



IRF21/1666

## Gateway determination report – PP-2021-2954

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Rezone part Lot 1 DP 360716 & part Lot 15 DP 7956,  
Coramba Road, Coffs Harbour for low density  
residential purposes and amend associated  
development controls

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                    |
|---|
| Planning Proposal                             |
| Council Report and Resolution                 |
| Local Growth Management Strategy (Part 1 - 4) |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | <b>Coffs Harbour</b>   |
| <b>PPA</b>                      | <b>Coffs Harbour City Council</b>  |
| <b>NAME</b>                     | <b>Rezone part Lot 1 DP 360716 &amp; part Lot 15 DP 7956, Coramba Road, Coffs Harbour for low density residential purposes and amend associated development controls</b> |
| <b>NUMBER</b>                   | <b>PP-2021-2954</b>  |
| <b>LEP TO BE AMENDED</b>        | <b>Coffs Harbour Local Environmental Plan 2013</b>   |
| <b>ADDRESS</b>                  | <b>288-294 Coramba Road, Coffs Harbour</b>   |
| <b>DESCRIPTION</b>              | <b>Parts of Lot 1 DP 360716 &amp; Lot 15 DP 7956</b>   |
| <b>RECEIVED</b>                 | <b>6/04/2021</b>   |
| <b>FILE NO.</b>                 | <b>IRF21/1666</b>  |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>   |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>   |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- rezone part of the land at Coramba Road for residential purposes;
- align the boundaries with the Council approved subdivision; and
- amend the associated development standards.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Coffs Harbour LEP 2013 per the changes below:

**Table 3 Current and proposed controls**

| Control                                     | Current                            | Proposed                   |
|---|------------------------------------|----------------------------|
| Zone  | Part E2 Environmental Conservation | R2 Low Density Residential |
| Minimum lot size (proposed R2 land)         | 40ha                               | 400m <sup>2</sup>          |
| Terrestrial Biodiversity (proposed R2 land) | Mapped                             | Not mapped                 |

As shown in Table 3 above, it is proposed to rezone part Lot 1 DP 360716 and part Lot 15 DP 7956 from E2 Environmental Conservation to R2 Low Density Residential to facilitate the development of a 7 lot Torrens Title subdivision approved by Council. The proposal will:

- rezone the north eastern and southern portion of the subject sites to R2 Low Density Residential;
- align the southern boundary of the two lots with the approved 7 lot subdivision boundary; and
- amend the associated developments standards (minimum lot size and terrestrial biodiversity) to the parts of the land proposed to be zoned R2 Low Density Residential.

The proposal will rectify the mapping anomaly of mapped E2 land. That part of the land proposed to be rezoned does not contain any attributes of environmental value and is cleared of vegetation.

It is proposed to apply a minimum lot size of 400m<sup>2</sup> to that part of the land proposed to be zoned R2 Low Density Residential, which is consistent with similar zones in the area.

The land is mapped Terrestrial Biodiversity in the Coffs Harbour LEP 2013. The proposal will remove the terrestrial biodiversity layer that applies to the lots.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The planning proposal applies to part Lot 1 DP 360716 and part Lot 15 DP 7956, 288-294 Coramba Road, Coffs Harbour (Figure 1 and 2 and 3).

The land is located 2km west of the Coffs Harbour city centre. The site is situated off William Sharp Drive and Bakers Close and surrounded by other similar low density residential land. Coffs Creek dissects through the south eastern edge of the site. The southern part of the site is mapped primary koala habitat (Figure 4). Part of the subject site is also mapped as containing Potential High Environmental Value land under the NCRP (Figure 5).

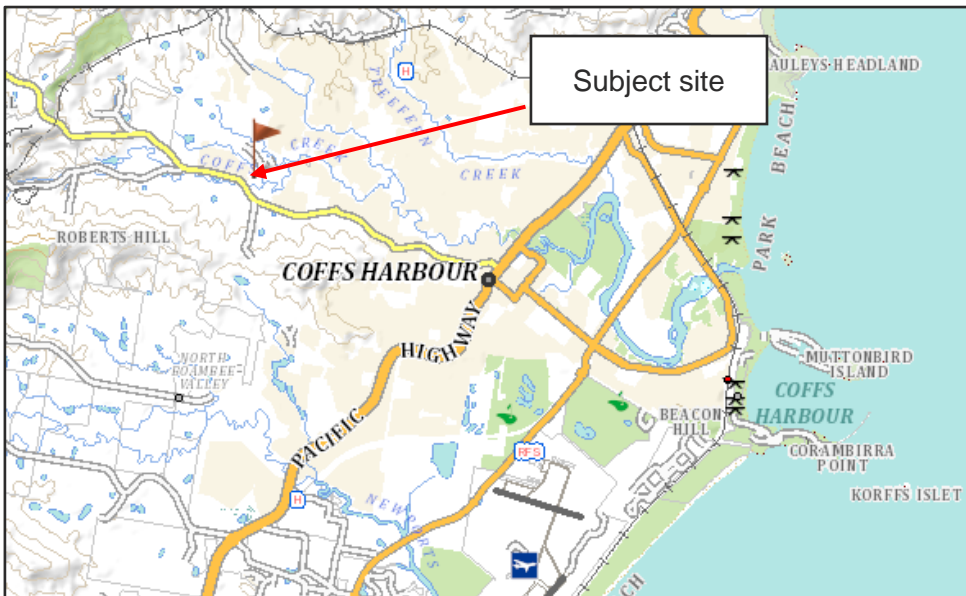


Figure 1: Site locality (source: Six Maps)

