

Coffs Harbour LEP 2013 - Housekeeping Amendments (No.2)

Proposal Title : **Coffs Harbour LEP 2013 - Housekeeping Amendments (No.2)**

Proposal Summary : **Coffs Harbour LEP 2013 - Housekeeping Amendments - Performance Review No 2.**

The planning proposal consists of 15 'housekeeping' amendments - additional local provision for water extraction and bottling facility in the RU2 Zone, heritage schedule refinements, amendments to Land Zoning, Lot Size, Height of Buildings, Heritage and Land Reservation Acquisition Maps for various parcels of land.

PP Number : **PP_2016_COFFS_004_00**

Dop File No : **16/16118**

Proposal Details

Date Planning
Proposal Received : **16-Dec-2016**

LGA covered : **Coffs Harbour**

Region : **Northern**

RPA : **Coffs Harbour City Council**

State Electorate : **COFFS HARBOUR**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Various land parcels within the Coffs Harbour LGA**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **6400227903**

Contact Email : **gina.davis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Marten Bouma**

Contact Number : **0266484657**

Contact Email : **marten.bouma@chcc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**

Contact Number : **0266416610**

Contact Email : **tamara.prentice@planning.nsw.gov.au**

Coffs Harbour LEP 2013 - Housekeeping Amendments (No.2)

Land Release Data

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

Supporting notes

Internal Supporting Notes : The planning proposal incorporates a number of amendments to Coffs Harbour LEP 2013 as the result of a 'housekeeping' review of the plan. The aim of the review is to improve the overall efficiency and legibility of Coffs Harbour LEP 2013 and to correct a number of anomalies found in the document since its inception in September 2013. The amendments contained within the planning proposal cover both changes to the written instrument and correction of mapping errors and effects a wide range of both public and private property within the Coffs Harbour LGA.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives adequately describes the intention of the planning proposal. The planning proposal seeks to amend the Coffs Harbour LEP 2013 to make various amendments to both the written instrument and maps to correct errors and anomalies. This will improve the overall efficiency of the LEP.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions adequately addresses the intended changes to Coffs Harbour LEP 2013.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 36—Manufactured Home Estates

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

An assessment of the applicable S117 directions and SEPP's is provided within the 'Assessment' section of this planning team report.

Council have indicated that they believe the planning proposal is consistent with all applicable SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal will result in amendments to both the written instrument and maps of Coffs Harbour LEP 2013. To help inform the community it is recommended that maps be prepared that are consistent with the colours and labeling of the Department's standard technical requirements illustrating all of the existing and proposed planning control changes be included in the proposal prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal has indicated a 28 day timeframe for community consultation. Whilst the planning proposal is generally only low impact in nature, this timeframe is considered appropriate to provide extra opportunity for the local community to view and comment on the proposal given the number of amendments involved.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

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

Council is seeking an authorisation to exercise its plan making delegations. As the proposal deals with only matters of local significance, it is recommended that an authorisation to exercise plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project timeline which estimates that the LEP will be ready for notification in September 2017. A nine (9) month timeframe is considered adequate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Coffs Harbour LEP was published in September 2013.

Assessment Criteria

Need for planning proposal :

The proposal seeks to correct the following anomalies and issues identified in Coffs Harbour LEP 2013:

Item 1 - Water extraction and bottling facility within the RU2 Rural Landscape Zone (written instrument change only)

A landholder wishing to develop a water extraction and bottling facility on rural zoned land alerted Council to the current LEP's prohibition of this landuse. Under the previous LEP this landuse was permissible as a rural industry within the Rural 1A Agriculture Zone and was inadvertently prohibited when converting the LEP into the Standard Instrument format.

While Council has suggested an amendment to Schedule 1 of the LEP to address this matter, previous advice from Parliamentary Council for a similar LEP amendment (Tweed Shire Council) has confirmed that inclusion of a local provision is the most appropriate method to resolve this issue. It is recommended that the planning proposal be amended prior to exhibition to remove all references to an amendment to Schedule 1 and instead insert a plain english version of the intent of the local provision.

Item 2 - Removal of item l81 - Lot 24 DP 507406, 13 Twentieth Avenue Sawtell, from the Schedule 5 Environmental Heritage and the Heritage Map (written instrument and LEP map change).

A request from the owner was received to have this item (dwelling) removed from the Heritage Schedule of the LEP as the dwelling has been significantly altered and no original fabric remains. Council's Heritage Advisor upon inspection of the property, concluded that the heritage significance of the building was no longer accurate and could be removed.

Item 3 - Amendment to land description of item 177 - formerly Lot 7 DP 857331, 63-67 First Avenue Sawtell from Schedule 5 Environmental Heritage and amendment to relevant Heritage Map (written instrument and LEP map change).

