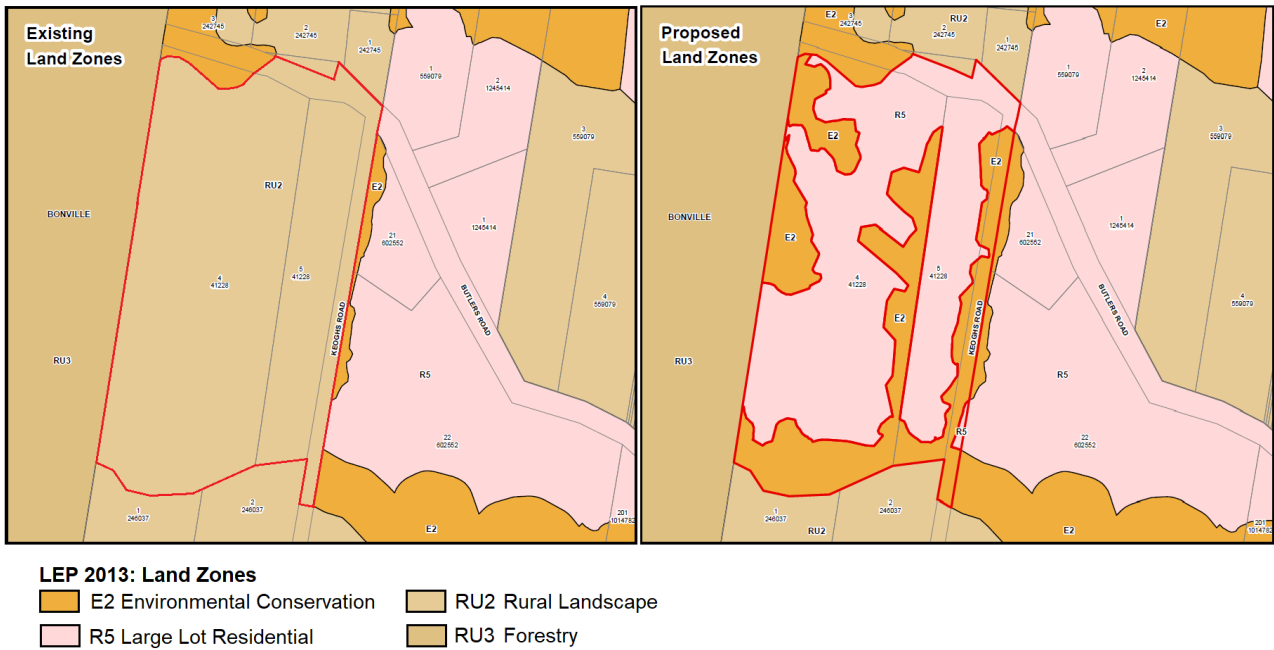


Figure 2: Existing and Proposed Land Use Zones

**Issues:**

- **Coffs Harbour Local Growth Management Strategy**

Whilst the subject land is not included within the Bonville Candidate Area of the Rural Residential Component of Council’s endorsed Local Growth Management Strategy (LGMS) 2008, the land is located within the wider Bonville Large Lot Residential study area.

The subject land was also endorsed by Council at its Ordinary Meeting of 8 December 2016 for rezoning to large lot residential purposes as part of Planning Proposal PP\_2015\_COFFS\_005\_00. The inclusion of this additional land was considered to be of minor significance as it did not undermine the achievement of the vision, goals or actions of Council’s LGMS.

Despite not being able to endorse the land for rezoning as part of Planning Proposal PP\_2015\_COFFS\_005\_00 due to community consultation requirements, the former NSW Department of Planning and Environment, did however, advise Council that rezoning of the subject land for large lot residential purposes could be addressed at a later stage by individual proponent led planning proposals. On the basis of this advice, the subject land was included within Chapter 6 – Large Lot Residential Lands of Council’s revised LGMS, which supports proponent initiated planning proposals for the subject land.

