

Coff Harbour LEP 2013 - Rezone land at Pacific Street, Corindi Beach to facilitate low density residential development (33 lots), tourist development (motel) and business development (4750m2).

Proposal Title :	Coff Harbour LEP 2013 - Rezone land at Pacific Street, Corindi Beach to facilitate low density residential development (33 lots), tourist development (motel) and business development (4750m2).		
Proposal Summary :	The purpose of the planning proposal is to amend Coffs Harbour LEP 2013 for land at Corindi Beach from part zone RU2 Rural Landscape to part zone R1 General Residential, part R2 Low Density Residential and part B1 Neighbourhood Centre, to facilitate low density residential development (33 lots), tourist development (motel) and business development (4750m2).		
PP Number :	PP_2017_COFFS_002_00	Dop File No :	17/06257

Proposal Details

Date Planning Proposal Received :	19-May-2017	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 :	95 - 97 Pacific Street		
Suburb :	City :	Corindi Beach	Postcode : 2456
Land Parcel :	Lots 371 and 372 DP 1026829 and Lot 38 DP 233850		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	N/A
Regional / Sub Regional Strategy :	North Coast Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	5.10	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	33
Gross Floor Area :	0	No of Jobs Created :	9
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department's Code of Conduct in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other agencies and lobbyists concerning the proposal.		

Supporting notes

Internal Supporting Notes :	Lot 38 DP 233850, 95 Pacific Street, directly adjoins the proposed area to be rezoned to the south. Lot 38 is approximately 1850m2 in size, is currently used for low density residential purposes, is located within the mapped urban growth area boundaries of the North Coast Regional Plan 2036 and is identified for urban investigation. If not included within the current proposal, it would become a small isolated parcel of RU2 Rural Landscape zoned land within the Corindi urban area. This is not considered an appropriate zoning outcome, or reflective of the existing and likely future use of Lot 38. Council has confirmed: - Lot 38 was not included within the rezoning because the proposal is the result of a land owner initiative and Lot 38 is in separate ownership (despite Council including their own land being a sewer pumping station at Lot 371); - Council nor the adjoining land owner who initiated the proposal will be seeking the owner of Lot 38 to financially contribute to the rezoning if the land is included in the proposal; - Lot 38 is already rated for low density residential purposes and no change to council rate charges is expected as a result of the proposal; and - it raises no objection to the inclusion of Lot 38 DP 233850 into this proposal. It is understood that the owner of Lot 38 may at present have concerns to the rezoning of their land to R2 Low Density Residential, but this is considered likely due to an incorrect belief that the council rates will increase as a result. As identified above, Council has confirmed no change to council rates should result due to the rezoning. It is also understood that the owner of Lot 38 may park trucks associated with a business on the site. Truck depots are prohibited in both the RU2 and R2 zones and the rezoning will have no impact on the permissibility of this activity.
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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 proposal. The proposal intends to amend the Coffs Harbour LEP 2013 to facilitate a residential, tourist and business development on 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 zoning of the site to be zone part R1 - General Residential, part R2 Low Density Residential and part B1 Neighbourhood Centre;
- remove the lot size provisions associated with the area to be zoned B1 Neighbourhood Centre;
- amend the lot size provisions of the remainder of the sites from 40ha to 1200m2 (R1) and 400m2 (R2); and
- amend the floor space ratio map to apply a floor space ratio of 0.5:1 for the area of the site to be zoned B1 Neighbourhood Centre.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection
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 :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Maps have been included in the planning proposal which adequately show the intended outcome of this amendment. These maps will need to be updated prior to exhibition to include Lot 38 DP 233850.

Maps prepared in accordance with the Department's technical mapping standards will also be needed before a Parliamentary Counsel's opinion can be sought.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has not nominated a period of community consultation.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is generally consistent with the pattern of surrounding land use zones and the strategic planning framework. It is therefore considered that a community consultation period of 14 days is adequate.

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 : It is considered the planning proposal meets the adequacy criteria by:

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

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters that are of local significance it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The proposal identifies completion by February 2018. It is recommended that a 12 timeframe be provided to ensure an adequate period to complete the proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Coffs Harbour LEP 2013 was notified on 27 September 2013.

Assessment Criteria

Need for planning
proposal :

Urban Lands

The subject land is 5.1 hectares in area and is located at the north-eastern extent of Corindi. The land is currently zoned predominantly RU2 Rural Landscape with a small section of B1 Neighbourhood Centre zoned land accommodating a small retail development on the southern corner of Lot 372.

