

SC17/20 PLANNING PROPOSAL TO REZONE LAND ON LOTS 371 & 372 DP 1026829 97 PACIFIC STREET, CORINDI BEACH

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Coffs Harbour 2030: PL1 Our infrastructure and urban development is designed for sustainable living

Attachments: ATT1 SC17/20 Planning Proposal 97 Pacific Street, Corindi Beach - V1 Gateway Determination

EXECUTIVE SUMMARY

The purpose of this report is to present a proponent-led Planning Proposal (PP) to Council that seeks to rezone rural land under *Coffs Harbour Local Environmental Plan (LEP) 2013* to enable low density residential development, tourist residential development (a motel) and an expanded business development at 97 Pacific Street Corindi Beach (Lots 371 & 372, DP 1026829). These land uses are currently prohibited in the RU2 Rural Landscape zone under Coffs Harbour LEP 2013.

97 Pacific Street is one of the last remaining large greenfield sites in the coastal village of Corindi Beach. It is included in the growth area footprint of Council's Local Growth Management Strategy Urban Lands Component 2008 and the North Coast Regional Plan 2017. It is recommended that Council proceeds with a PP that rezones the site from a RU2 Rural Landscape zone and B1 Neighbourhood Centre zone to a part R1 General Residential zone, part R2 Low Density Residential zone and part B1 Neighbourhood Centre zone.

This involves seeking a Gateway Determination from NSW Planning and Environment (NSW P&E) to allow Council to place the PP (Attachment 1) on public exhibition. It is also recommended that Council considers the outcome of the exhibition in a future Council report.

RECOMMENDATION:

That Council:

- 1. Endorse and forward a Planning Proposal (Attachment 1) to rezone land on Lots 371 & 372 DP 1026829 97 Pacific Street Corindi Beach, to NSW Planning and Environment seeking a "Gateway Determination".**
- 2. Request that the Secretary of NSW Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 59 of the Environmental Planning and Assessment Act in respect of the Planning Proposal.**
- 3. Resolve to publicly exhibit the Planning Proposal and undertake government agency consultation based on the Gateway Determination issued by NSW Planning and Environment.**
- 4. Note that a further report will be brought back to Council for consideration following the public exhibition of the Planning Proposal.**

REPORT

Description of Item:

This PP (Attachment 1) has been commissioned in response to a landowner's request and at the landowner's expense. The PP seeks to rezone the subject lands to enable a low density residential subdivision and a motel development together with an extension to an existing neighbourhood shopping area.

- **The Subject Land:**

The PP affects land located at 97 Pacific Street Corindi Beach (Lots 371 & 372, DP 1026829). The land is 4.9ha in size and its location is shown in Figure 1.