Chapter 6 – Large Lot Residential Lands of Council’s revised LGMS was endorsed by Council at its Ordinary Meeting of 22 August 2019. Council has requested the NSW Department of Planning, Industry and Environment’s endorsement of this Chapter.

As such, the application accords with Council’s strategic approach for the subject land.

- **DCP Map Amendments**

It is necessary to amend maps contained within Coffs Harbour DCP 2015 to align with the proposed LEP amendment. *Coffs Harbour DCP 2015 - Amendment No. 17 (Butlers Road Bonville)* includes updates to the front, side and rear setbacks maps; and the preservation of vegetation maps. DCP maps are shown on Council’s Online Mapping System (Geocortex) (Attachment 2).

**Options:**

Council has a number of options available to the planning proposal. They include:

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

Option 1 is recommended as the suitable course of action.

**Sustainability Assessment:**

- **Environment**

Environmental sustainability issues have been considered and are addressed in Part 3 of the planning proposal (Attachment 1).

- **Social**

Social sustainability issues have been considered and are addressed in Part 3 of the planning proposal (Attachment 1).

- **Civic Leadership**

The planning proposal accords with Council's strategic approach for the subject land; and supports the vision and objectives of the MyCoffs Community Strategic Plan by attracting people to work, live and visit by protecting the diversity of our natural environment and by undertaking development that is environmentally, socially and economically responsible.

- **Economic – Broader Economic Implications**

In the event that Council endorses the planning proposal and that a Gateway Determination is issued by NSW Department of Planning, Industry and Environment, the proposed LEP amendment will result in a very small increase to lot yields within the Bonville locality. Consequently, there are no broader economic implications associated with this planning proposal.

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

The recommendations contained within this report are unlikely to impact on Council's Delivery Program or Operational Plan. The LEP amendment process is a proponent-led process and funded via Council's adopted fees and charges.

**Risk Analysis:**

The planning proposal provided as Attachment 1 to this report addresses the constraints of the subject land, sufficient to allow Council to support the application and initiate the planning proposal. Should a Gateway determination be issued by NSW Department of Planning, Industry and Environment, the subsequent LEP amendment process and consultation requirements will ensure that any risks associated with the proposed rezoning of the land are adequately addressed and managed.

**Consultation:**

Should Council resolve to initiate the planning proposal and NSW Department of Planning, Industry and Environment issues a Gateway determination, the planning proposal is required to be publicly exhibited in accordance with the terms of the Gateway determination and relevant provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*. Consultation with Government

agencies and other stakeholders may also be required if specified within the Gateway Determination.

### **Place Score**

In early 2019, Council undertook extensive community consultation using the Place Score placemaking tool to understand community priorities and values. The Coffs Harbour LGA received a Place Score of 65, which is below the NSW average of 72. The top most ranked strength for the Coffs Harbour LGA in this study is “Elements of the Natural Environment”. Despite this strength, the community identified “Protection of the Natural Environment” in its top five priorities for improvement. The planning proposal will contribute to facilitating the priorities relating to the protection of the natural environment.

### **Related Policy, Precedents and / or Statutory Requirements:**

This planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and Regulation 2000. A number of other relevant policies and statutory documents have been considered in the preparation of the planning proposal.

### **Implementation Date / Priority:**

Should Council resolve to support the recommendations within this report and initiate the planning proposal, a Gateway determination will be sought from NSW Department of Planning, Industry and Environment. This will allow public exhibition of the planning proposal and associated draft DCP. The anticipated timeframe for the LEP amendment process is summarised within the planning proposal (Attachment 1).

### **Conclusion:**

The purpose of this report is to seek Council’s endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to rezone Lots 4 and 5 DP 41228, Butlers Road, Bonville from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and E2 Environmental Conservation. Rezoning of the subject land for large lot residential purposes has previously been endorsed by Council as part of Planning Proposal PP\_2015\_COFFS\_005\_00 and Chapter 6 – Large Lot Residential Lands of Council’s revised LGMS. Sufficient planning merit for this minor increase to large lot residential land in Bonville is provided within the planning proposal (Attachment 1). The application accords with Council’s strategic approach for the subject land.