A concept plan of the proposed development has been provided. The concept plan includes a 33 lot residential subdivision with a minimum lot size of 400m2, as well as commercial/retail shops and a motel.

The proposal results from an application from the land owner of Lot 372, and is generally consistent with Council's Our Living City Settlement Strategy 2008 (OLC) and the Business Lands Strategy 2010.

As discussed above, the proposal does not include the entire area of RU2 Rural Landscape land within the urban investigation area and urban growth area boundary identified in the North Coast Regional Plan 2036. Lot 38 DP 233580 was not included due to the separate ownership of this lot. To avoid the creation of an isolated small parcel of RU2 land within the Corindi urban area, it is considered appropriate that the proposal be amended to include Lot 38, with Lot 38 to be rezoned to R2 Low Density Residential consistent with its existing and likely future use and that a minimum lot size of 400m2 consistent with the surrounding R2 land be applied.

It is considered that the planning proposal process is the most appropriate mechanism to undertake the proposed amendment to the LEP.

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Consistency with strategic planning framework :

*** North Coast Regional Plan**

The proposal is located within the Urban Growth Area boundary for Corindi as identified within the North Coast Regional Plan (NCRP) 2036. The NCRP also identifies the site as "proposed urban land".

The rezoning of this land will assist Coffs Harbour in delivering the 8,950 additional houses that will be required to house its growing population by 2036.

As the land is identified for urban investigation, it is considered satisfactory that the land be utilized for various urban purposes, including residential, motel or business.

Our Living City (OLC) Settlement Strategy 2008

The land is identified in the OLC Strategy as potentially accommodating 50 dwellings. While the current concept only delivers 33 dwellings, the proposal is considered to be satisfactory as it will also be delivering short term residential accommodation opportunities in the form of a motel, and the small amount of land proposed for neighbourhood centre expansion will only have a minimal impact on the total overall lot yield (being a loss of 4250m2).

Business Lands Strategy 2010

The proposal includes a 4750m2 increase to the B1 Neighbourhood Centre zone, which will result in a total of 8600m2 of business land in Corindi. Only 1350m2 of B1 zoned land at Corindi is currently developed for commercial development. Expanding this area appears to be a logical and reasonable outcome and will continue to provide commercial opportunities in an area that already has an existing small neighbourhood centre and nearby post office. The proposal is supported by a net community benefit test that addresses this expansion of the B1 Zone and which Council has confirmed it generally supports. In the circumstances it is not considered necessary that the Gateway require the completion of an additional local supply / demand analysis for only an additional 4750m2 of B1 land. It is noted that Council could still seek completion of the analysis independently should it wish.

***SEPPs**

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

SEPP Rural Lands (2008)

SEPP Rural Lands (the RLSEPP) contains Rural Planning Principles to guide development on rural land. While the proposal is generally consistent with many of the principles, it is unable to satisfy all the principles due to the zoning of existing rural land into urban zones and the theoretical removal of rural land from primary production. This inconsistency is considered to be of minor significance as the proposal is consistent with the North Coast Regional Plan 2036 and Council's Department approved local strategy.

***S117 DIRECTIONS**

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

Direction 1.1 Business and Industrial Zones

The proposal is currently inconsistent with the Direction as the Council's Department approved Business Lands Strategy 2010 requires a local supply / demand analysis be undertaken to support expansion of the commercial area in Corindi Beach which has not yet been completed.

While Council's strategy indicates that a local supply / demand analysis is necessary to support the proposed expansion of the commercial area in Corindi Beach, it is noted that the proponent has addressed this issue already in part through the net community benefit test, which Council has confirmed it generally supports. The inconsistency with s117

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Direction 1.1 Business and Industrial Zones is therefore considered to be of minor significance. It is also not considered necessary that the Gateway require the completion of an additional local supply / demand analysis for this matter, particularly due to the small quantity of land involved (4750m2). It is noted that Council could still seek completion of the analysis independently should it wish.

Direction 1.2 Rural Zones

The proposal is inconsistent with this Direction as it rezones land from a rural zone to residential and business zones. This inconsistency is considered to be of minor significance as the proposal is consistent with the North Coast Regional Plan 2036 and Council's Department approved local strategy which identify the land for urban investigation.