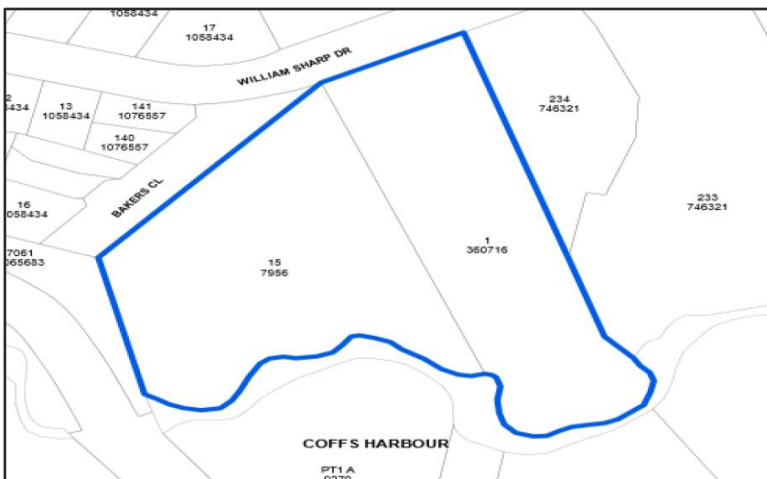


Figure 2: Site Map (source: Planning Proposal)



Figure 3: Aerial view of subject land showing lack of vegetation in area zoned E2: (source: Six Maps)



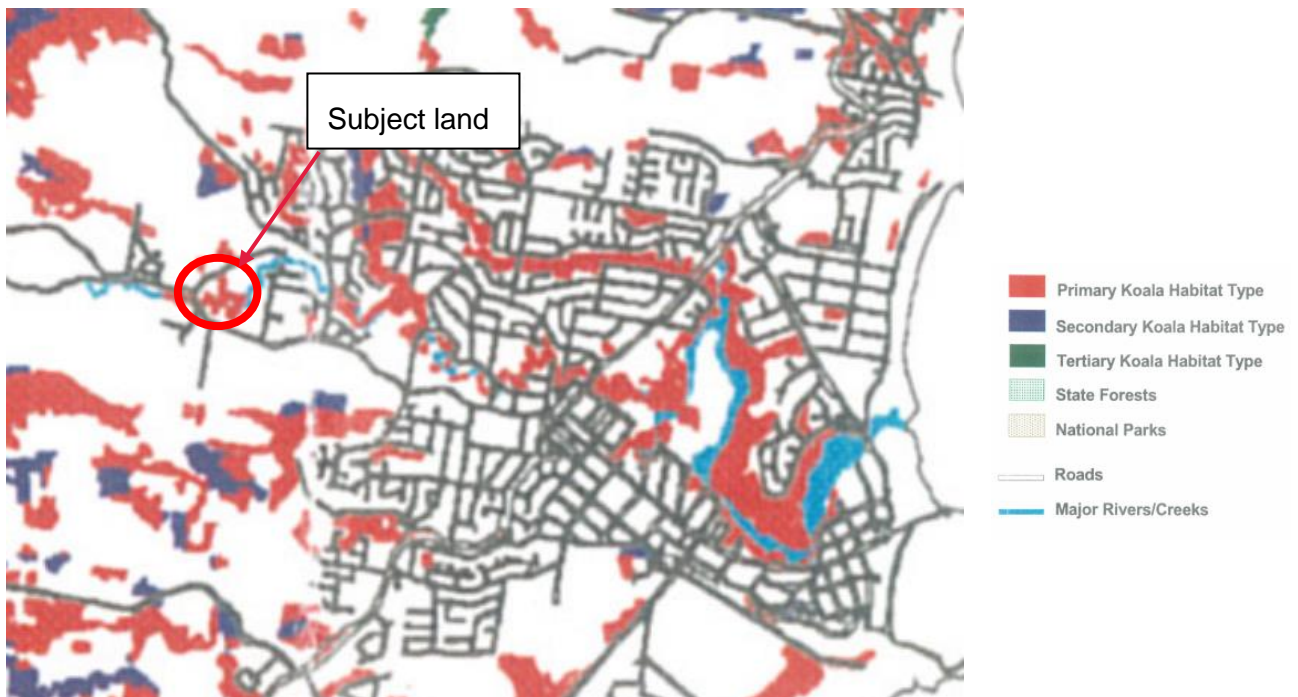


Figure 4: CH KPOM showing Primary Koala Habitat (source: Coffs Harbour KPOM)

