



**Planning Proposal
Lots 371 and 372 DP 1026829,
97 Pacific Street, Corindi Beach**

V1 Gateway Determination
April 2017

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INTRODUCTION

Purpose

The purpose of this planning proposal (PP) is to amend Coffs Harbour Local Environmental Plan 2013 (LEP 2013) and change the zoning of Lots 371 and 372 DP 1026829 from Zone RU2 Rural Landscape and B1 Neighbourhood Centre to part Zone R1 General Residential, part Zone R2 Low Density Residential and part Zone B1 Neighbourhood Centre.

Property details

The PP affects land located at 97 Pacific Street Corindi Beach (Lot 372 DP 1026829) the location of which is shown in Figure 1. Corindi Beach is a small coastal village situated approximately 33 kilometres north of Coffs Harbour. An adjacent sewer pump station (Lot 371, DP 1026829), owned by Council is also included within the overall planning proposal. The pump station is 192m² in area and contains pump station infrastructure. A change in zone on the pump station land from an RU2 to an R2 zone has been included in the PP in order to marry up with the surrounding and proposed zones.

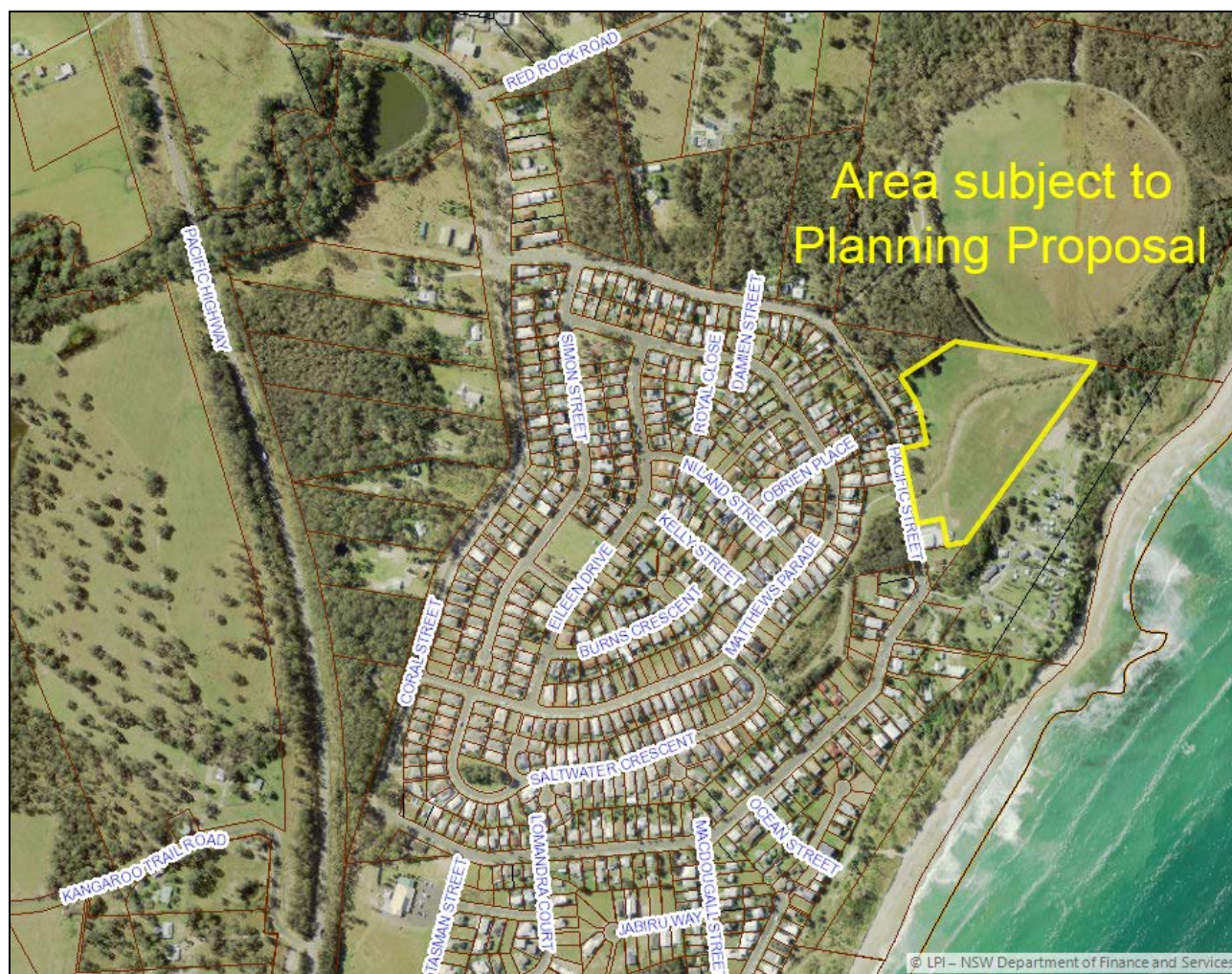


Figure 1 – Location of Subject Site

Site context and setting

The site is located on the north-eastern interface of Corindi Beach. The land is flat with a concrete drainage channel transecting the privately owned portion of the site from the south-west corner to the north-east corner of the site. The site is currently occupied by retail shops in its southern corner and the remainder of the land is vacant. The Corindi Beach Racecourse Reserve is located to the north of the site, while Pipeclay Lake estuary is located to the north-east. The Corindi Beach North Coast Holiday Park is located to the east of the site, and low density housing adjoins its southern and western boundaries.

Current zoning

The overall site currently sits within the RU2 Rural Landscape zone, with part of the land also included in the B1 Neighbourhood Centre Zone, corresponding with a small retail development on the site, under the provisions of *Coffs Harbour Local Environmental Plan 2013*. This PP seeks to rezone the land to part Zone R1 General Residential, part Zone R2 Low Density Residential and part Zone B1 Neighbourhood Centre. The area to be rezoned expands that part of the site currently included in Zone B1 Neighbourhood Centre. Existing zones on the land are shown in Figure 2:

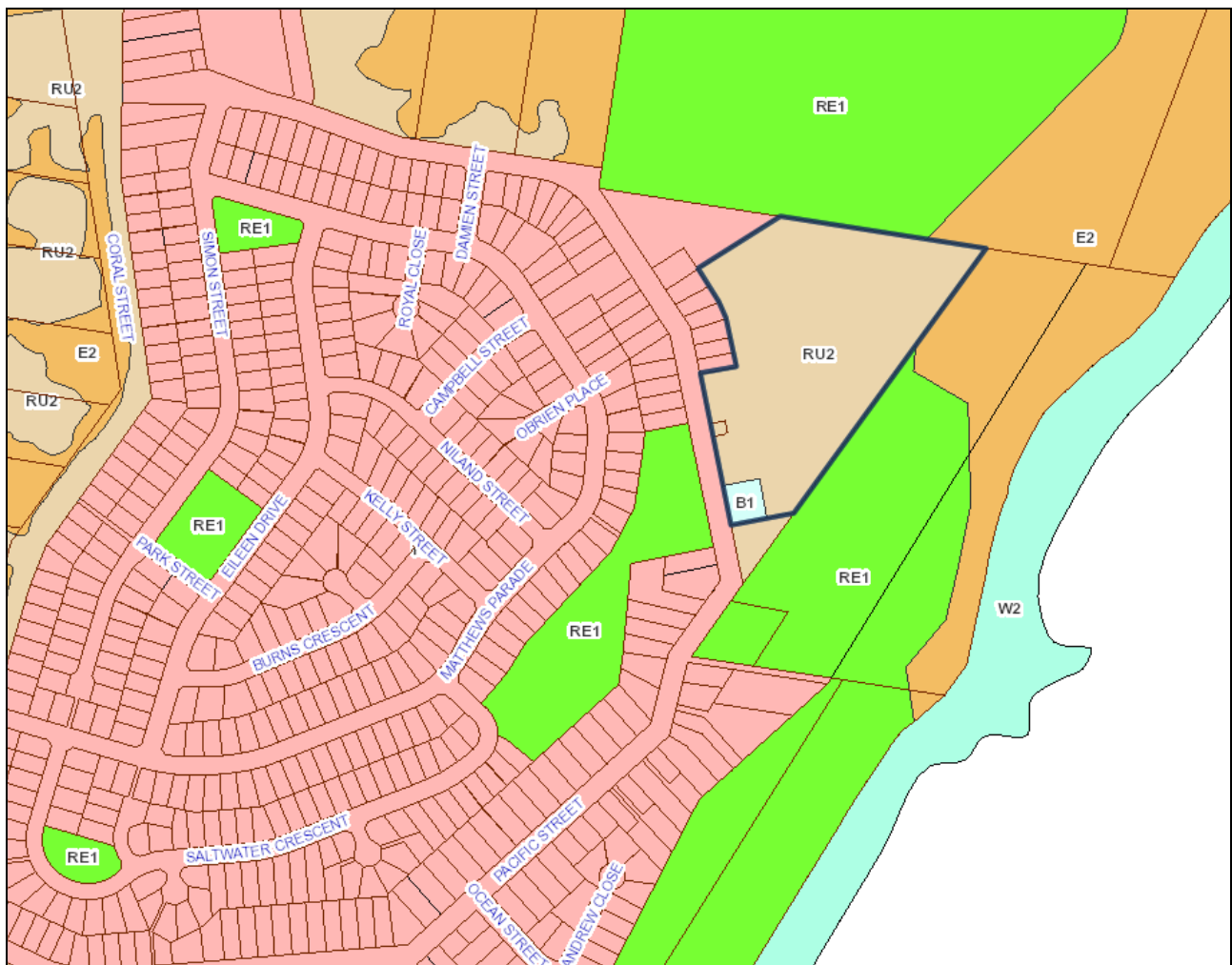


Figure 2 – Existing zones under Coffs Harbour LEP 2013

In May 2005 the Minister for Local Government announced the finalisation of the boundary matters relating to the amalgamation of the localities of Red Rock, Corindi Beach and approximately half of the Corindi plateau with the Coffs Harbour City LGA. Prior to the amalgamation, these lands were governed by the dated provisions of the Ulmarra LEP 1992. Coffs Harbour City Council and the (then) Department of Planning formally rezoned the amalgamated lands on 31 July 2009 to align with the provisions of Coffs Harbour Local Environmental Plan 2000.

