

SC21/13 PLANNING PROPOSAL - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 TO REZONE LAND - LOT 1 DP 360716 & LOT 15 DP 7956, 288-294 CORAMBA ROAD, COFFS HARBOUR - PRE EXHIBITION

Author: Team Leader Planning & Urban Design
Authoriser: Director Sustainable Communities
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 SC21/13 Planning Proposal (No 288 to 294 Coramba Road, Coffs Harbour)
ATT2 SC21/13 Draft Coffs Harbour Development Control Plan Amendment No. 22 (288 to 294 Coramba Road Coffs Harbour)

EXECUTIVE SUMMARY

A proponent-led application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 for Lot 1 DP 360716 and Lot 15 DP 7956 (288-294 Coramba Road) Coffs Harbour. The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to more accurately apply environmental and residential zones and corresponding minimum lot size and terrestrial biodiversity maps at the subject land (Attachment 1). This report also seeks Council's endorsement to amend Coffs Harbour Development Control Plan (DCP) 2015 to align with the proposed land use zones (Attachment 2).

RECOMMENDATION:**That Council:**

1. Endorse and forward a planning proposal to amend zone, minimum lot size and terrestrial biodiversity map layers of Coffs Harbour Local Environmental Plan 2013 at Lot 1 DP 370716 and Lot 15 DP 7956 (288-294 Coramba Road, Coffs Harbour) to NSW Department of Planning, Industry and Environment seeking a Gateway Determination (Attachment 1).
2. Request that the Secretary of NSW Department of Planning, Industry and Environment issue written authorisation to Council to exercise delegation of the plan making functions under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.
3. Resolve to publicly exhibit the planning proposal and undertake government agency consultation based on the Gateway Determination issued by NSW Department of Planning, Industry and Environment.
4. Resolve to publicly exhibit draft Coffs Harbour Development Control Plan 2015 - Amendment No. 22 (288-294 Coramba Road Coffs Harbour) concurrently with the associated planning proposal (Attachment 2).
5. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal and draft Coffs Harbour Development Control Plan 2015 – Amendment No. 22.
6. Inform the landowners of the subject land and their consultant of Council's decision.

REPORT:**Description of Item:**

A proponent-led application has been received by Council to amend Coffs Harbour LEP 2013 for Lot 1 DP 360716 and Lot 15 DP 7956 (288-294 Coramba Road) Coffs Harbour ('the subject land') to more accurately apply Zone E2 Environmental Conservation and Zone R2 Low Density Residential to the land. The proposal also includes corresponding amendments to the minimum lot size and terrestrial biodiversity maps.

The application has been subject to a peer review and has been determined to have merit as it accords with Council's adopted Local Growth Management Strategy 2020. A planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* ('the Act') to initiate an amendment to Coffs Harbour LEP 2013 (Attachment 1).

This report also seeks Council's endorsement to amend Coffs Harbour DCP 2015 to align with the proposed land use zones (Attachment 2).

- **The Subject Land**

The application to amend Coffs Harbour LEP 2013 affects land at 288-294 Coramba Road, Coffs Harbour (Lot 1 DP 360716 and Lot 15 DP 7956) as shown in Figure 1. The subject land is located approximately 2.2 km west of the Coffs Harbour City Centre and is bounded by William Sharp Drive to the north, Bakers Close and Coramba Road to the west, private property to the east and Coffs Creek to the south. The subject land has an area of 1.108 hectares and is currently within Zone R2 Low Density Residential and Zone E2 Environmental Conservation under Coffs Harbour LEP 2013.