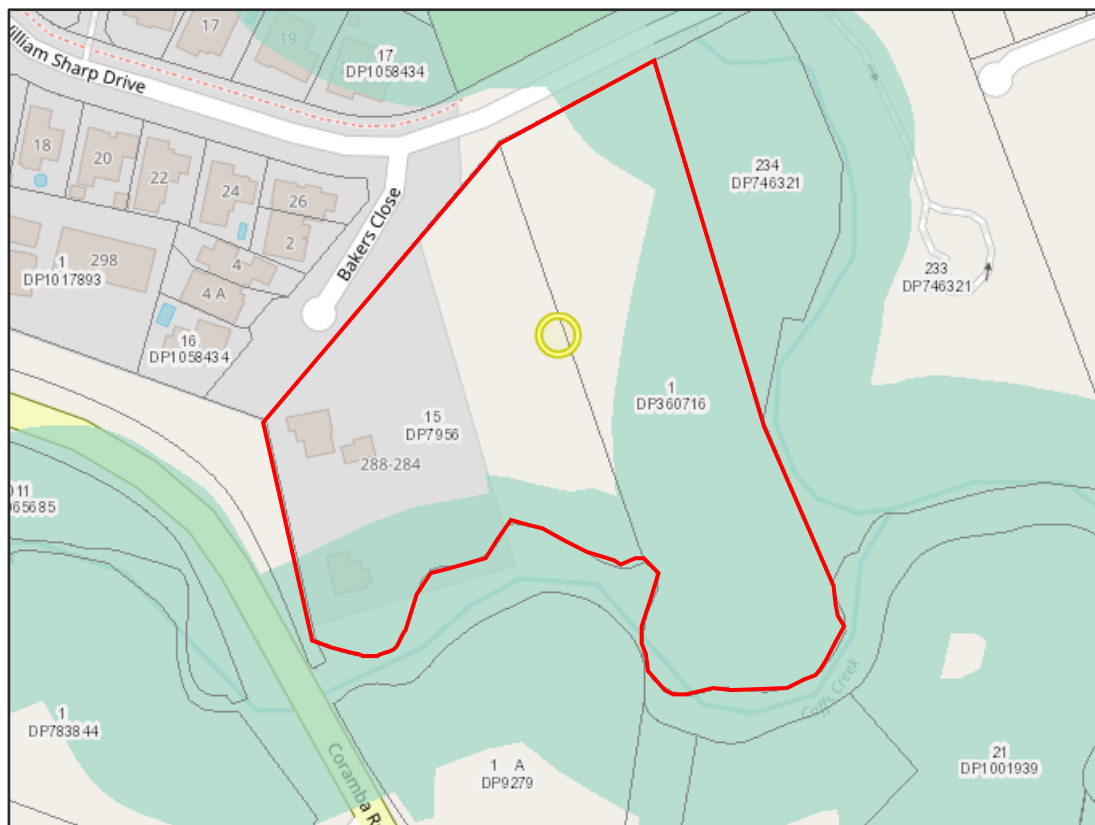
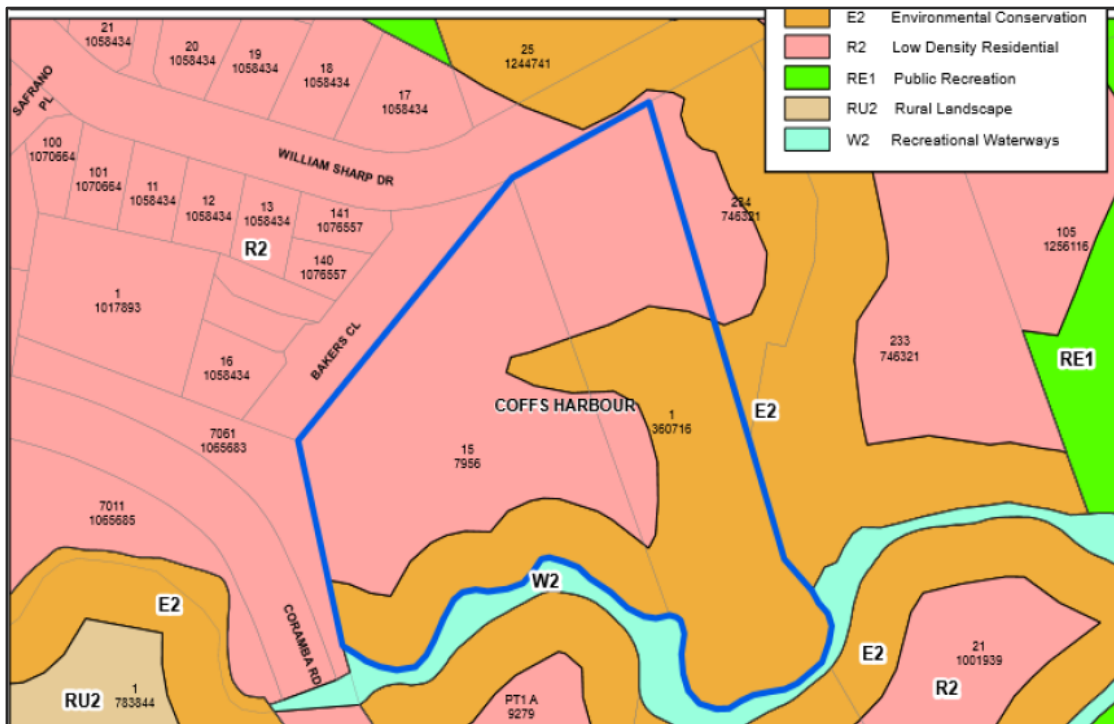