An approval to construct shops in the south-western corner of the site was also issued by the Ulmarra Shire Council, and the shops were subsequently constructed and occupied. Coffs Harbour City Council rezoned an area including the curtilage of the shops to a B1 Neighbourhood Centre zone as part of a ‘housekeeping’ LEP review in 2015. This planning proposal looks to expand the existing B1 zone on the site.

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PART 1 - OBJECTIVES / INTENDED OUTCOMES

The objectives of this planning proposal are:

- To seek an amendment to LEP 2013;
- To enable residential subdivision and a motel development together with an extension to an existing neighbourhood shopping area on Lot 372 DP 1026829, having an area of 4.9ha.; and
- To ensure the development of the land is in accordance with its environmental and servicing capacity.

The intended outcomes of the planning proposal are:

- The expansion of residential and business zoned land within the region;
- The provision of zones that will allow a development that will potentially provide employment opportunities during construction and post construction; and
- To achieve broad community acceptance.

PART 2 - EXPLANATION OF PROVISIONS

The intended outcomes of the planning proposal will be achieved by amending Coffs Harbour LEP 2013 mapping in the following manner:

- Land Zoning Map – **Sheet LZN_004B** be amended to show land currently within Zone RU2 Rural Landscape to part Zone R2 Low Density Residential, part Zone R1 General Residential and part Zone B1 Neighbourhood Centre. The area to be rezoned excludes that part of the site currently included in Zone B1 Neighbourhood Centre;
- Lot Size Map – **Sheet LSZ_004B** be amended by removing the minimum lot size provisions for the part of the site to be zoned B1 Neighbourhood Centre and converting the remainder of the site from AB 40ha to U1 1200sqm (R1 zone) and F 400sqm (R2 zone); and
- Floor Space Ratio map – **Sheet FSR_004B** be amended to show D – 0.5:1 for the part of the site to be zoned B1 Neighbourhood Centre.

The LEP 2013 mapping amendments are shown in Figures 4, 5 and 6 below.