The shop and residence located on the subject land has undergone a boundary alteration meaning that the property description within the Heritage Schedule is no longer accurate. Schedule 5 of the LEP is to be amended to update the property description. This would also require an amendment to the relevant Heritage Map.

Item 4 - Amendment to Heritage Map for item number 134 - Lot 4 DP 1196909, 30 Blackadder Rd, Corindi (map change only).

This item has been the subject of a boundary alteration and the extent of coverage of the heritage item on the lot has changed resulting in a substantial portion of the mapped area to be removed. The written property description with Schedule 5 is correct.

Item 5 - Amendment of item 152 - formerly Lot 333 DP 1053736, 927 East Bank Road (written instrument and LEP map change).

The property description for this item within the Heritage Schedule is now incorrect due to a boundary alteration. The new lot boundaries also need to be reflected on the relevant Heritage Map.

Item 6 - Amendment to the SP2 Infrastructure Zone, Lot Size Map and Land Reservation Acquisition Map for part of Lot 1 DP 805204, Lots 1 & 2 DP 202529 and Lot 8 DP 560317, 2-10 Hunter Close Korora (map change only).

The subject land is to be zoned from part SP2 Infrastructure to R5 Large Lot Residential under Coffs Harbour LEP 2013. The area of the site being rezoned is now no longer required for infrastructure purposes (Pacific Highway corridor) and Council wishes to align the R5 Large Lot Residential Zone with the cadastre boundaries. The amendment also involves changes in the minimum lot size to 1ha and Land Reservation Acquisition Map to remove the relevant parcels of land.

The gateway should be conditioned to require consultation with the Roads and Maritime Services (RMS) to ensure that the land is no longer required for infrastructure purposes.

Item 7 - Amendment of zone and lot size provisions for Lot 3 DP 841017 and Lot 12 DP 270062) Opal Boulevard, Opal Cove (map change only).

This amendment involves the rezoning of the subject land from R2 Low Density Residential to RE1 Public Recreation to more accurately reflect the use of the land. The land is used as part of the Opal Cove golf course and detention basin and as such is not appropriate to be used for residential development. Rezoning the subject land to RE1 is consistent with surrounding land use and the remainder of the golf course. The amendment also involves a change in the minimum lot size to reflect the zoning change.

Item 8 - Amendment to Land Zone, Lot Size and Land Acquisition Map for Lot 83 DP 1148489, Newmans Road, Woolgoolga (map change only).

The subject land is zoned SP2 Infrastructure under Coffs Harbour LEP 2013 (Pacific Highway corridor). Part of the lot is now no longer required for the highway corridor and Council wishes to rezone the land to RU2 Large Lot Residential which is consistent with the adjoining lands to the west, south and north. The amendment also involves a change in the minimum lot size to 40ha consistent with other land in the zone and the Land Reservation Acquisition Map to remove the relevant part of the land.

The gateway should be conditioned to require consultation with the Roads and Maritime

Services (RMS) to ensure that the land is no longer required for infrastructure purposes.

Item 9 - Amend the Lot Size Map (MLS) for a section of road reserve located adjacent to Lots 1000 and 1001 DP 777881, 72 East Bank Road, Coramba (map change only).

A mapping error has meant that an inappropriate MLS has been applied to the road reserve located adjacent to the subject lots. The lots are zoned R5 Large Lot Residential with a MLS of 1ha however the adjacent road reserve has a MLS of 40ha. This will be amended to be consistent with the MLS of the surrounding R5 zoned lands (1ha).

Item 10 - Amend the zoning and MLS of part of Lot 714 DP 836899 and Lot 41 DP 851022, 71-75 Middle Boambee Road, Boambee (map change only).

A mapping error has resulted in the zoning and MLS for the subject lots not matching the cadastre. The subject lands are considered part of the adjacent rural zoned lands (RU2) and the narrow strip of R5 zoned land serves no functional purpose. Council therefore wishes to rezone the subject land to RU2 Rural Landscape and amend the MLS to 40ha both of which are consistent with surrounding land parcels.

Item 11 - Amend the zone and MLS for part of Lot 340 DP 1069505, cnr Diggers Beach Road and Pacific Highway, Diggers Beach (map change only).

A mapping error has resulted in the zoning and MLS for the subject land not matching the cadastre. The subject land is part of the RE1 Public Recreation zoned parkland and the narrow strip of R2 Low Density Residential serves no functional purpose as residential land. Council therefore wish to amend the relevant Land Zone Map for the subject land to RE1 and the MLS to correlate with surrounding relevant land parcels.

Item 12 - Remove the Height of Buildings controls that apply to part of the Coffs Harbour Airport (map change only).