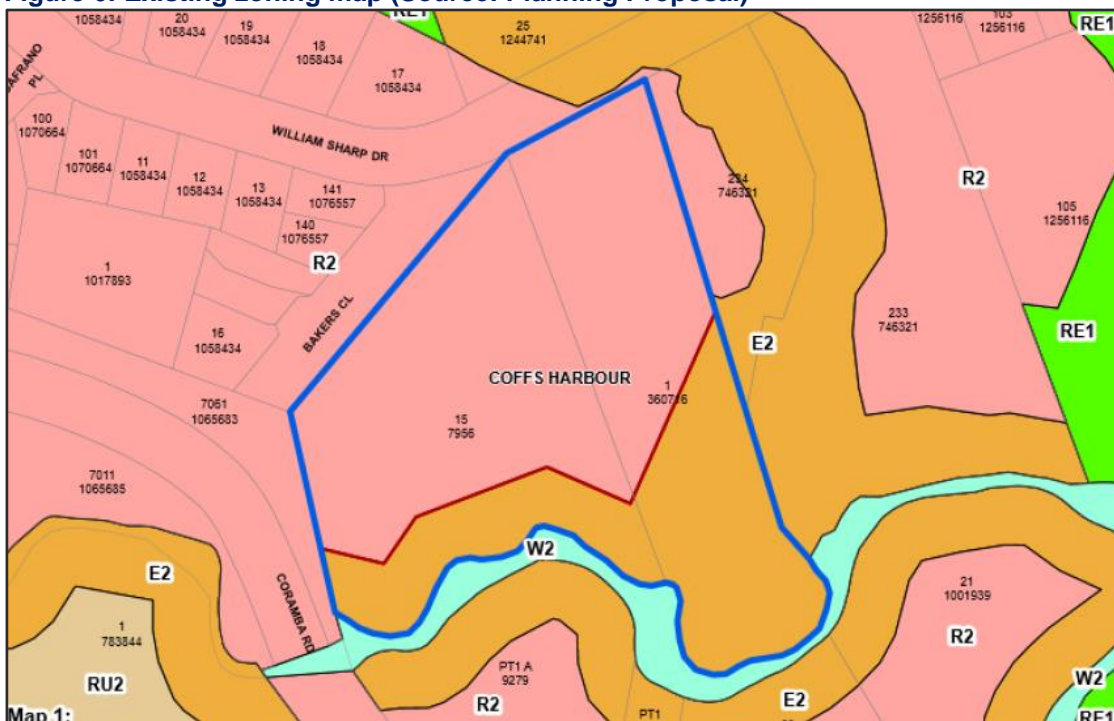
Figure 5: Potential HEV land (source: NCRP)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zone (Figure 6 and 7), Minimum Lot Size (Figure 7) and Terrestrial Biodiversity Maps (Figure 8), which are suitable for community consultation.