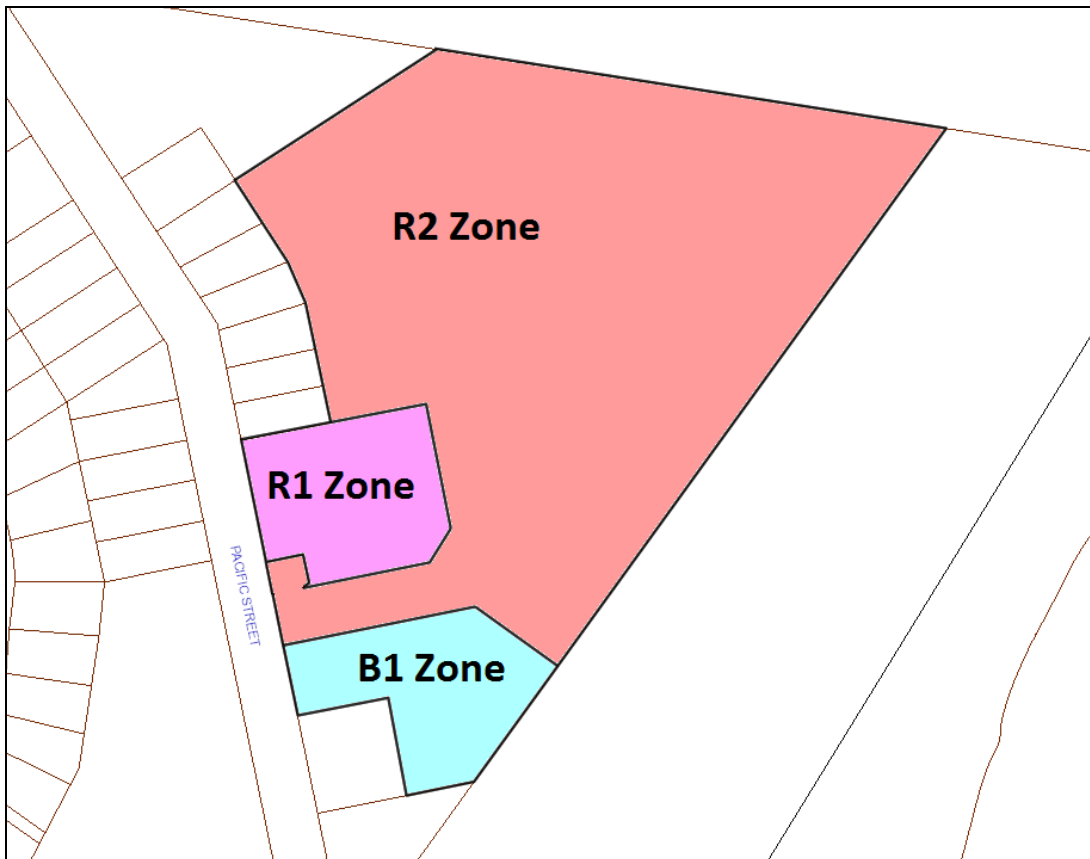


Figure 4 – Proposed amendment to land zoning map

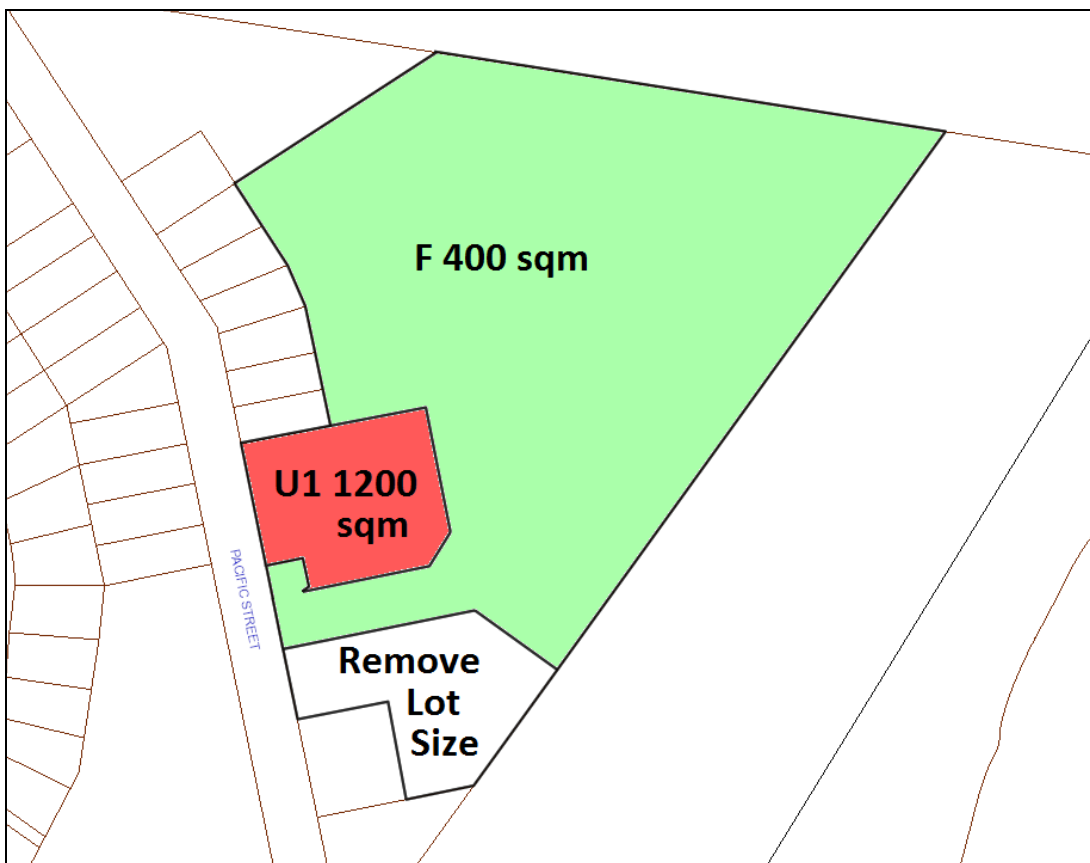


Figure 5 – Proposed amendment to lot size map

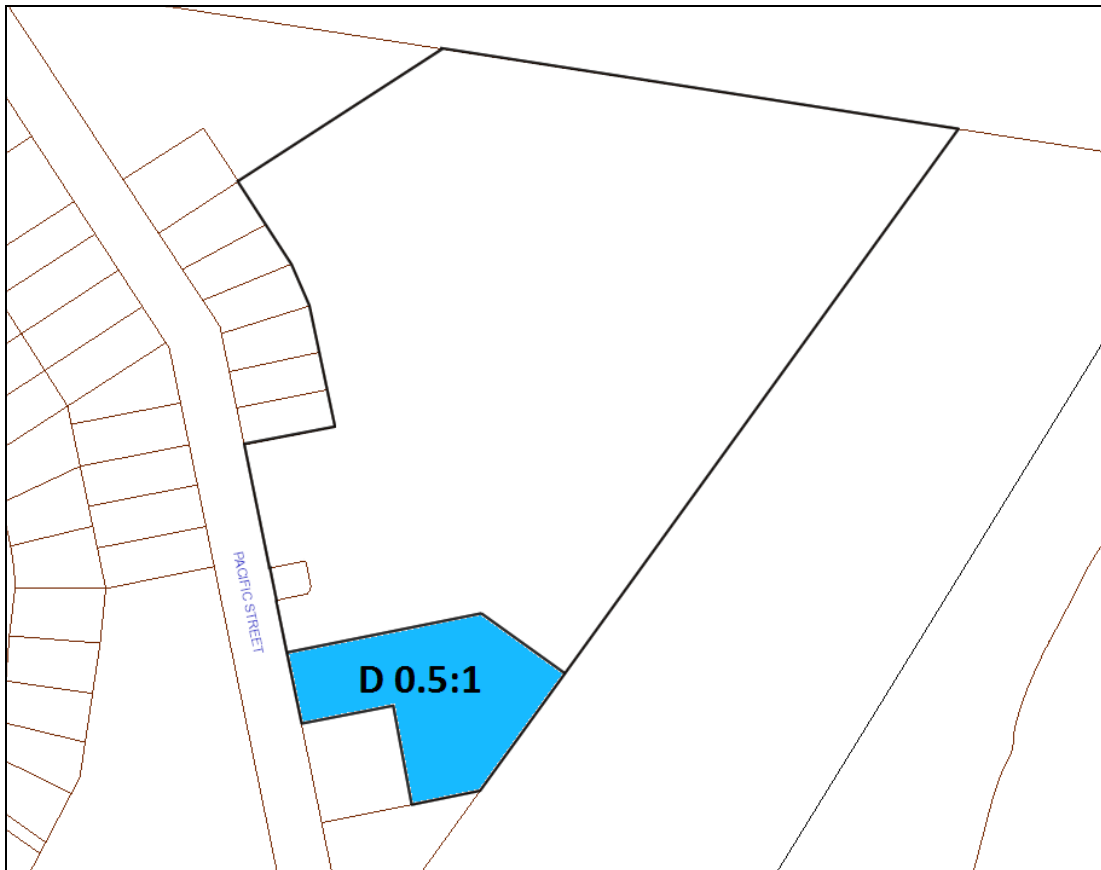


Figure 6 – Proposed amendment to floor space ratio map

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal has been commissioned in response to a landowner's request and at the landowner's expense. The site is included within the Local Growth Management Strategy (Our Living City Settlement Strategy) as an "investigation area for residential purposes".

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject site is an isolated section of land within Zone RU2 Rural Landscape / Zone B1 Neighbourhood Centre that is wholly within one property boundary and ownership. The site has been identified as an investigation area for residential purposes in the local growth management strategy prepared by Coffs Harbour City Council. This is not an overall review of the City controls proposed through the preparation of a LGA wide LEP review and as such an individual planning proposal is the most efficient means of achieving the release of additional residential and business land at Corindi Beach.

3. Is there a net community benefit?

According to the applicant's consultant report, the rezoning of the subject land would potentially enable the following development (see Figure 3):

- 33 low density residential lots (R2 Low Density Residential zone).
- A 6,100 m² commercial centre which will include a medical centre (B1 Neighbourhood Centre zone).
- A 4,600 m² potential motel site with restaurant/café/pool (R1 General Residential zone).

The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to planning proposals that promote significant increased residential areas or densities, or significant increased employment areas or the like.

The applicant's consultant has prepared a net community benefit test to accompany this planning proposal. The conclusions of the test include the following:

"The proposed rezoning of land located at 97 Pacific Street, Corindi will result in a significant net community benefit to the local area. The site is the remaining large parcel of vacant land in Pacific Street and its rezoning for urban purposes is both logical and beneficial to the Corindi village community.

Future residential and commercial development will significantly increase the amenity of the Pacific Street streetscape by completing the "gap" in the urban landscape. New development will provide residential and commercial opportunities in the Corindi village within a suitable location.

The current RU2 zoning of the subject site is no longer suitable, as surrounding residential and commercial development has severed any connection to nearby rural land. The existing rural use of the site is considered an underutilization of valuable land with potential for urban residential and commercial development. The proposed rezoning is compatible and complementary to surrounding land use.

The supply of new urban land will provide an opportunity to address the forecasted population increase for the Coffs Coast area by increasing the supply of unconstrained residential land to the Corindi area. This will positively affect housing supply and housing affordability in the area.

The proposed commercial zone will create new employment opportunities for local people as well as increasing the number of services available to the local community. This will stimulate a local micro-economy by increasing commercial competition and by retaining cash-flows within the Corindi locality. The proposal will not adversely impact any land of high ecological value. The existing infrastructure and services of the area has been assessed and is considered capable of supporting the proposal. The cost of the rezoning and future development with the site will be met by the land owner. S94 and water and sewer contributions will be levied on future development to recoup past servicing and infrastructure cost already expended by Council.

There is no flooding, ecological or bushfire constraints that cannot be suitably addressed within a future proposal for low density residential, tourist or commercial land use. Site assessments have confirmed that future development will not result in adverse impacts to surrounding land nor incur any safety risk to the Corindi community.

The Coffs Harbour and District Local Aboriginal Land Council (Ian Brown), the Garby Elders Aboriginal Corporation (Tony Dootson) and the Jagun Aged Care Elders (Tony Perkins) were consulted by the project archaeologist. It is known that Pipe Clay Lake is of particularly high social/cultural significance. Stormwater measures will ensure to not result in any adverse impacts to Pipe Clay Lake. All beach access should be restricted to the existing formalised tracks to ensure that shell middens within the nearby coastal dune system would not be threatened.

Provided the recommendations of the various consultants are adopted, it is highly unlikely that the rezoning would result in any risk, external cost or dis-benefit to the surrounding community. Overall, the rezoning will result in significant net benefits to the Corindi village in terms of housing supply, employment generation and neighbourhood scale commercial opportunities, which may suit a future medical centre.

It is considered that the overall benefits of the proposal significantly outweigh the base case, whereby the land remains as it is, under an unsuitable and irrelevant rural zoning.”

The above statements are generally supported by Council, given that the lands are identified within Council’s Local Growth Management Strategy as an investigation area for residential purposes. The addition of a motel site and an expansion to the existing business zoned land are further discussed in section B 5 below.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Mid North Coast Regional Strategy

The primary purpose of the Mid North Coast Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the region’s population over the next 25 years.

The Strategy sets the policy to govern where and how growth can occur. While it is clear that expected growth can be accommodated in the region, the Strategy places limits on growth in some areas where the value of environmental/cultural assets and natural resources is high.

The property is identified in Growth Map 3 as a ‘Proposed Future Urban Release Area’. The property is relatively unconstrained and satisfies the aims of the Strategy. The planning proposal is seen to be consistent with this Strategy, although further examination of environmental issues post gateway determination will confirm this.

North Coast Regional Plan

The North Coast Regional Plan (NCRP) has recently been publicly exhibited and will apply to the whole LGA. The site is included in the “urban growth area” map as “proposed urban land” which forms part of the City of Coffs Harbour.

The Proposal is considered to be generally consistent with the NCRP with respect to Direction 3.1, as the Proposal will provide additional housing supply to meet the demands of the North Coast.

The Proposal is also considered to be generally consistent with respect to Direction 4.1, providing additional resources to the tourism sector (proposed motel) and Direction 4.5, as the Proposal will

help to grow the region's business centres (at a neighbourhood scale). In this regard, in addition to the expansion of residential zoned land, the proposal will provide for an existing commercial use to expand.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Coffs Harbour 2030 Community Strategic Plan

In 2012, Council updated its 20-year Community Strategic Plan (2030). The plan is based on five key themes, being: Learning and Prospering, Places for Living, Moving Around, Looking After our Community, and Looking After our Environment.