Direction 1.5 Rural Land

The proposal is inconsistent with this Direction as it is unable to comply with all of the rural planning principles as discussed above in regard to SEPP (Rural Lands). This inconsistency is considered to be of minor significance as the proposal is consistent with the North Coast Regional Plan 2036 and Council's Department approved local strategy which identify the land for urban investigation.

Direction 4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as the land contains Class 3 and 5 acid sulphate soils and is not supported by an acid sulfate soils study. This inconsistency is considered to be of minor significance as a preliminary acid sulfate soil investigation found no evidence of acid soils at this site, and as acid sulfate soil provisions within Coffs Harbour LEP 2013 ensure this matter can be adequately addressed at the development stage stage if necessary.

Direction 4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it rezones an existing stormwater channel / drain to R2 Low Density Residential. This inconsistency is considered to be of minor significance as Council's engineers have reviewed the proposal and are satisfied that any minor flooding issues associated with the channel can be addressed in the future subdivision design. It is still recommended however that the proposal be referred to the Office of Environment and Heritage for comment in relation to this issue.

Direction 4.4 Planning for Bushfire Protection

Part of the subject land is 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 until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Environmental social
economic impacts :

***Environmental**

The site is located within proximity of the Pipe Clay Lake, with known aboriginal archaeological significance. An Aboriginal Cultural Heritage (ACH) assessment has been undertaken, concluding that the proposal can proceed and that no additional protections are required at the planning proposal stage. These recommendations were agreed to by the Coffs Harbour and District Local Aboriginal Land Council, the Garby Elders Aboriginal Corporation and the Jagun Aged Care Elders. As the ACH assessment has been agreed to by the interested parties, and as this matter will be considered again as the future development of the site, no additional consultation is considered necessary at the present time.

A Flora and Fauna report has been submitted in support of this proposal. It concludes that the proposal is not expected to have any adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. Council staff have however identified further detail is needed regarding:

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- a detailed assessment based on the final concept design including the extent of affected vegetation and impacts to the adjoining estuary and marine vegetation; and
- additional flora and fauna surveys that take into account seasonal and weather variations, including the targeting of amphibian species that could possibly occur on the site.

Due to the sensitivity of this site within the coastal zone, and its location adjacent to estuaries, it is recommended a condition be included on the gateway requiring an updated flora and fauna study to Council's satisfaction prior to exhibition of the LEP. It is also recommended that the proposal be referred to OEH for comments in this regard.

***Social**

The planning proposal has given consideration to social and economic impacts of the proposed amendment. The proposal will facilitate the development of 33 additional lots, a potential motel and supporting neighbourhood shops. The expansion of Corindi Beach is supported by both the local and regional strategic planning framework and is likely to have a positive economic impact through the provision of local services and employment and increase housing choice in the area.

Due to the nature of the planning proposal, no likely adverse impacts on the natural, built or socio-economic environment have been identified.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Rural Fire Service**

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. :

If Other, provide reasons :

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

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Document File Name	DocumentType Name	Is Public
2017-05-01 Council Minute 27 April 2017.pdf	Proposal	Yes
2017-05-01 Information_checklist_97 Pacific St Corindi Beach_PP.pdf	Proposal	Yes
2017-05-01 Planning Proposal.pdf	Proposal	Yes
2017-05-01 Report to Council 27 April 2017.pdf	Proposal	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information :

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

1. Prior to community consultation, the proposal is to be amended to include:

- (a) Lot 38 DP 233580 within the proposed R2 Low Density Residential Zone and apply a minimum lot size of 400m2; and
- (b) an updated flora and fauna report that addresses:
 - the extent of any affected vegetation and impacts to the adjoining estuary and marine vegetation; and
 - seasonal and weather variations, including the targeting of amphibian species that could possibly occur on the site.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment, 2016) and must be made publicly available for a minimum of 14 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 to comply with the requirements of relevant S117 Directions:

- a. NSW Rural Fire Service
- b. The Office of Environment and Heritage

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.

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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 12 months from the week following the date of the Gateway determination.

and that the Secretary's delegate:

- issues a written authorisation to exercise delegation to Coffs Harbour City Council,

- determines that the inconsistencies with s117 directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the directions, and

- notes the unresolved inconsistency with s117 direction 4.4 Planning for Bushfire Protection.

Supporting Reasons :

The planning proposal is consistent with Councils and the Department's strategic planning. The land has been identified as being potentially suitable for further development and this amendment to the LEP will facilitate that.

Signature:



Printed Name:

Craig Dyer

Date:

5/6/17