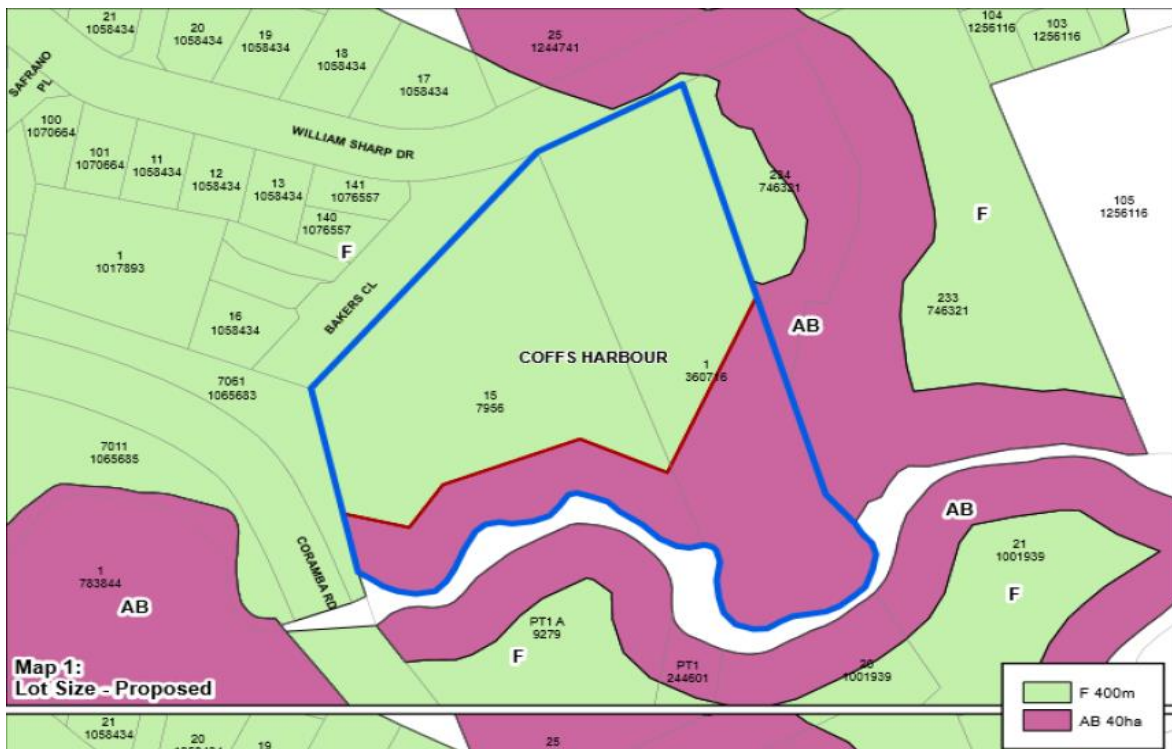


**Figure 6: Existing zoning map (Source: Planning Proposal)**

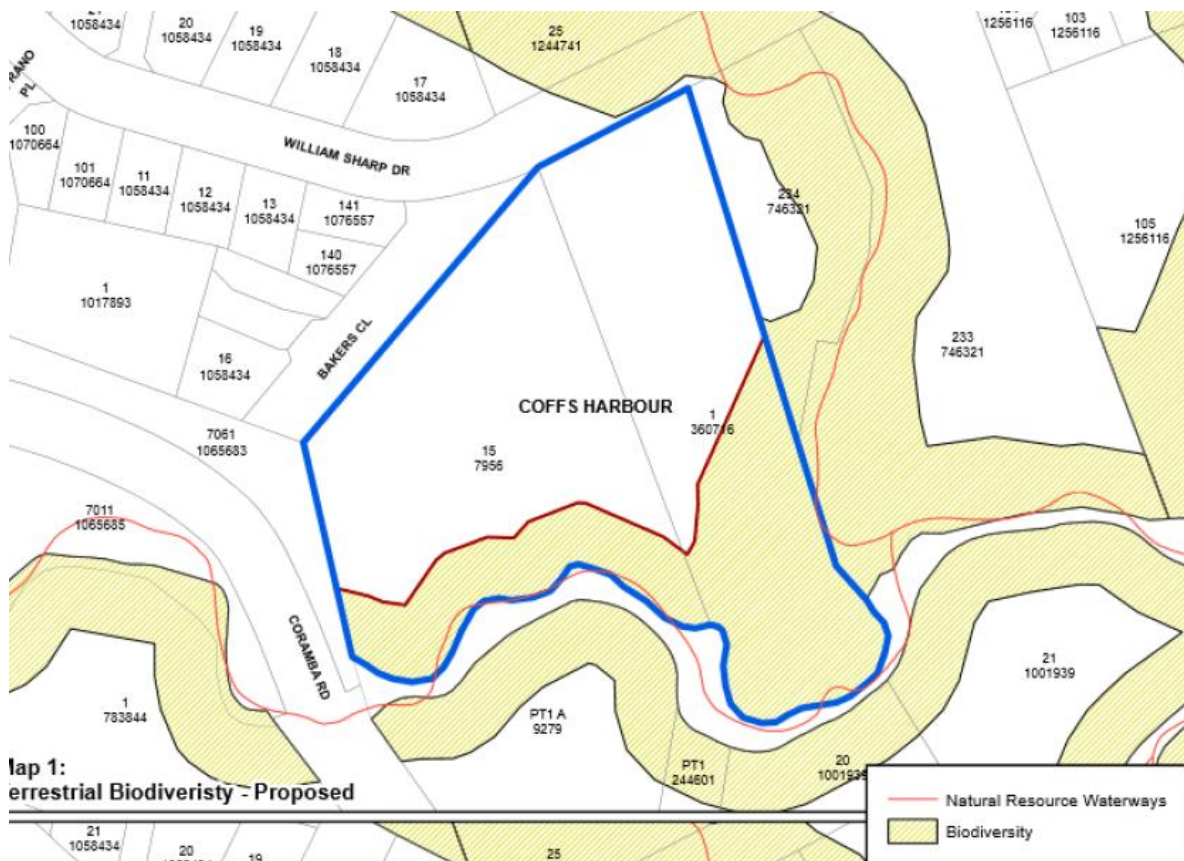


**Figure 7: Proposed zoning map (Source: Planning Proposal)**





**Figure 8 Proposed minimum lot size map (Source: Planning Proposal)**

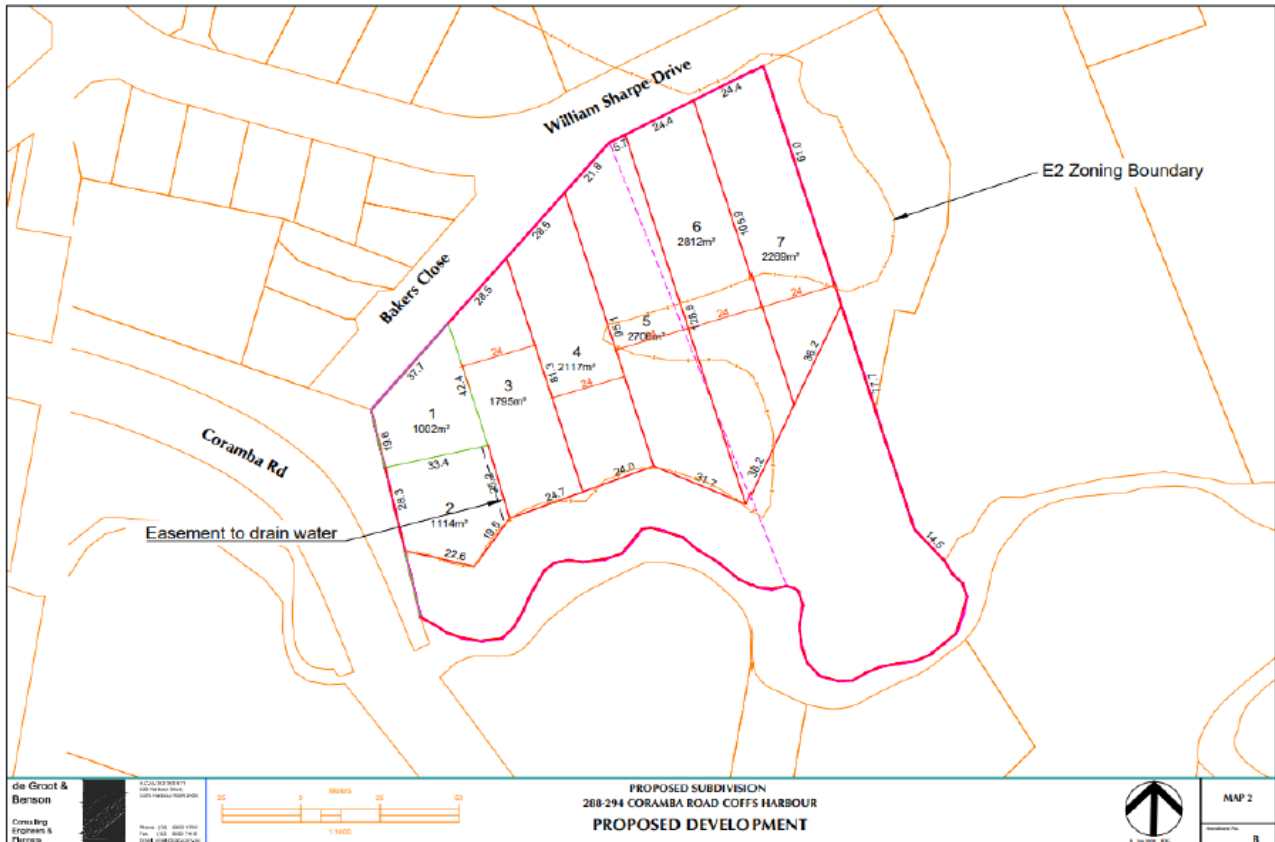


**Figure 9 Proposed Terrestrial Biodiversity map (Source: Planning Proposal)**

All maps will need to be prepared to the Department's Standard Technical Requirements prior to the plan being finalised.

## 1.6 Background

Council has approved a Torrens Title subdivision (0371/20DA) for seven lots across the subject site. This planning proposal will facilitate the development of this subdivision (Figure 10).



**Figure 10: Approved 7 Lot Subdivision**

## 2 Need for the planning proposal

The proposal is neither the result of a strategy nor a study. However, the Coffs Harbour Local Growth Management Strategy (LGMS) is relevant to the proposal.

The LGMS Strategy Part 1 - 4 was endorsed by Department of Planning, Industry and Environment (DPIE) in January 2021. Chapter 4 of the strategy allows for infill and urban renewal in targeted locations achieving housing diversity and choice.

The site is included within the Coffs Harbour Urban Growth Area boundary and mapped as suitable for infill development in the LGMS (Figure 11). Council has approved a 7 lot development for the site. The rezoning of the southern boundary will align with the subdivision boundary. No vegetation will be removed as part of the subdivision.

The site is zoned as R2 Low Density Residential and E2 Environmental Conservation. The site proposed to be rezoned to R2 Low Density Residential is cleared of vegetation and does not contain any environmental attributes that make it suitable to retain the environmental zone (Figure 3). The E2 Conservation zoned land aligns with Council flood prone land map (Figure 12). The amount of land to be rezoned from E2 to R2 is considered minimal (Figure 13)