The planning proposal is generally consistent with the following relevant objectives from Places for Living:

PL 1 Our infrastructure and urban development is designed for sustainable living	PL 1.3 Create balanced pedestrian friendly communities with a mix of residential, business and services
	PL 1.4 Create affordable housing options

Other Local Strategic Plans

Given the location of the site, and the objectives and intended outcomes sought by the planning proposal, other local strategic documents of relevance include:

- *Local Growth Management Strategy – Urban Lands Component 2008 (Our Living City Settlement Strategy); and*
- *Local Growth Management Strategy - Business Lands Strategy Component 2010.*

Local Growth Management Strategy – Urban Lands Component - Our Living City Settlement Strategy

The Our Living City Settlement Strategy (OLC Strategy) is part of Council's Local Growth Management Strategy (LGMS) and was finalised in 2008. The OLC Strategy was prepared pursuant to Clause 38(3) of the *North Coast Regional Environmental Plan 1988*, and sets out a future for the growth and development of the LGA until 2031. The goal of the OLC Strategy is to foster healthy urban communities which contribute to delivering the Vision for the City, with this Vision described as: The Healthy City, the Smart City and the Cultural City for our future.

The OLC Strategy projects a population of 99,000 people by 2031 with 94,000 accommodated in existing zoned areas and the balance of 6000 people expected to be accommodated in Greenfield sites. The OLC Strategy states that "Projected population growth indicates that, at existing rates of consumption, additional land will be required for residential purposes by the period 2016-2021 in proximity to the Coffs Harbour Township [City]."

The OLC Strategy is presented in 5 parts. Part 3 of the Strategy contains the overall Strategy, and provides details on development areas and recommended priority releases for each area. The Strategy concentrates growth in the City's Central Business District (CBD) and key centres. It offers a hierarchy of Coffs Harbour as Coastal City; Woolgoolga, Moonee and Sawtell/Toormina/Boambee as Coastal Towns; and other settlements generally as Coastal and Hinterland Villages.

Detailed strategies are provided for each urban area along with recommendations for future Place Management Plans for each of these areas. Part 3 also contains a supply and demand supply analysis based on population projections, and a servicing analysis.

Part 4 of the OLC Strategy provides mechanisms for implementing the Strategy. A priority program and monitoring and review mechanisms are detailed to ensure the Strategy is kept on track.

Part 5 of the OLC Strategy refers to a series of maps, which include detailed strategies for each urban area within the LGA. These identify future development areas, expected limits to growth and key strategic actions for each area. In addition, each Map includes a series (A, B and C), which provide for each urban investigation area:

- expected lot yields;
- development areas; and
- constraints.

Map 3 of the OLC Strategy includes Corindi Beach and Red Rock and includes the subject site. 97 Pacific Street Corindi Beach is coloured red on the Map, being an investigation area for residential purposes.

Map 3A provides details on urban investigation areas and shows the subject land as an investigation area for residential purposes with a “long term” priority (2016+).

Map 3B provides details on proposed agreed growth areas and shows the site as potentially accommodating 50 dwellings from 2016.

Map 3C deals with constraints, and shows the land as being unconstrained.

• **Motel Development**

The OLC Strategy shows a separate, non-related land parcel on Tasman Street in Corindi Beach as an “investigation area for a future motel”. The Tasman Street land contains a tavern which was approved by the Ulmarra Shire Council in 1986. At the time, overnight accommodation was also included in the approved plans which showed six units as stage two. In 1992 a 21 unit motel was proposed on a separate adjoining lot in a future two lot subdivision over the land.

Responding to landowner enquiries during the preparation of the OLC Strategy, Council provided the following specific advice for the Tasman Street site:

“The subject site is recommended as an “Investigation Area for Urban Purposes” with a Priority 2 release timeframe.

It is considered the development of highway service centre and motel is appropriate for the site. Map 3 of the draft strategy proposes the development of a village core within Corindi Beach village, however, additional work will need to be done to determine the most appropriate location for a shopping precinct.

The matter has been forwarded as a submission to LEP Amendment No 32.

Your request to increase the release priority of the site from Priority 2 to Priority 1 will be reported to Council. I am not in a position to speculate on the decision of Council with regard to this matter.

The Council resolved that the subject land should remain as Priority 2 that had a medium term investigation timeframe for between 2011 and 2016. It is understood that the principal reasons for the Priority 2 classification of the site relate to three issues:-

- 1. Access arrangements to the site in light of the planned Pacific Highway modifications through the area.*
- 2. The existing supply of land for urban development north of Coffs Harbour.*
- 3. The capacity of services infrastructure within the area (particularly the capacity of the sewerage treatment plant) and the additional demand generated by the urban development of the site."*

Since the adoption of the OLC Strategy and its endorsement by NSW Planning in 2009, the Woolgoolga to Wells Crossing Pacific Highway deviation project has commenced and the capacity of services infrastructure within the area has significantly improved. The Tasman Street site has received an approval for a two lot subdivision in 2012, however no formal process has been initiated in relation to a commercial / motel development.

The use of the subject land at 97 Pacific Street Corindi Beach for a "motel and tourist accommodation" has been the subject of previous discussions between the landowner and Pristine Waters Council (2001) and Coffs Harbour City Council (2007). Prior to the lodgement of this planning proposal, no formal process has been initiated to investigate this land use on this site. From a locational perspective, the land is seen as a suitable location for a motel development for the following reasons:

- suitable road network access, being located on a collector road;
- availability of utility services;
- large parcel of land;
- the land is generally free of environmental hazards and constraints;
- proximity to existing business lands (shops, bakery / café and post office);
- proximity to the Corindi Beach North Coast Holiday Park; and
- proximity to the coastline and beach.

• **Expanded Business Zone**

The OLC Strategy references the subject land at 97 Pacific Street as an investigation area for residential purposes. However at the time of adoption of the OLC Strategy, the vacant site held an existing approval for three shops issued by the previous Ulmarra Council on 6 June 1991. The shops were subsequently constructed and an occupation certificate was issued on 9 October 2014. A B1 Neighbourhood Centre zone was applied to the curtilage of the shops in 2015.

This planning proposal seeks to expand the B1 zone to provide for additional neighbourhood scale commercial development and a potential medical centre. The issue of supply and demand and an appropriate floorspace response in this location is discussed further below.

Local Growth Management Strategy - Business Lands Component

Coffs Harbour City Council's LGMS - Business Lands Component (BLC) was adopted by Council and endorsed by NSW Planning in 2010 and involved the following:

- A current situational analysis and overview of employment land stock in Coffs Harbour City Local Government Area (LGA);
- An understanding of key issues for employment land in Coffs Harbour through consultation with key stakeholders;

- Identification of critical land characteristics required by various industry sectors, and demand forecasts for employment land in the Coffs Harbour City LGA;
- Recommendations for short-term zoning and spatial prioritisation of land to accommodate future employment lands; and
- Strategies and actions to ensure a range of developable employment land is available to meet projected demand.

The BLC is a retail and business growth component of the LGMS. It identifies that the Corindi Beach area could expect to require a floor-space composition of business and retail uses similar to Coramba to support the residential growth of the area. The planning proposal seeks to rezone an additional 4750 m² for neighbourhood convenience needs to create a total area of 6100 m², being of a similar size to the area available at Coramba.

Council's BLC states: *"the small outlying centres have an important role to play as neighbourhood centres to serve the needs of the residents in the immediately surrounding area. These areas should not accommodate any users that draw trade from a broad catchment nor should they host any significant employers that would position the centre as an employment destination. B1 'Neighbourhood Centre' zoning is appropriate for these areas (page 64)."*

The PP includes a 4750 m² increase to the existing 1350 m² B1 Neighbourhood Centre zone that applies to the site, resulting in a total of 6100 m² of B1 zoned land in this location. Corindi Beach is also served by a further 2500 m² of vacant B1 zoned land located in Tasman Street which results in an overall total of 8600 m² of B1 zoned land. Given the floor space ratio requirement of 0.5:1 for B1 zoned land, should the PP proceed, Corindi Beach would potentially have 4300 m² of retail floorspace to serve the local community.

The local community is currently served by a general store (appr. 135 m²) and a post office (appr. 100 m²), both of which are located within 150 metres of the subject site.

The BLC states, for Corindi Beach, that *"given the amount of land area zoned (at Tasman Street) and size of the surrounding population, the supply and demand analysis assumes that if developed, the site would possess a similar floorspace composition to Coramba, however as there is no existing activity this would need to be confirmed through local study (page 73)."* The BLC acknowledges that Coramba has a main-street retail floor area of 5656 m².

The proponent submitted a "Net Community Benefit (NCB)" assessment with the PP supporting information. While the NCB test generally addressed the issue of supply and demand and an appropriate floorspace response in this location, as indicated in the BLC, this specific issue will require confirmation through local study. This "further local study" is recommended to be included as part of the Gateway determination issued by the NSW Department of Planning and Environment.

Coffs Harbour Local Environmental Plan

LEP 2013 has a number of provisions that provide for the orderly development of the land and any future development of the land; the relevant clauses to this planning proposal are 2.3, 4.1, 4.3, 7.1, 7.11 and 7.12 and these are addressed below.