The airport lands are zoned SP1 Special Activities and are partially mapped with a maximum building height of 8.5m and 11m which is not relevant to the site. As adequate height controls exist in accordance with the Commonwealth Obstacle Limitation Surface (OLS) Map for the Coffs Harbour Regional Airport, there is no necessity for height of buildings controls under Coffs Harbour LEP 2013 to apply to the land.

The gateway should be conditioned to ensure consultation with the Commonwealth department responsible for aerodromes (CASA).

Item 13 - Amend the Land Reservation Acquisition Map to remove Lots 201 and 202 DP 1219403 and Lot 1 DP 1142657, 544-551, 590 and 600 Solitary Islands Way, Moonee Beach (map change only).

The subject lots were rezoned from SP2 Infrastructure to R2 Low Density Residential and the MLS amended under a previous amendment to Coffs Harbour LEP 2013, however the land was not removed from the relevant Land Reservation Acquisition Map. Council now wish to correct this mapping oversight.

Item 14 - Amend the Land Reservation Acquisition Map to remove part of Lot 59 DP 1145438, Pacific Highway, Woolgoolga and Lot 104 DP 1144462, Unwins Road, Woolgoolga (map change only).

The subject lots were rezoned from SP2 Infrastructure to RU2 Rural Landscape and the MLS amended under a previous amendment to Coffs Harbour LEP 2013, however the land was not removed from the Land Reservation Acquisition Map. Council now wish to correct this mapping oversight.

Item 15 - Amend the Land Zoning, Lot Size and Land Reservation Acquisition Maps for multiple lots (32) located on and adjacent to the Pacific Highway at Bonville between the Lyons Road interchange and the LGA southern boundary, Boambee

This item has two distinct actions:

1. Rezoning of land zoned SP2 Infrastructure.

These lands are no longer required as part of the Pacific Highway corridor / upgrade and therefore Council wish to rezone the land to the equivalent of its original zoning under Coffs Harbour LEP 2000, that being RU2 Rural Landscape and /or E2 Environmental Conservation.

2. Rezoning of land to SP2 Infrastructure

This land is currently RU2 Rural Landscape or E2 Environmental Conservation and have been identified as being necessary for the Pacific Highway upgrade project. The land has either been, or is in the process of being, subdivided from adjacent lands for inclusion into the highway corridor.

Both amendments will also require changes to the relevant Lot Size Map to either include/exclude the MLS of 40ha.

It should be noted that the planning proposal does not include details regarding exactly which areas will be rezoned from SP2 to RU2/E2 and from RU2/E2 to SP2 is lacking. The gateway should be conditioned to ensure that the planning proposal is amended prior to exhibition to clearly illustrate which areas are applicable to each zone.

The gateway should also be conditioned to require consultation with the Roads and Maritime Services (RMS) to ensure that the relevant lots are no longer required/ are required for infrastructure purposes.

Consistency with strategic planning framework :

The proposed amendments are generally consistent with the Mid North Coast Regional Strategy (MNCRS). The proposed changes to the zoning of properties and the minimum lot size controls are of minor significance and will rectify anomalies and errors in the LEP mapping.

The proposal is considered to be consistent with all relevant SEPPs except in relation to the rural planning principles of the SEPP (Rural Lands). This inconsistency is considered to be of minor significance and is discussed in detail below in regard to S117 1.5 Rural Lands.

The proposal is considered to be consistent with all relevant S117 Directions except in relation to the following:

1.5 Rural Lands

The proposal is inconsistent with this direction as item 15 rezones land from RU2 Rural Landscape to SP2 Infrastructure and is unable to comply with all of the rural planning principles contained with the SEPP (Rural Lands). This inconsistency is considered to be of minor significance due to the small area of rural land involved and the State / regional significance of the Pacific Highway upgrade project.

2.1 Environment Protection Zones

The proposal is inconsistent with this direction as item 15 proposes to rezone land zoned E2 Environmental Conservation to SP2 Infrastructure to facilitate the Pacific Highway upgrade project and will therefore reduce the environmental protection standards that apply to the land. This inconsistency is considered to be of minor significance due to the small area of environmental land involved and as any environmental matters can be adequately considered and addressed by the assessment that will be required associated with the highway project.

2.3 Heritage Conservation

This Direction applies to the planning proposal as items 2, 3, 4 and 5 will affect items currently listed as having heritage significance under Coffs Harbour LEP 2013. It is considered that any inconsistency with the provisions of this Direction can be considered to be of minor significance as item 2 has been assessed by a Heritage Advisor and found to no longer have heritage value, whilst the remaining items simply require amendments to either the Heritage Schedule and/or Map to update property details which will not affect their heritage status.