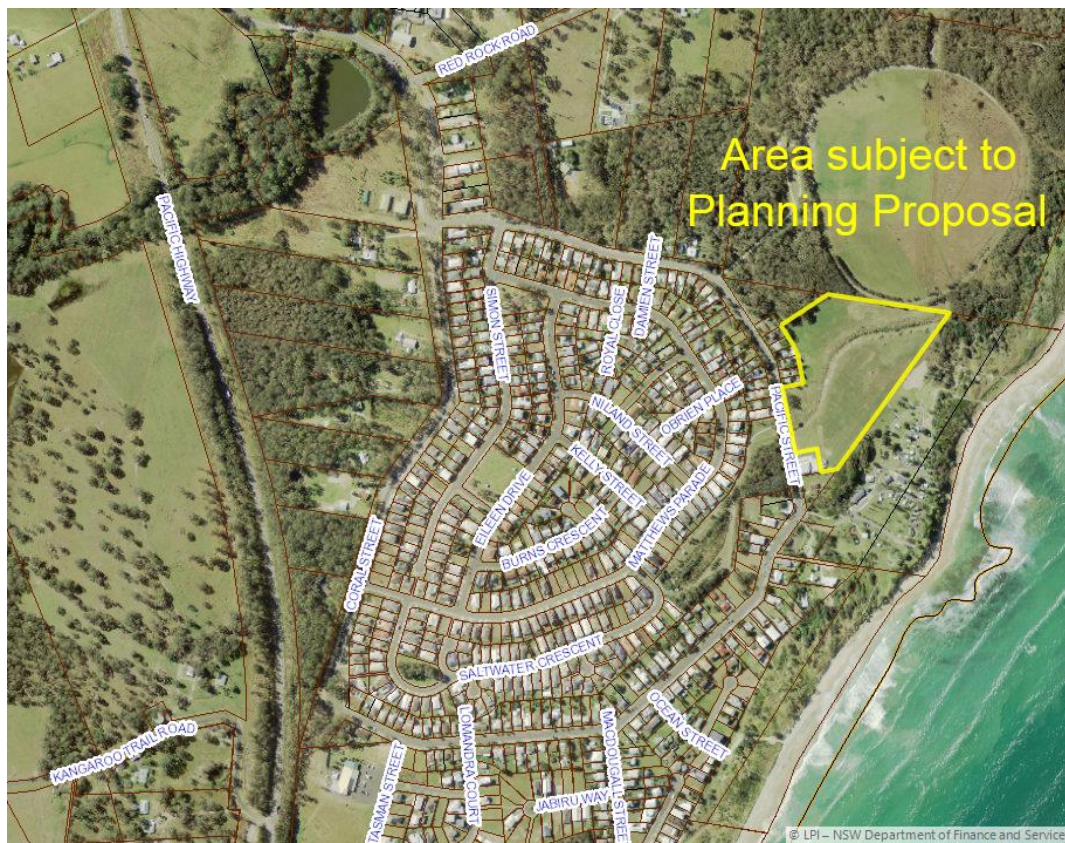


Figure 1 – Location of Subject Site

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 (Lot 372 DP 1026829) 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.

An adjacent sewer pump station (Lot 371 DP 1026829), owned by Council, is also included within the overall PP. The pump station is 192 m² in area and contains pump station infrastructure. A change in zone on the pump station land from an RU2 Rural Landscape zone to an R2 Low Density Residential zone has been included in the PP in order to marry up with the surrounding and proposed zones. 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.

The site is included within the Local Growth Management Strategy (Urban Lands Component 2008) as an “investigation area for residential purposes” and within the North Coast Regional

Strategy 2017's Urban Growth Area (Investigation Area – Urban Land). Accordingly, the planning proposal 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.