Clause 2.3 Zone Objectives and Land Use Table

This clause requires the consent authority to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The Proposal introduces additional R1 General Residential and R2 Low Density Residential and B1 Neighbourhood Centre zones and any future development of the land will need to comply with these objectives. The relevant objectives are:

R1 General Residential zone objectives:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the provision of appropriately scaled tourist and visitor accommodation and tourist related development in locations where it can be adequately provided with services and where the scale and intensity of the development does not detrimentally impact on adjoining, predominantly residential land uses.
- To support active and safe mixed uses at street level compatible with residential living.

R2 Low Density Residential zone objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

B1 Neighbourhood Centre zone objectives:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To facilitate the development of neighbourhood-scale facilities and services that do not detract from the core commercial functions of the Coffs Harbour central business district.
- To allow for residential development while maintaining active retail, business or other non-residential uses at street level.
- To ensure that new commercial buildings make a positive contribution to the streetscape and contribute to a safe public domain.

Clause 4.1 Minimum Subdivision Lot Size

Under this clause the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. Generally speaking, the R1 zone is subject to a minimum lot size of 1200m² and the R2 zone is subject to a minimum lot size of 400m², while the B1 zone does not have a minimum lot size associated with it, as this size is assessed on merit if appropriate.

Clause 4.3 Height of Buildings

Under this clause the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. It would be appropriate for the subject land to retain the existing 8.5m height limit that applies to the land, which will ensure that building heights remain consistent with surrounding residential development. Any future development will be subject to this height limit which will need to ensure that the scenic quality of nearby lands and the nearby coast-line can be protected.

Clause 5.5 Development within the coastal zone

This clause sets out a number of matters relating to the coastal zone to be considered. The table below outlines the matters to be considered and a comment with respect to the listed matters.

Matters to Consider	Comment
Existing public access along the foreshore is to be retained and opportunities for new public access to the foreshore to be considered.	The Proposal is unlikely to have any particular impact upon public access to the foreshore.
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	The additional land uses permitted can be developed within the environmental capacity of the land.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views and scenic qualities of the NSW Coast.	The Proposal as outlined will result in a development that is set back from public viewing areas and is not expected to have any significant adverse impact upon the scenic qualities of the coast.
Measures to conserve biodiversity and ecosystems including native coastal vegetation and existing wildlife corridors, rock platforms, water quality of coastal water bodies, and native fauna and native flora, and their habitats,	The Proposal includes methods to address water quality run-off to sensitive natural areas. Further study may need to be undertaken to ensure that proposed methods of stormwater treatment are appropriate.
The cumulative impacts of the proposed development and other development on the coastal catchment.	The Proposal includes methods to address water quality run-off to sensitive natural areas. Further study may need to be undertaken to ensure that proposed methods of stormwater treatment are appropriate.
The consent authority is to be satisfied that: the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore.	The Proposal is unlikely to have any particular impact upon public access to the foreshore.
The consent authority is to be satisfied that: if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform,	Reticulated sewer services are available to the land, and any subsequent development will be required to connect to these services.
The consent authority is to be satisfied that the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.	Any future development will be subject to Council's WSUD policies to protect Pipe Clay Lake estuary.
The consent authority is to be satisfied that: the proposed development will not: • be significantly affected by coastal hazards, or have a significant impact on coastal hazards, or • increase the risk of coastal hazards in relation to any other land.	The land will not be significantly affected by coastal hazards such as sea level rise. It is located away from any risk area in terms of these hazards.

Clause 7.1 Acid Sulfate Soils

Under this clause development consent is required for the carrying out of works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water-table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The subject land is partly mapped as a low risk (i.e. Class 3 and 5) of potential acid sulphate soils. A preliminary acid sulfate soil investigation has been undertaken and there was no evidence of acid soils found on the property.

Clause 7.3 Flood Planning

This clause applies to land mapped as flood prone land. Under this clause development consent must not be granted unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard that applies to the land, and
- Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood, and
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Council supports this planning proposal proceeding to a Gateway determination with respect to flooding and drainage.

Some of the key flooding and drainage issues considered by Council staff are:

- The proposal results in a 2% increase in peak runoff however the report justifies this on the basis of an upstream detention basin over-compensating for the whole catchment
- There will be an increase in stormwater pollutants from the site but not 'outside' Council's WSUD requirements
- No objection to the whole site being zoned R2 in respect to flooding and drainage issues.

The proposed drainage concept involves:

- converting the existing open channel to an enclosed box culvert system located under the proposed road layout.
- constructing a separate road drainage system to capture local runoff from the site and treat with bio-retention basins separate from the box culvert drainage system. Water quality treatment would be to Council's WSUD guideline requirements
- designing the road layout to carry overland flow from upstream of the site in the event of blockages in the box culvert drainage system.

The downstream impacts of the proposal will be:

- a 2% increase in peak runoff
- an increase in pollutants associated with residential development.

With respect to the 2% increase in peak runoff, the report does not propose any detention measures to address this because the existing (recently constructed) detention basin upstream of Pacific Street reduces peak flows from the Corindi village by approximately 50% compared to an undeveloped, rural catchment scenario. Therefore the 2% increase is considered negligible in comparison to this 50% reduction. This is considered reasonable in terms of hydraulic impacts, however there is a question of whether this is an equitable outcome.

The proposal only proposes to reduce stormwater pollutants to the criteria set by Council's WSUD policy. This is considered a reasonable approach. An objective of improving upon the water quality from an undeveloped site is not considered feasible.

Council has no objection to the whole site being zoned as proposed in response to flooding and drainage issues. This offers more flexibility in designing and locating the water quality treatment measures at DA stage as opposed to the alternative of having a designated E2 or RE1/RE2 zone for the purpose of stormwater treatment. This would not have any bearing on the size of the water quality treatment measures at this is determined by Council's WSUD policy. There is sufficient area on the site for stormwater treatment in accordance with Council's WSUD policy.

The drainage / flooding report indicates the box culvert system would carry all of the 1 in 100 year and 1 in 200 year flows (without any overtopping of Pacific Street) assuming no blockages at the upstream end at Pacific Street. Nonetheless, the report recommends the road layout in the subject site is designed as an overland flow path to cater for overtopping of Pacific Street in the event of a blockage. This will need to be detailed at DA stage.

Clause 7.11 Essential Services

This clause requires that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation, and
- suitable road access.

The land has ready access to the above-mentioned services for the current and future development of the site as envisaged.

Clause 7.12 Design Excellence

This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies. The clause states that development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In considering whether the development exhibits design excellence, the consent authority must have regard to the listed matters, which include:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- whether the development detrimentally impacts on view corridors,
- the requirements of the Coffs Harbour DCP,
- how the development addresses the following matters:
 - the suitability of the land for development,
 - existing and proposed uses and use mix,
 - heritage issues and streetscape constraints,
 - the relationship of the development with other development (existing or proposed) on the

- o same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- o bulk, massing and modulation of buildings,
- o street frontage heights,
- o environmental impacts such as sustainable design, overshadowing, solar access, wind and reflectivity,
- o the achievement of the principles of ecologically sustainable development,
- o pedestrian, cycle, vehicular and service access, circulation and requirements, and
- o the impact on, and any proposed improvements to, the public domain.

These matters are appropriately addressed at any development application stage and would be relevant for any new buildings.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The State Environmental Planning Policies (SEPP) relevant to the planning proposal are identified in Table 1 and discussed in the following section.

Table 1: Consistency with SEPP's

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No 6 – Number of Storeys in a Building	N/A
SEPP No 10 – Retention of Low Cost Rental Accommodation	N/A
SEPP No 14 – Coastal Wetlands	N/A
SEPP No 15 – Rural Land-sharing Communities	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 22 – Shops and Commercial Premises	N/A
SEPP No 26 – Littoral Rainforests	N/A
SEPP No 29 – Western Sydney Recreation Area	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No 33 – Hazardous and Offensive Development	N/A
SEPP No 36 – Manufactured Home Estates	N/A
SEPP No 39 – Spit Island Bird Habitat	N/A
SEPP No 41 – Casino Entertainment Complex	N/A
SEPP No 44 – Koala Habitat Protection	N/A
SEPP No 47 – Moore Park Showground	N/A

State Environmental Planning Policy	Consistency
SEPP No 50 – Canal Estate Development	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 53 – Metropolitan Residential Development	N/A
SEPP No 55 – Remediation of Land	N/A
SEPP No 59 – Central Western Sydney Regional Open Space and Residential	N/A
SEPP No 60 – Exempt and Complying Development	N/A
SEPP No 62 – Sustainable Aquaculture	N/A
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP No 71 – Coastal Protection	Potentially consistent. See additional comment below
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP (Infrastructure) 2007	N/A
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
SEPP (Rural Lands) 2008	Consistent. See additional comment below
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Temporary Structures) 2007	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A
SEPP (North Coast REP), 1988	N/A (repealed for CH)

SEPP No. 71 – Coastal Protection

State Environmental Planning Policy (SEPP) is of relevance to this Proposal is SEPP No. 71 – Coastal Protection. This SEPP applies to the land as it is within the coastal zone. Coffs Harbour City Council is required to take into account the matters listed in clause 8 of the Policy when preparing a Draft Local

Environmental Plan. These are listed below together with a response on how the Proposal meets the requirement.