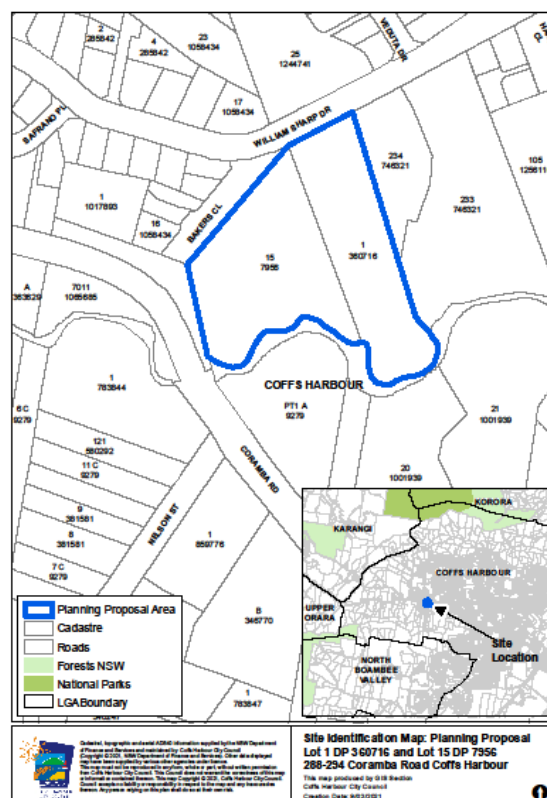


Figure 1 – Subject Land

- **Land Use Zoning**

The planning proposal seeks to amend the land use zone on the north east portion of the subject land from Zone E2 Environmental Conservation to Zone R2 Low Density Residential as the land

in this locality does not accord with the objectives of Zone E2 Environmental Conservation due to the absence of high ecological, scientific, cultural or aesthetic value.

The planning proposal also seeks to amend the land use zone for a very small sliver of land on the southern boundary of the subject land from Zone E2 Environmental Conservation to Zone R2 Low Density Residential to align with the new property boundary approved by Council under Development Consent 0371/20DA for a seven lot Torrens title subdivision. Existing and proposed land use zones are shown in Figure 2.

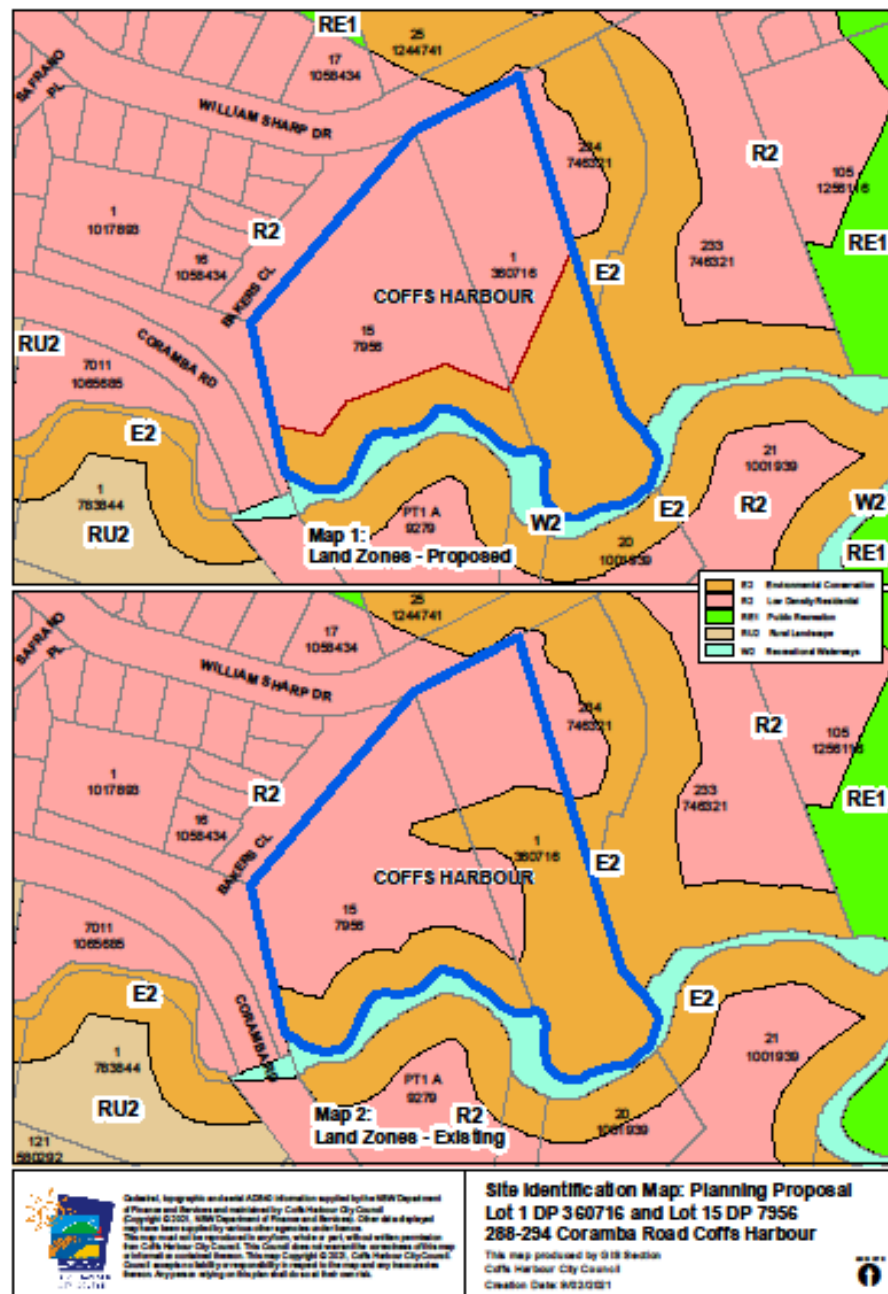


Figure 2: Existing and Proposed Land Use Zones

Issues:

Issues associated with the planning proposal are detailed in Attachment 1 and summarised as follows:

- **Environmental Values**

The north east portion of the subject land is within Zone E2 Environmental Conservation under Coffs Harbour LEP 2013, as it is mapped as containing primary koala habitat, riparian land and terrestrial biodiversity. A mapping anomaly has however been identified where some of the land within Zone E2 Environmental Conservation on the north east portion of the subject land does not contain ecological, scientific, cultural or aesthetic value and thus does not meet the objectives of Zone E2 Environmental Conservation. It is therefore unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposed zoning change in this locality to Zone R2 Low Density Residential.

The southern portion of the subject land is also mapped as containing primary koala habitat, riparian land and terrestrial biodiversity and is within Zone E2 Environmental Conservation under Coffs Harbour LEP 2013. Development Consent 0371/20DA recently issued by Council for a seven lot Torrens title subdivision of the subject land requires most of the land within Zone E2 Environmental Conservation on the southern portion of the site to be dedicated to Council with a vegetation management plan in place. The planning proposal seeks to rezone a very small sliver of land along the southern boundary of the site to Zone R2 Low Density Residential to align with the new property boundary approved under Development Consent 0371/20DA. The impacts associated with this are negligible due to the minor area subject to the zoning change, therefore it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal.

- **Flooding**

Council's spatial mapping indicates that the subject land is prone to flooding. The majority of land within the 100-year flood extent is within Zone E2 Environmental Conservation. Notwithstanding this, some of the land proposed to be within Zone R2 Low Density Residential is within the 100-year flood extent.

Flooding was adequately considered by Council as part of a recent approval to subdivide the land into seven Torrens title lots (0371/20DA). This consent contains a condition for a restriction to be placed on title of the lots under Section 88B of the Conveyancing Act 1919. The restriction on the use of land prohibits fill, earthworks, building and construction works below the 1% AEP (100 year) flood extent. Any future dwelling on lots 5, 6 and 7 must provide Council with a structural engineer's report that certifies the structure has been designed to withstand the forces of floodwater, debris and buoyancy, up to and including the Probable Maximum Flood (PMF) event.

There are adequate planning controls in place to ensure that flooding is appropriately managed as part of any future development applications (if the above development consent is not acted upon). Future development on the land must comply with Clause 7.3 of Coffs Harbour LEP 2013 and Section E4 of Coffs Harbour DCP 2015. Clause 7.3 of Coffs Harbour LEP 2013 establishes minimum floor levels for future development, whilst Section E4.2 of Coffs Harbour DCP 2015 provides that buildings are to be designed and located so that they are free from any high hazard flood areas.

- **Bushfire Prone Land**

The subject land is classified as Category 1 bushfire prone land and an associated 100m buffer area. Bushfire risk has been addressed in a Bushfire Hazard Assessment Report submitted with the proponent-led application (Appendix 3 of Attachment 1). The assessment states that the concurrent seven lot residential subdivision approved on the subject land complies with the specific objectives for the proposed residential use of the land and the performance criteria for the various proposed bushfire protection measures in accordance with the NSW Government's Planning for Bushfire Protection 2019. Future development applications for all development on the subject land will be required to comply with Section 4.14 of the *Environmental Protection and*

Assessment Act 1979 or Section 100B of the *Rural Fires Act 1997*, depending on the nature of the proposed development, and the relevant provisions of *Planning for Bushfire Protection 2019*.

Options:

Council has a number of options available in relation to this matter. They include:

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

Option 1 is recommended as the suitable course of action.

Sustainability Assessment:

- **Environment**

An assessment of environmental issues is provided in the planning proposal (Attachment 1). Environmental sustainability issues are also required to be addressed as part of any future development application should the planning proposal be initiated.

- **Social**

An assessment of potential social issues is provided in the planning proposal and no detrimental impacts have been identified (Attachment 1).