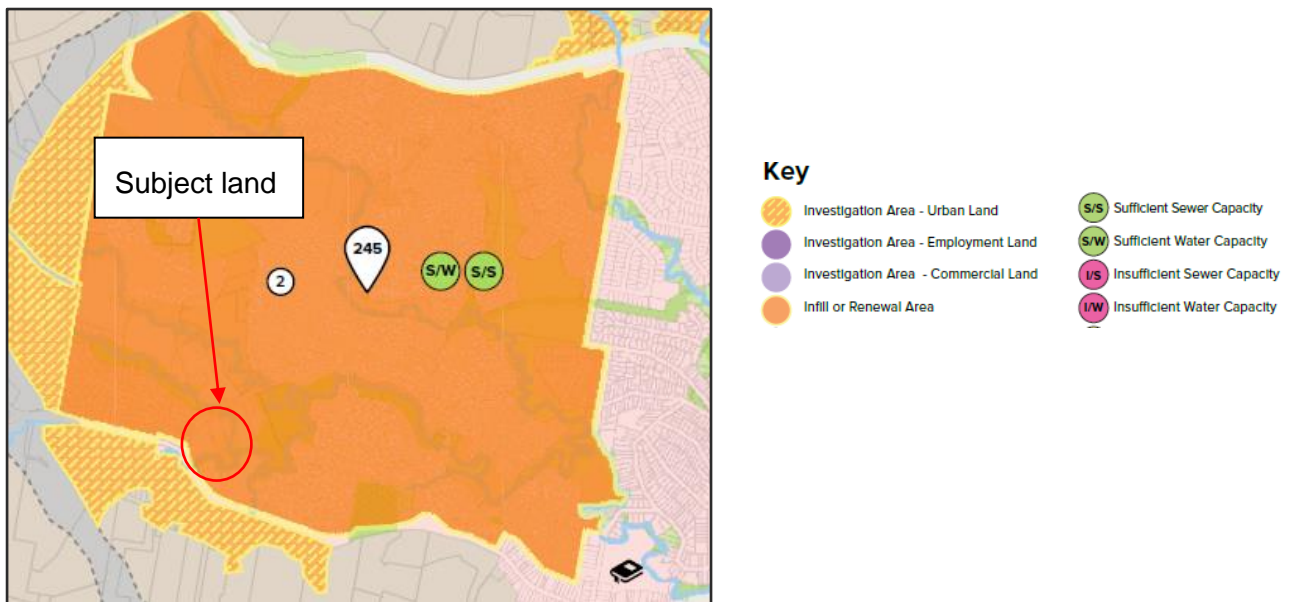


Figure 11: Aerial overlay of E zoned land

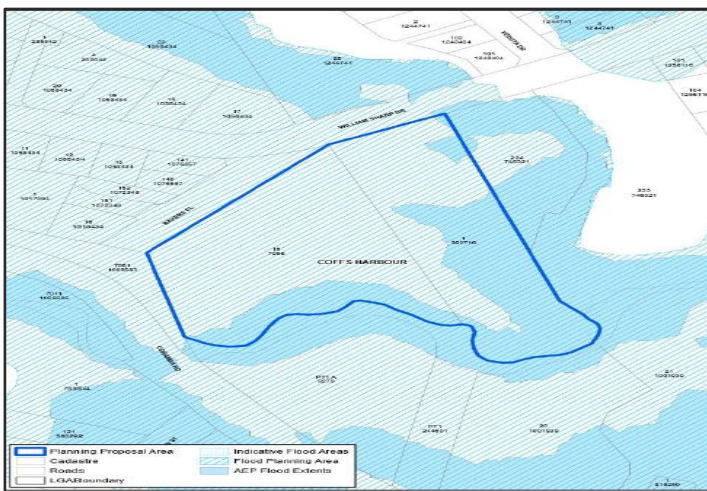
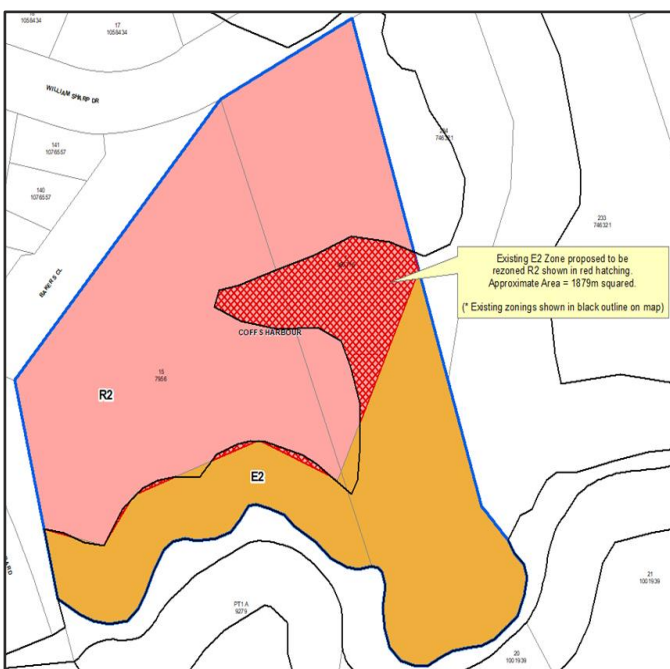


Figure 12: Flood Prone Land Map (Source: Planning Proposal)





**Figure 13: Area of E2 land to be rezoned to R2**

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan.

**Table 4 Regional Plan assessment**

| Regional Plan Objectives   | Justification   |
|--|---|
| Direction 1:<br>Deliver environmentally sustainable growth                               | The proposal is consistent with the Direction as it focuses urban development to mapped urban growth areas. The subject site is identified as being inside the urban growth area boundary for Coffs Harbour and suitable for in fill development. Part of the subject land contains Potential High Environmental Value land as mapped under the NCRP. This is discussed later in the report in accordance with relevant section 9.1 Directions. |
| Direction 2:<br>Enhance biodiversity, coastal and aquatic habitat, and water catchments. | The proposal is consistent with this Direction as it focuses development in areas without environmental value. The proposed residential area is incorrectly mapped as containing terrestrial biodiversity. The E2 zoning is mostly based on the flood prone mapping (Figure 10) for the subject site.   |
| Direction 22:<br>Deliver greater housing supply  | The proposal is consistent with this Direction as it provides infill development by way of an approved 7 lot subdivision (0371/20DA) which provides for a variety of low density residential housing options. The LGMS indicates West Coffs as suitable for infill development (0371/20DA) to deliver housing diversity and choice.   |
| Direction 25:<br>Deliver more opportunities for affordable housing                       | The proposal is consistent with this Direction as the approved 7 lot subdivision on the subject site could provide for more affordable housing diversity and choice.  |

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

| Local Strategies | Justification |
|------------------|---------------|
|------------------|---------------|

|   |  |
|---|--|
| Local Strategic Planning Statement (LSPS) | The planning proposal aligns with Action 5 of the Coffs Harbour LSPS which provide for compact growth through infill outlined in the LGMS and the delivery of housing supply.  |
| Community Strategic Plan (CSP)            | The planning proposal is not inconsistent with the CSP. The objectives promote liveability in Coffs Harbour which is provided through the residential opportunities on the site.   |
| Local Growth Management Strategy          | The planning proposal is consistent with the objectives of the LGMS. Chapter 4 and 7 of the Strategy seek to deliver greater housing supply and choice. In fill development can be achieved via a change to the zoning from incorrectly mapped environmental to low density residential. |