Matters to Consider	Comment
Aims of the Policy which seek to protect and better manage the NSW Coast.	The Proposal is for a development in keeping with Council's OLC Strategy which in turn has been prepared in keeping with coastal management policies.
Existing public access along the foreshore is to be retained.	The Proposal will have no impact upon public access to the foreshore.
Opportunities for new public access to the foreshore to be considered.	N/A.
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	The site is suitable for this scale of development anticipated and is in keeping with the surrounding land uses in this location.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views.	The Proposal will have no impact upon the foreshore.
Scenic qualities of the NSW Coast.	The Proposal is expected to have a neutral impact upon the scenic qualities of the coast.
Measures to conserve animals (including fish and marine vegetation) and existing wildlife corridors.	Habitat areas are to be managed to protect native flora and fauna as outlined in the ecological report.
The likely impact of coastal hazards and processes.	The land is not subject to any significant coastal hazards or processes; flooding issues are addressed above.
Measures to reduce potential conflict between land-based and water based coastal activities.	There is no land or water based conflicts to deal with.
Measures to protect Aboriginal culture.	The measures to protect Aboriginal culture are discussed in a later section of this report.
Likely impact on the water quality of coastal water bodies.	The Proposal suggests methods to address water quality run-off to sensitive natural areas.
Conservation and preservation of heritage items.	This matter is discussed in a later section of this report.
Encouragement of compact towns and cities.	The Proposal assists in creating a compact Town Centre; it is a logical extension of the adjoining residential land use.
Cumulative impacts upon the environment and measures to ensure water and energy efficiency.	The Proposal is in keeping with the Council's OLC Strategy that has considered the wider cumulative impacts.

In light of the above it is considered that the proposal is consistent with SEPP 71.

SEPP (Rural Lands) 2008

The proposal is consistent with the SEPP as it is within an endorsed area identified for urban growth. The proposal is of minor significance as it relates to a small parcel of land (i.e. 4.9 hectares) and is located on land that is not prime agricultural land.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency with applicable s117 Directions is assessed in the following Table 2.

Table 2 Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	This planning proposal includes the expansion of an existing B1 Neighbourhood Centre zone on the site. It provides for a land use change that will allow for additional employment opportunities over the expanded area. The B1 Neighbourhood Centre zone covers small-scale neighbourhood centres that serve the needs of the surrounding area, and may include retail uses, business premises, residential and community uses. The B1 zone has been applied within the LGA to small outlying centres such as Corindi Beach, Coramba, Emerald Beach, Nana Glen and Boambee East. Council's LGMS – Business Lands Component 2010 states: <i>“the small outlying centres have an important role to play as neighbourhood centres to serve the needs of the residents in the immediately surrounding area. These areas should not accommodate any users that draw trade from a broad catchment nor should they host any significant employers that would position the centre as an employment destination. B1 ‘Neighbourhood Centre’ zoning is appropriate for these areas (page 64).”</i> The PP includes a 4750 m² increase to the existing 1350 m² B1 Neighbourhood Centre zone that applies to the site,	More detailed information required post Gateway Determination.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		resulting in a total of 6100 m² of B1 zoned land in this location. Corindi Beach is also served by a further 2500 m² of vacant B1 zoned land located in Tasman Street which results in an overall total of 8600 m² of B1 zoned land. Given the floor space ratio requirement of 0.5:1 for B1 zoned land, should the PP proceed, Corindi Beach would potentially have 4300 m² of retail floorspace to serve the local community. The BLC states, for Corindi Beach, that <i>“given the amount of land area zoned (at Tasman Street) and size of the surrounding population, the supply and demand analysis assumes that if developed, the site would possess a similar floorspace composition to Coramba, however as there is no existing activity this would need to be confirmed through local study (page 73).”</i> The BLC acknowledges that Coramba has a main-street retail floor area of 5656 m². The proponent submitted a “Net Community Benefit (NCB)” assessment with the PP supporting information. While the NCB test generally addressed the issue of supply and demand and an appropriate floorspace response in this location, as indicated in the BLC, this specific issue will require confirmation through local study. This is recommended to be included as a condition of the Gateway determination.	

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Under this direction a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	This Direction seeks to protect the agricultural production value of rural land and prevent rezoning from rural to residential purposes unless a proposal is in accordance with a Regional Strategy or where the proposal will have a minor environmental impact. The subject site is not of sufficient size or within a suitable location to comprise a viable agricultural holding. The land is not identified as Regionally Significant Farmland. Further, the site is identified in the Regional Strategy for future urban growth. For these reasons the provisions of the planning proposal that are inconsistent are considered to be “of minor significance”. An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	Justifiably inconsistent for reasons listed
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.	This Direction requires consistency with the Rural Planning Principles listed in SEPP (Rural Lands) unless justified by a strategy that meets the criteria listed in the Direction. The property is an isolated parcel of rural land with no rural land adjoining. Its use for rural purposes has the potential to conflict with existing adjoining residential development. The size of the property is insufficient to be a viable agricultural holding. The land is identified for future urban purposes in recognised strategies. The	Justifiably inconsistent for reasons listed

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		land can be developed in accordance with its environment capacity and potential impacts contained within the site. For these reasons the provisions of the planning proposal that are inconsistent are considered to be “of minor significance”. An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	
2. Environment and Heritage			
2.1 Environment Protection Zones	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.	This planning proposal does not affect land within an existing or proposed environment protection zone.	Consistent.
2.2 Coastal Protection	Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone. (4) A planning proposal must include provisions that give effect to and are consistent with:	The Proposal is consistent with these policy documents as it incorporates the following: • connection with existing urban areas; • consistency with settlement strategies for the creation of compact	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and (b) the Coastal Design Guidelines 2003, and (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).	towns; - conservation of habitat links and habitat areas; and - efficient connection to services, including transport, water and sewer services.	
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	Consultants were engaged to examine the cultural heritage attributes of the site, having regard to the planning proposal. Management recommendations outlined in the consultant report (see Section 9 of this planning proposal below) have been endorsed by the Coffs Harbour and District Local Aboriginal Land Council (CHLALC), the Garby Elders Aboriginal Corporation and the Jagun Aged Care Elders, and are directed towards the preservation of cultural heritage values to the maximum feasible extent.	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential	This Direction requires a variety of housing to be encouraged, to make efficient use of infrastructure and to minimise impacts. All services can readily be extended to this site and the proposed zone for the site allows for a wide range of dwelling types on the property.	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	density of land.		
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	The objective of this Direction is to ensure that subdivision and street layout provides access, walking, cycling and public transport choices and to reduce travel distances. Zones for urban purposes are to satisfy improved transport choices and proximity to business and services. The subject land is located with frontage to Pacific Street and is an infill site adjoining established residential lots. The site is conveniently located and provides for walking, cycling and public transport on and surrounding Pacific Street. The proposal is consistent with this Direction.	Consistent
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a study prepared in	As stated earlier the site has a low risk of containing acid sulphate soils as the site includes land within Class 3 and 5 as shown on the acid sulphate soils risk maps. A preliminary acid sulfate soil investigation has been undertaken and there was no evidence of acid soils found on the property. This will also be a relevant consideration at any subsequent DA stage. For these reasons the provisions of the planning proposal that are inconsistent are considered to be “of minor significance”.	Justifiably inconsistent for reasons listed

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance.	An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal must not contain provisions that apply to the flood planning areas which: - permit development in floodway areas, - permit development that will result in significant flood impacts to other properties, - permit a significant increase in the development of that land, - are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or - permit development to be carried out without development consent except	A small section of the land affected by this planning proposal is flood affected. The flood affected part of the site corresponds with an open drain running diagonally across the site. Some of the key issues include: - The proposal results in a 2% increase in peak runoff however the consultant report justifies this on the basis of an existing upstream detention basin over-compensating for the whole catchment - There will be an increase in stormwater pollutants from the site but not 'outside' the scope of Council WSUD requirements - No objection from Council's Engineering staff to the whole site being zoned R2 in respect to flooding and drainage issues. The proposed drainage concept involves: - converting the existing open channel drain to an enclosed box culvert system located under the proposed road layout. - construction of a separate road drainage	Justifiably inconsistent for reasons listed

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	system to capture local runoff from the site and treat is with bio-retention basins separate from the box culvert drainage system. Water quality treatment would be to Council's WSUD guideline requirements - designing the road layout to carry overland flow from upstream of the site in the event of blockages in the box culvert drainage system. The downstream impacts of the proposal will be: - a 2% increase in peak runoff - an increase in pollutants associated with residential development. In respect to the 2% increase in peak runoff, the report does not propose any detention measures to address this because the detention basin upstream of Pacific Street reduces peak flows from the Corindi village by approximately 50% compared to an undeveloped, rural catchment scenario. Therefore the 2% increase is considered negligible in comparison to this 50% reduction. This is considered reasonable in terms of hydraulic impacts. The development concept will be able to reduce stormwater pollutants to the criteria set by Council's WSUD policy. This is considered a reasonable approach. An objective of improving upon the water	