- **Civic Leadership**

The planning proposal is consistent with the 'MyCoffs Community Strategic Plan', in particular C1.2 - undertaking development that is environmentally, socially and economically responsible.

- **Economic – Broader Economic Implications**

The proposed development is not expected to result in any significant broader economic implications.

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

The proposed amendment to Coffs Harbour LEP 2013 is a proponent-led project and therefore 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 planning proposal has addressed the constraints that affect the land and demonstrates that the constraints affecting the land can be managed effectively, therefore minimising associated risks (Attachment 1). This is sufficient to allow Council to support the application and initiate the planning proposal to the next stage (Gateway Determination).

Consultation:

Should Council resolve to initiate the planning proposal and a Gateway Determination is subsequently issued by NSW Department of Planning, Industry and Environment, the proposal is required to be exhibited in accordance with the Gateway Determination and relevant provisions of the Act. Consultation with government agencies and other stakeholders may also be required if specified within the Gateway Determination.

Consultation will be undertaken in accordance with Council's Community Participation and Engagement Plan 2019, as follows:

Project Stage	Inform	Consult	Involve	Collaborate
Pre-lodgement Discussions	x	x	x	
Initiate Planning Proposal	x	x		
Public Exhibition	x	x		
Post Exhibition Report to Council	x	x		
Post Endorsement Notification	x			

Place Score:

In early 2019, Council undertook extensive community consultation using the Place Score place-making tool. This 'place experience' measurement tool enabled residents and visitors within the Coffs Harbour Local Government Area to share what they most value in their neighbourhood and then to rate how their neighbourhood is performing against such values. The 2019 Place Score report was presented to Council on 11 April 2019. West Coffs received a Place Score of 64, which is well below the NSW average of 72 for liveability. One of the top liveability improvement priorities identified by the West Coffs community includes the protection of the natural environment. The proposed amendment to Coffs Harbour LEP 2013 will assist in providing housing opportunities, whilst protecting key attributes of the natural environment.

Related Policy, Precedents and / or Statutory Requirements:

This planning proposal has been prepared in accordance with the Act and associated regulation. A number of other relevant policies and statutory documents have been considered in the preparation of the planning proposal.

Implementation Date / Priority:

Should Council resolve to initiate the planning proposal, it will be immediately forwarded to NSW Department of Planning, Industry and Environment, requesting Gateway Determination. The timeframe for the completion of this planning proposal is governed by the Act and thus is determined by NSW Department of Planning, Industry and Environment.

Conclusion:

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to more accurately apply environmental and residential zones and corresponding minimum lot size and terrestrial biodiversity maps at Lot 1 DP 360716 and Lot 15 DP 7956 (288-294 Coramba Road) Coffs Harbour. The proposed amendment to Coffs Harbour LEP 2013 accords with the North Coast Regional Plan 2036 and Council's adopted Local Growth Management Strategy 2020. Sufficient planning merit for the amendment to Coffs Harbour LEP 2013 is provided within the planning proposal (Attachment 1). This report also seeks Council's endorsement to amend Coffs Harbour DCP 2015 to align with the proposed land use zones (Attachment 2).

FOR ACTION

COUNCIL MEETING

25/03/2021

TO: Team Leader Planning & Urban Design (Mills, Marcy)

Item Number: SC21/13
Subject: Planning Proposal - Application to Amend Coffs Harbour LEP 2013 To Rezone Land - Lot 1 DP 360716 & Lot 15 DP 7956, 288-294 Coramba Road, Coffs Harbour - Pre Exhibition
Target Date: 1/04/2021
Notes:

Resolution Number: 2021/51

RESOLVED (Cr Paul Amos / Cr John Arkan)

That Council:

1. Endorse and forward a planning proposal to amend zone, minimum lot size and terrestrial biodiversity map layers of Coffs Harbour Local Environmental Plan 2013 at Lot 1 DP 370716 and Lot 15 DP 7956 (288-294 Coramba Road, Coffs Harbour) to NSW Department of Planning, Industry and Environment seeking a Gateway Determination (Attachment 1).
2. Request that the Secretary of NSW Department of Planning, Industry and Environment issue written authorisation to Council to exercise delegation of the plan making functions under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.
3. Resolve to publicly exhibit the planning proposal and undertake government agency consultation based on the Gateway Determination issued by NSW Department of Planning, Industry and Environment.
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5. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal and draft Coffs Harbour Development Control Plan 2015 – Amendment No. 22.
6. Inform the landowners of the subject land and their consultant of Council's decision.

The Motion on being put to the meeting was carried unanimously.

CARRIED