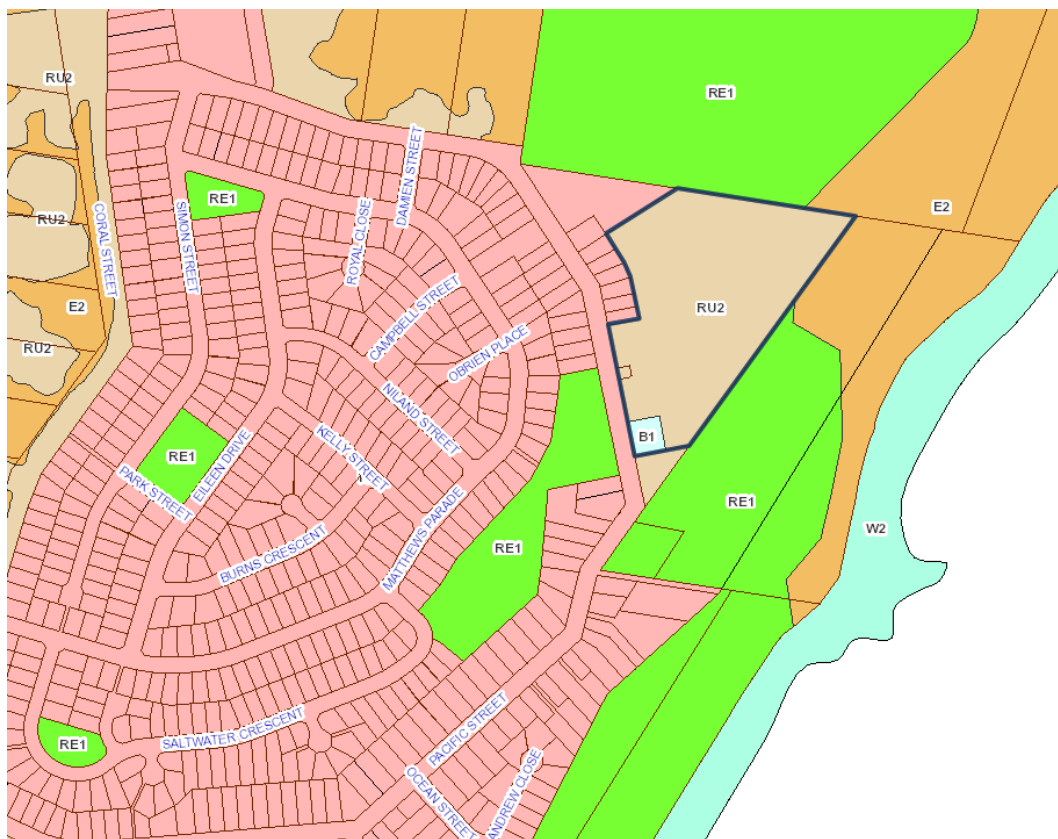


Figure 2 – Existing zones under LEP 2013

- Zoning History of the Site**

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) NSW Department of Planning formally rezoned the amalgamated lands on 31 July 2009 to align with the provisions of Coffs Harbour Local Environmental Plan 2000.

A “site specific” rezoning of 97 Pacific Street was first considered in 2003 by the then Ulmarra Shire Council however the rezoning process was never finalised. The land is now part of the Coffs Harbour City Council LGA and was transferred to the Rural 1A Agriculture zone in 2009 as referenced above. The RU2 Rural Landscape zone was subsequently applied under the Standard Instrument LEP amendment that has become the *Coffs Harbour LEP 2013*.

An approval to construct shops in the south-western corner of the site was also issued by 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 PP looks to expand the existing B1 zone on the site.

A concept plan for a potential low density residential lot layout, motel site and expanded business development footprint, as well as a proposed zone arrangement for the site is shown in Figure 3.



Figure 3 – Development concept plan / applicant's proposed zone arrangement

The PP report contained in Attachment 1 includes a detailed discussion of the PP's intended outcomes, as well as an explanation of provisions and justification of the proposed rezoning.

Issues:

- Increase to B1 Neighbourhood Centre Zone**

The B1 Neighbourhood Centre zone covers small-scale neighbourhood centres that serve the needs of their surrounding areas, and may include retail uses, business premises, residential and community uses. The B1 zone has been applied to small outlying centres such as Corindi Beach, Coramba, Emerald Beach, Nana Glen and Boambee East. Given that they serve relatively small scale areas, care must be taken to ensure that the right amount of B1 zoned land is applied in each area, and that they do not detract from other major business centres.

Council's adopted Local Growth Management Strategy – Business Lands Component (BLC) 2010 addressed business zones within the LGA. It 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"* (pg 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 available to the local community.

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

The BLC states, for Corindi Beach: *“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 (pg 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 their PP supporting information. The submitted NCB generally addressed the potential benefit of additional business land in this location to the local community, however it did not address the issue of local supply and demand and an appropriate floorspace response in this location (given population projections and housing construction rates etc). This is a requirement of NSW P&E. As indicated in the BLC, this specific issue will require clarification through local study, and this will be recommended to be included as part of the Gateway Determination issued by the NSW P&E.

- **Motel Development at this Location**

The use of the subject land at 97 Pacific Street Corindi Beach for “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 PP, no formal process was ever 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.

- **Environmental Issues at the Site**

Environmental sustainability issues are summarised in the PP (Attachment 1). The Ecological Assessment submitted with the supporting information to the PP provides enough surety in relation to impacts to threatened species in order for the proposal to proceed to a Gateway Determination. Council staff have undertaken a preliminary assessment of these issues and further detailed assessment will need to be undertaken following the Gateway stage, 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; and
- additional flora and fauna surveys undertaken to account for seasonal and weather variations, which should include targeting amphibians and species that have been determined to possibly occur on the site.

Detailed site and development proposal specific environmental issues can also be addressed as part of a future development application should this PP be supported. These measures could include retaining on-site vegetation, buffers to off-site vegetation, incorporating a Vegetation Management Plan, effective sediment and erosion controls during construction, excluding cats and/or dogs, local native landscaping, and impacts of pedestrian links.

Water quality and impacts to the adjacent Pipeclay Estuary system and the Solitary Islands Marine Park, will be one of the biggest issues for any type of urban development on this land. 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 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.

The Trunk Drainage / Flooding report submitted with the PP states that the proposed development would result in a 2% increase in peak runoff, however the report justifies this on the basis of an existing upstream detention basin over-compensating for the whole catchment. The report acknowledges that there will be an increase in stormwater pollutants from the site but not 'outside' the scope of being able to be addressed by Council's WSUD requirements. Council staff support this view.

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.

Options:

Council has a number of options in relation to this PP, including:

1. Resolve to adopt the recommendation to support the PP and forward it to NSW Department of Planning and Environment seeking a 'Gateway Determination', to allow it to be placed on public exhibition and for consultation with relevant Government agencies.