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		quality from an undeveloped site is not considered feasible. I don't have any objection to the whole site being zoned R2 in respect to flooding and drainage issues. This offers more flexibility in designing and locating the water quality treatment measures at DA stage as opposed to the alternative of having a designated E2 zone for the purpose of stormwater treatment. This would not have any bearing on the size of the water quality treatment measures as this is determined by Council's WSUD policy. There is sufficient area on the overall site for stormwater treatment in accordance with Council's WSUD policy. The drainage / flooding report indicates the box culvert system would carry all of the 1 in 100 year and 1 in 200 year flows (without any overtopping of Pacific Street) assuming no blockages at the upstream end at Pacific Street. Nonetheless, the report recommends the road layout in the subject site is designed as an overland flow path to cater for overtopping of Pacific Street in the event of a blockage. This will need to be detailed at DA stage In light of the above, an approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	
4.4 Planning for Bushfire	Applies when a relevant planning authority prepares a planning	The proposal will affect areas of land identified as being	Referral to NSW RFS will

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
Protection	proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,	bushfire prone. However, it will not impact on the existing planning controls that address the issue of bushfire hazard on this land. These matters are addressed in Section C below. The Gateway Determination will likely require Council to consult with the NSW Rural Fire Service.	be likely to be required post Gateway Determination.
5. Regional Planning			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	As stated earlier in this report, the Proposal is consistent with the North Coast Regional Plan.	Consistent
6. Local Plan Making			
6.3 Site Specific Provisions	Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the	The Proposal looks to rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone The Proposal is therefore considered consistent with this Direction.	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal. (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.		

Section C - Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The submitted Corindi Beach Ecological Assessment prepared by Ecosure provides enough surety in relation to impacts to threatened species in order for the proposal to proceed to a gateway determination. Further studies will still be required post gateway.

However, additional flora and fauna surveys should be undertaken post Gateway determination, including:

- a detailed impact assessment based on the final concept design including the extent of affected vegetation (both on and offsite), impacts to the adjoining estuary and marine vegetation.
- additional flora and fauna surveys undertaken to account for seasonal and weather variations. This should include targeting amphibians and species that have been determined to possibly occur on the site.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Proposal has potential impacts in terms of the following:

- bushfire;
- traffic;
- cultural heritage; and
- flooding / drainage;

Bushfire

A Bushfire Assessment was prepared to assess the bushfire hazards associated with the Proposal and the measures required to meet the Planning for Bushfire Protection Guidelines 2006.

The main findings and conclusions of the Assessment are as follows;

“The bushfire hazard vegetation constraining the property is disjointed / non-continuous along the site's boundaries. Swamp sclerophyll forest is the predominant vegetation surrounding the property, where the swamp sclerophyll forest is either less than 1 hectare in area, or provides a fire run distance directly towards the property of less than 50m, then the swamp sclerophyll forest has been assessed as remnant in accordance with the concession afforded in PBP-2006.

The property is currently occupied by a 3-shop complex in the south-western corner of the property. PBP-2006 does not require Class 5 - 8 buildings to meet the AS3959-2009 Construction of buildings in bushfire-prone areas standards, consequently an assessment was not carried out on the existing structure. There were not any issues identified relating to access, water supply or landscaping that would justify augmentation from a bushfire-protection perspective.

Part of the proposed new lot has been identified as a Motel precinct, located in the south-west corner of the property fronting Pacific Street. The motel site complies with the greater APZ requirements applied to Special Fire Protection Purpose developments.”

The consultant report supports the approval of the rezoning, and further recommends that the following requirements are considered at any subsequent subdivision stage:

- “1. At the issue of Subdivision Certificate and until new dwellings are constructed on the new lots, each new lot shall be managed as an “Outer Protection Area” (OPA) as outlined within Section 4.1.3 and Appendix 5 of “Planning for Bushfire Protection 2006” and the NSW Rural Fire Service’s document “Standards for Asset Protection Zones”.*
- 2. New dwellings are to comply with the provisions of AS3959-2009 Construction of buildings in bushfire-prone areas as determined by the plan attached as Figure 14 of this Report.*
- 3. At the issue of Construction Certificate and in perpetuity, each occupied lot shall be managed as an “Inner Protection Area” (IPA) as outlined within Section 4.1.3 and Appendix 5 of “Planning for Bushfire Protection 2006” and the NSW Rural Fire Service’s document “Standards for Asset Protection Zones”.*“

It is also noted that the Gateway Determination will likely require Council to consult with the NSW Rural Fire Service.

Traffic

The Traffic Assessment report submitted with the application for rezoning assesses traffic impacts at:

- the intersection of Pacific Street and the entrance to the proposed development

- the intersection of the Old Pacific Highway (post Pac Hwy upgrade) with Tasman Street (the southern entrance to Corindi village).

The estimated traffic volumes from the development and on Pacific Street are based on a traffic generation rate of 8.5 vehicles per dwelling for AADT and 10% of this value for peak hour traffic. The estimated traffic volumes used in the assessment compare well with 2013 traffic counts accounting for some growth and a degree of conservatism.

The report states that the intersection of Pacific Street and the entrance to the proposed development requires a 'Type BA' intersection (conventional right turn treatment) indicating this would provide a Level of Service A.

The report estimates that the traffic volume on the Old Pacific Highway will decrease from 15,000 veh/day to about 5,000 veh/day following opening of the upgrade in late 2017 (a 67% reduction). This may be a slight under-estimation of traffic volumes on the Old Pacific Highway however it is not significant in terms of the outcome of the assessment.

The report states that the intersection of the Old Pacific Highway (post Pac Hwy upgrade) with Tasman Street is currently adequate for the estimated traffic with an estimated Level of Service A. The intersection is currently a 'Type CHR' intersection (conventional right turn treatment).

Council engineering staff support the assessment report's statements and have no objection to the proposal proceeding to a Gateway determination when considering traffic impacts.

Cultural Heritage

As stated above, consultants were engaged to examine the cultural heritage attributes of the site, having regard to the proposed rezoning. In accordance with the consultant report, the following management recommendations have been endorsed by the Coffs Harbour and District Local Aboriginal Land Council (CHLALC), the Garby Elders Aboriginal Corporation and Tony Perkins on behalf of the Jagun Aged Care Elders, and are directed towards the preservation of cultural heritage values to the maximum feasible extent.

- 1) *"This assessment has found no grounds to support the need of any special land use zone/s to protect areas of high Aboriginal cultural heritage value within the Planning Area. It is recommended that no further Aboriginal cultural heritage constraints be placed upon the rezoning as currently proposed.*

If rezoned, recommendations 2) through to 8) should be fully implemented in conjunction with any future development.

- 2) *As per the current subdivision concept plan, no roads or other development-related disturbance should occur on adjacent lands off the proposed road connection with Pacific Street.*
- 3) *To avoid further contamination of Pipe Clay Lake, the causes of overflows from the sewerage pump station adjacent to Lot 372 should be investigated and addressed by CHCC prior to commencement of development works.*
- 4) *Effective sediment and erosion controls should be installed and maintained for the duration of construction-related earthworks to ensure that Pipe Clay Lake is not subject to further degradation caused by increased sediment run-off.*
- 5) *A stormwater treatment and management system designed to reduce nutrient and sediment loads, arrest flow velocities and erosion, prevent the introduction of debris, and thus improve water quality within Pipe Clay Lake, should be installed and permanently maintained.*

- 6) *Quality testing of water to be released into Pipe Clay Lake through Lot 372 should be conducted on a regular, ongoing basis to assess the effectiveness of the stormwater treatment/management system and inform the need for any additional infrastructure.*

It is suggested that a nominated member of the local Aboriginal community be trained and engaged to undertake the water quality testing.

- 7) *Prior to their on-site involvement, all contractors, sub-contractors and their employees engaged for development related earthworks should undergo a general site induction that provides information on legal obligations with respect to Aboriginal objects, including 'stop-work' conditions applicable in the event that any identified or suspected Aboriginal objects are discovered at any time.*

It would be appropriate that an experienced representative of the CHLALC be engaged to deliver the Aboriginal heritage component of the induction.

- 8) *In the event that any identified or suspected Aboriginal objects are detected at any time, all disturbance works should immediately cease within 20m of the find and temporary protective fencing erected around this 'no-go zone' pending further management advice from the OEH and/or the project archaeologist/local Aboriginal knowledge holders. If the find consists of or includes human remains, the NSW Police Department and the OEH Environmental Line (ph 131 555) should also be notified as soon as practicable.*

Works may not recommence within the designated 'no-go zone' until formal written clearance to do so has been provided to the proponent."

Council staff support the cultural heritage assessment report's statements and have no objection to the proposal proceeding to a Gateway determination.