3.1 Residential Zones

This Direction applies to items 6, 7, 9, 10 and 11 which all affect land either within an existing or proposed residential zone. Any inconsistency with the provisions of this Direction are considered to be of minor significance as item 6 will rezone land to its previous zoning and current landuse, item 7 will rezone land to reflect it's current landuse, item 9 will amend the MLS of the land to be consistent with its residential zoning and items 10 and 11 will correct mapping errors.

3.5 Development Near Licensed Aerodromes

This Direction is relevant as the planning proposal will affect land that is located in the vicinity of a licensed aerodrome. The Direction requires the RPA to consult with the Department of the Commonwealth responsible for aerodromes. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

4.1 Acid Sulfate Soils

This Direction applies as some of the lands the subject of the planning proposal contain acid sulfate soils (ASS). Whilst some of the proposed amendments will change the zoning over certain lands, or change the development potential in order to rectify minor mapping anomalies, these changes will not result in a significant increase in the development potential of the land and therefore are considered to be of minor significance. Any potential development will also be subject to Council's ASS provisions under the LEP. The proposal's inconsistency with this direction is justified as of minor significance.

4.3 Flood Prone Land

This Direction applies as some of the land affected by the planning proposal is flood prone. The potential changes in zones and MLS may enable an intensification of development. Any development however would be subject to Council's flood provisions under the LEP and any potential impact can be adequately addressed at development application stage. The proposal's inconsistency with this direction is justified as of minor significance.

4.4 Planning for Bushfire Protection

Some of the land affected by the proposal has been identified as being bush fire prone. The direction requires Council to consult with the Commissioner of the NSW Rural Fire Service after a Gateway determination has been issued. Until this consultation occurs the consistency of the proposal with this Direction remains unresolved. Council has indicated that it will consult with the NSW Rural Fire Service following Gateway determination.

6.2 Reserving Land for Public Purposes

The Direction is applicable as the planning proposal will alter or reduce zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department. The proposal is inconsistent with this direction as items 6, 8, 13, 14 and 15 will be zoned or rezoned from SP2 Infrastructure and items 7 and 11 are extending the RE1 Zone. The inconsistency with this Direction is considered to be of minor significance as it only seeks to correct existing mapping errors to better align with the cadastre or to make necessary corrections needed for the Pacific Highway corridor.

Environmental social
economic impacts :

The proposal seeks mainly to rectify incorrect heritage schedule property descriptions, mapping anomalies and errors related to zoning and MLS to reflect existing land uses and to remove land from the Land Reservation Acquisition Map that is no longer required. The planning proposal also proposes to allow with consent water extraction and bottling facilities on land zoned RU2 Rural Landscape. It is considered that this land use is a suitable rural activity with any impacts appropriately assessed at DA stage.

The planning proposal is not expected to have any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats. The proposed amendments are not expected to have a net detrimental economic or social impact on the community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**
Transport for NSW - Roads and Maritime Services
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Coffs Harbour LEP 2013 - Housekeeping Amendments (No.2)

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
CHCC_Evaluation for delegation_completed.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information :

- 1. The Planning Proposal be supported;
- 2. The Planning Proposal be exhibited for 28 days;
- 3. The Planning Proposal be completed within 9 months;
- 4. The Planning Proposal be amended prior to consultation with agencies or exhibition to:
 - include updated maps prepared using the colours and labeling consistent with the Department's standard technical requirements illustrating all of the existing and proposed planning control changes be included in the proposal;
 - amend item 1 to a plain english explanation and remove references to the use of Schedule 1.
- 5. The Secretary (or an officer nominated by the Secretary) note the current unresolved inconsistencies with Directions 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection and that consultation with relevant agencies will be required before the consistency of the Directions can be determined;
- 6. The Secretary (or her delegate) agree that the inconsistency of the proposal with S117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.5 Development Near Licensed Aerodromes, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the directions;
- 8. That consultation be undertaken with the following agencies:
 - NSW Rural Fire Service;
 - Roads and Maritime Services;
 - Department of the Commonwealth responsible for aerodromes.
- 9. A written authorisation to exercise delegation be issued to Coffs Harbour City Council.

Coffs Harbour LEP 2013 - Housekeeping Amendments (No.2)

Supporting Reasons :

The reasons for the recommendation are as follows:

- 1. The proposal will assist Council in maintaining a current, correct and efficient LEP;**
- 2. The proposal is unlikely to have any detrimental social, economic or environmental effect on the subject lands or surrounding areas;**
- 3. The inconsistencies of the proposal with the S117 directions are of minor significance.**
- 4. The proposal is consistent with all relevant SEPPs.**

Signature:



Printed Name:

Craig Diss

Date:

21/12/16