Comment: *This option provides a path for the desired rezoning of the site which will enable the proponent to obtain development consent for a low density residential subdivision, a motel development and an extension to an existing neighbourhood shopping area.*

2. Resolve to proceed with the PP with amendments or alternatives to the contents of this report.

Comment: *These options, and their implications, have not been considered in this report.*

3. Resolve not to proceed with the PP.

Comment: *This option will result in the lands remaining in their current zone arrangement, thereby not allowing the referenced development concept to proceed.*

This report recommends that Council pursue Option 1 as outlined.

Sustainability Assessment:

- **Environment**

Environmental sustainability issues are summarised in the PP (Attachment 1). The supporting information to the PP provides enough surety in relation to impacts to threatened species in order for the proposal to proceed to a Gateway Determination.

- **Social**

Social sustainability issues referenced in the supporting information to the PP indicate that an expanded business zone will result in the creation of local jobs, both during construction and post construction. The neighbourhood business area is also noted as being an asset to the local Corindi Beach community, with a medical centre proposed to be sited within this additional business area.

Aboriginal Cultural Heritage considerations are addressed in the PP.

- **Civic Leadership**

The PP process will be undertaken in accordance with the provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*, as well as the EP&A Regulation 2000.

The PP also seeks to implement appropriate and relevant objectives and associated strategies of the Coffs Harbour 2030 (Community Strategic) Plan. Considering and implementing these community endorsed objectives and strategies as part of this PP ensures that the PP is consistent with the 2030 plan.

- **Economic – Broader Economic Implications**

In terms of capital investment, an expansion of the business on the site has the potential to generate additional income to the local economy. The construction phase will employ local tradespeople, and the post construction phase will provide jobs that will further assist the local economy generally.

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

Given that this request for an amendment to Coffs Harbour LEP 2013 is a proponent led project, Council's adopted fees and charges apply. In this regard there are no implications for Council's Delivery Program or Operational Plan as this process is funded by the applicant.

Risk Analysis:

The PP has assessed and documented the constraints that affect the land, sufficient to allow Council to support the application to proceed to the Gateway application stage. The PP has demonstrated that the constraints affecting the land can be managed effectively, therefore minimising associated risks. Further rigorous risk analysis will be undertaken during the ongoing progression of the PP, and any subsequently lodged development application.

Consultation:

Should Council resolve to progress the PP and NSW P&E endorse public exhibition of it, all documents will be exhibited in accordance with the Gateway Determination and relevant provisions of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). Consultation will also be undertaken with all relevant Government agencies in accordance with the Gateway Determination.

Related Policy, Precedents and / or Statutory Requirements:

The following policies and statutory documents have been considered in the preparation of this PP:

- *Coffs Harbour Local Environmental Plan 2013 and Development Control Plan 2015*;
- *Coffs Harbour Local Growth Management Strategy* component documents;
- *North Coast Regional Plan 2017* and Growth Area Maps;
- State Environmental Planning Policies (SEPPs);
- Section 117 Ministerial Directions;
- *Environmental Planning and Assessment Act 1979* and Regulations; and
- *Coffs Harbour 2030 Plan*.

Implementation Date / Priority:

Should Council resolve to progress this PP, it will be immediately forwarded to NSW P&E, requesting a Gateway Determination. The timeframe for the completion of this PP is governed by the EP&A Act 1979 and will be determined by the NSW Department of Planning and Environment.

The projected timeline is as follows:

May 2017	PP referred to NSW Planning and Environment requesting a Gateway Determination.
June - August 2017	Gateway Determination issued and finalisation of additional information as requested by Council and NSW Planning and Environment.
September – October 2017	Public exhibition/agency consultation period.
October - November 2017	Review submissions and report to Council for determination of the planning proposal.
January - February 2018	Council to exercise its delegation of plan making functions (if issued) under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> – that is, making the Plan.

Conclusion:

This report outlines a PP (Attachment 1) which seeks to change the zoning of 97 Pacific Street Corindi Beach 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.

There is sufficient information to enable Council to support the PP and forward it to NSW P&E for its consideration and Gateway Determination. Following receipt of the Gateway Determination and the satisfactory resolution of any requirements included with the Gateway Determination, the PP will be publicly exhibited to gauge public opinion on the PP, and the results of the public exhibition will be reported back to Council.