Flooding and trunk drainage concept

The conclusions of the trunk drainage concept and flooding consultant report include:

- *"the constructed basin upstream of Pacific Street is large and reduces peak flows by approximately 50% in the critical storm durations between 1 hour and 2 hours;*
- *the rezoning of Lot 372 increases the peak runoff immediately downstream of Lot 372 by some 2%;*
- *this increase is very small and is negligible when compared with the 50% reduction in peak flows (between "rural" conditions and 2016 conditions) created by the constructed basin upstream of Pacific Street,*
- *under existing conditions, the design once in 100 year flow through the site is confined to the existing excavated channel;*
- *the trunk drainage requirements, after rezoning of the land in accordance with the subdivision proposal shown on Figure 1, would require:*
 - *replacement of the existing open channel with a 2.4 x 1.8 metre box culvert at an approximate grade of 0.5%;*
 - *consideration of design will be required at the junction of the new box culvert with the existing box culvert at Pacific Street to ensure turbulence and friction losses are minimised at this point;*
 - *construction of the box culvert through Lot 372 will require an energy dissipater at the downstream end of the culvert to reduce flow velocities to a more natural situation. This is required to prevent erosion further downstream.*
 - *construction of a debris grate upstream of Pacific Street will be required for public safety and to prevent debris from entering the trunk drainage system.*
- *the road system through Lot 372 will not need to be used as an overland flow path unless blockage of the drainage system at Pacific Street occurs and Pacific Street is overtopped.*

- *given the catchment above Pacific Street is small and of moderate gradient, will be fully developed for urban housing, and has relatively mild slopes, significant debris from this catchment is not expected.*
- *water quality runoff from Lot 372 can be achieved by use of bio-retention areas at the downstream end. It is not intended to connect the road drainage on Lot 372 to the box culvert through the site. Thus, the water quality measures are to be designed to achieve water quality improvements for runoff from Lot 372 and are not intended to provide water quality improvements for runoff upstream of Pacific Street."*

The key considerations for this planning proposal from Council's point of view are:

- The proposal results in a 2% increase in peak runoff however the report justifies this on the basis of the upstream detention basin over-compensating for the whole catchment
- There will be an increase in storm-water pollutants from the site but not 'outside' Council Water Sensitive Urban Design (WSUD) requirements
- No objection from Council to the whole site being zoned as proposed in respect to flooding and drainage issues.

The proposed drainage concept involves:

- converting the existing open channel to an enclosed box culvert system located under the proposed road layout.
- construction of a separate road drainage system to capture local runoff from the site and treat it with bio-retention basins separate from the box culvert drainage system. Water quality treatment would be to Council's WSUD guideline requirements
- designing the road layout to carry overland flow from upstream of the site in the event of blockages in the box culvert drainage system.

The downstream impacts of the proposal will be:

- a 2% increase in peak runoff
- an increase in pollutants associated with residential development.

In respect to the 2% increase in peak runoff, the report does not propose any detention measures to address this because an existing detention basin upstream of Pacific Street reduces peak flows from the Corindi village by approximately 50% compared to an undeveloped, rural catchment scenario. Therefore the 2% increase is considered negligible in comparison to this 50% reduction. This is considered reasonable in terms of hydraulic impacts.

The proposal only proposes to reduce storm-water pollutants to the criteria set by Council's WSUD policy. This is considered a reasonable approach. An objective of improving upon the water quality from an undeveloped site is not considered feasible.

Council has no objection to the whole site being zoned as proposed in respect to flooding and drainage issues. This offers more flexibility in designing and locating the water quality treatment measures at DA stage as opposed to the alternative of having a designated E2 zone for the purpose of storm-water treatment. This would not have any bearing on the size of the water quality treatment measures as this is determined by Council's WSUD policy. There is sufficient area on the site for storm-water treatment in accordance with Council's WSUD policy.

The drainage / flooding report indicates the box culvert system would carry all of the 1 in 100 year and 1 in 200 year flows (without any overtopping of Pacific Street) assuming no blockages at the upstream end at Pacific Street. Nonetheless, the report recommends the road layout in the subject site is

designed as an overland flow path to cater for overtopping of Pacific Street in the event of a blockage. This will need to be detailed at DA stage.

Consideration was given to incorporating an environmental (E2 Environmental Conservation) zoning at the north-eastern extent of the site where the land naturally drains toward the estuary to address water quality issues. However, as mentioned above it is considered that a residential (R2) zone offers more flexibility in terms of amending the conceptual layout at the development stage to achieve compliance with Council's Water Sensitive Urban Design (WSUD) policy. In this regard, one of the aims of WSUD is to blend urban infrastructure with a site's natural features in a way that reduces negative impacts on the natural water cycle and protect the health of aquatic ecosystems.

Mitigation actions at the development stage will focus on a development / lot layout that achieves little or no negative downstream impacts on the Solitary Islands Marine Park. While Council staff are generally supportive of the concept of the current drainage channel being piped underground to a stormwater treatment method in proposed (conceptual) lot 1, Council needs to be assured that appropriate stormwater controls can be achieved on the site with regard to the area needed and the treatment proposed. As mentioned above, an R2 zone would provide more flexibility in terms of amending the conceptual layout at the development stage to provide an acceptable outcome in terms of WSUD Policy compliance.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will make a positive contribution to the economic growth of Corindi Beach and provide some 5ha of land for residential and neighbourhood business development to support the growth of the area. The additional residential lots will contribute a greater housing choice and increased land stock in the locality. The additional development provided by this proposal is not considered to place unreasonable demands on existing social services in the Corindi Beach village or the immediate area.

The area is characterised by its natural, coastal environment and is located near to a number of large public reserves. The Yarrawarra Aboriginal Cultural Centre is also located nearby.

The proponent has submitted a "Net Community Benefit (NCB)" assessment with the planning proposal supporting information. While the NCB test generally addressed the issue of supply and demand of business lands and an appropriate floorspace response in this location, as indicated in Council's LGMS – Business Lands Component 2010, this specific issue will require confirmation through local study. This is recommended to be included as a condition of the Gateway determination.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Road Network and Access

The site has significant frontage to Pacific Street Corindi Beach, being an existing collector road servicing a growing urban area.

The Traffic Assessment concludes that the site is positioned such that it provides sufficient transport components with respect to Council's Guidelines and Australian Standards and does not result in any significant adverse traffic impacts that would preclude its further development. Council supports this view.

This issue is further discussed in A9 above.

Electricity and Telephone

The subject site is readily serviced with access to the electrical grid and telecommunications network.

Water and Sewerage

The location is serviced by reticulated water supply and sewerage which can readily be extended to service future development. All necessary services are readily available to the site.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This requirement of the planning proposal will be determined following additional consultation with any State and Commonwealth Public Authorities which are identified in the Gateway Determination.

PART 4 – COMMUNITY CONSULTATION

This planning proposal is within the context of Council's Local Growth Management Strategy, which suggests that the planning proposal is:

- generally consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework and presents no issues with regard to infrastructure servicing;
- is not a principal LEP; and
- does not reclassify public land.

The Gateway Determination to be issued by P&E will stipulate the timeframe that the planning proposal will need to be publicly exhibited for. P&E will also determine the State Government departments that will need to be consulted.

PART 5 – INDICATIVE TIMETABLE

The table 3 outlines the indicative timeframe for this planning proposal:

Table 3 Indicative timetable

Task	Estimated timeframe
Decision by CHCC to proceed	April 2017
PP referred to NSW Planning and Environment	May 2017
Finalisation of additional information as requested by Council and issuing of Gateway Determination	June - August 2017
Public exhibition / Agency consultation of planning proposal	September - October 2017
Review submissions	October - November 2017
Report to Council	November 2017
Preparation of a final planning proposal for submission to the NSW Department of Planning & Environment requesting the LEP amendment to be made	December 2017
Submission to Planning Minister	December 2017
Responses to Ministerial comments	January – February 2018

SUMMARY AND CONCLUSIONS

This planning proposal seeks to amend Coffs Harbour Local Environmental Plan 2013 (LEP 2013) and change the zoning of 97 Pacific Street Corindi Beach (Lots 371 and 372 DP 1026829) from Zone RU2 Rural Landscape and B1 Neighbourhood Centre to part Zone R1 General Residential, part Zone R2 Low Density Residential and part Zone B1 Neighbourhood Centre. The rezoning will enable a potential residential subdivision and motel development together with an extension to an existing neighbourhood shopping area and the establishment of a motel development on the site.

The planning proposal is considered consistent with Council's Community Strategic Plan 2030 and LGMS – Urban Lands Component 2009 and Business Lands Component 2010. The planning proposal is also consistent with the North Coast Regional Plan 2017 and is generally consistent with all relevant SEPP's. It is also considered to be consistent with relevant Section 117 Directions, apart from a minor inconsistency with Directions 1.2 (Rural Zones), 1.5 (Rural Lands), 4.1 (Acid Sulfate Soils) and 4.3 (Flood Prone Land), as discussed elsewhere in this report. An approval for a variation to these s117 Directions is considered to be reasonable under the circumstances. Further information will also be required to support inconsistencies with Directions 1.1 (Business and Industrial Zones) and 4.4 (Planning for Bushfire Protection) prior to any approval for variation to these particular Directions.