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

| Directions      | Consistent/ Not Applicable    | Reasons for Consistency or Inconsistency  |
|-----------------|-------------------------------|---|
| 1.5 Rural Lands | No – justifiably inconsistent | <p>The proposal is inconsistent with the Direction as it proposes to rezone land within an environmental protection zone (E2 to R2) and rezone land mapped as primary koala habitat. The amount of land to be rezoned from E2 is considered minimal (Figure 11) and the reduction does not equate to a significant portion for the LGA. Existing vegetation within the E2 zoned land along the Coffs Creek boundary (koala habitat) will be retained.</p> <p>The inconsistency is considered to be of minor significance as the site has been identified in an endorsed strategy (LGMS) as suitable for infill development.</p> |

|  |                               |   |
|--|-------------------------------|---|
| 2.1<br>Environmental<br>Protections<br>Zones | No - justifiably inconsistent | <p>The proposal is inconsistent with the Direction as it proposes to rezone land within an environmental protection zone and the site contains land mapped as Potential High Environmental Value under the NCRP. The area to be rezoned is approximately 1897m<sup>2</sup> and cleared of vegetation. The land does not contain any attributes that warrant the E2 zoning and as such the planning proposal will rectify this mapping anomaly.</p> <p>The inconsistency is considered to be of minor significance as the site has been identified in an endorsed strategy (LGMS) as suitable for infill development. It is recommended however that consultation be undertaken with the Biodiversity Conservation Division (BCD) of DPIE.</p> |
| 4.3 Flood Prone<br>Land                      | No - justifiably inconsistent | <p>The proposal is inconsistent with the Direction as it affects land identified as flood prone (Figure 12). Conditions relating to flooding have been adequately addressed as part of Council's assessment of the subdivision, with a condition placing a restriction on the use of land to prohibit fill, earthworks, building and construction works below the 1% AEP (100 year)</p> <p>This inconsistency is considered to be of minor significance as Council's LEP contains appropriate flood controls that allow this matter to be further addressed at the development application stage.</p>   |
| 4.4 Planning for<br>Bushfire<br>Protection   | No                            | <p>The proposal is potentially inconsistent with this Direction as it applies to land that is bushfire prone. The Direction provides that the planning proposal authority must consult the NSW Rural Fire Service (RFS). Consultation with RFS is required after a Gateway determination is issued. Until this consultation has occurred, the inconsistency of the proposal with this Direction remains unresolved.</p>   |



|   |                               |   |
|---|-------------------------------|---|
| 5.10<br>Implementation of<br>Regional Plans | No - justifiably inconsistent | <p>This Direction applies to the planning proposal as the subject site contains land mapped as Potential High Environmental Value under the NCRP.</p> <p>The inconsistency with the Direction is considered to be of minor significance as the area of the subject land to be rezoned is located within the Urban Growth Area Boundary of the NCRP, has been identified for infill development in the LGMS, is minor in area and is cleared of vegetation. The lack of environmental attributes as a result of clearing also undermine the accuracy of the Potential HEV mapping in the NCRP.</p> |
|---|-------------------------------|---|

### 3.4 State environmental planning policies (SEPPs)

With exception of SEPP (Koala Habitat Protection) 2021, the planning proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

| Environmental Impact                                   | Assessment   |
|--|--|
| Mapped Primary Koala Habitat / Adjoining Koala Habitat | <p>The southern portion of the site is mapped as primary koala habitat under Council's comprehensive Koala Plan of Management. Existing primary Koala habitat is protected under an E2 Environmental Conservation zoning and no koala habitat will be removed as a result of this proposal. In regard to primary koala habitat, 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 (Figure 10). Further development of the site will consider any relevant requirements of the comprehensive Koala Plan of Management.</p> <p>Development Consent 0371/20DA recently issued by Council for a seven lot Torrens title subdivision 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.</p> |

|                          |   |
|--------------------------|---|
| Terrestrial Biodiversity | <p>The proposed residential land does not contain any of the attributes that support its environmental zoning. The site does not contain critical habitat, threatened species, populations or endangered ecological communities.</p> <p>No ecological assessment was deemed necessary due to the limited size of the subject site and no vegetation removal as part of the subdivision.</p>   |
| Bushfire / Flood Risk    | <p>The land is bushfire prone. As discussed in section 3.3 of this report, Council is required to consult with NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection. A bushfire risk assessment has been completed as part of the subdivision proposal.</p> <p>The site is flood prone. Flooding has been addressed as part of the assessment for the subdivision. Council has conditioned the approval to ensure no structure will be built below the 1 in 100 year flood event.</p> |

## 4.2 Social and economic

There are no direct social or economic benefits as a consequence of the proposal. The proposal will not provide a substantial increase in residential development, however, will satisfy the action of infill development in the West Coffs area identified in the Coffs Harbour LGMS. Limited economic benefits may occur through the construction phases of the subdivision.

## 4.3 Infrastructure

There is no impact on the wider State or regional infrastructure or the requirements for additional funding. Council has advised that there is adequate public infrastructure to accommodate the seven proposed residential lots.

# 5 Consultation

## 5.1 Community

Council proposes a community consultation period of 14 days.

The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

## 5.2 Agencies

The proposal does not specifically nominate which agencies will be consulted.

It is recommended the following agency be consulted on the planning proposal and given 21 days to comment:

- NSW Rural Fire Service
- DPIE - BCD

# 6 Timeframe

Council has estimated that the proposal will be completed in October 2021. It is considered that six months is a practical and realistic timeframe for this planning proposal.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is in line with an endorsed local strategy the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it does not undermine the vision, land use strategies, goals, directions or actions of the North Coast Regional Plan 2036;
- it aligns with Action 5 of the Coffs Harbour Local Strategic Planning Statement 2020;
- it responds to the Coffs Harbour Local Growth Management Strategy; and
- it allows for a variety of housing opportunities in an area appropriate for infill development.

## 9 Recommendation

It is recommended the Director, as delegate of the Secretary:

- **agree** that any inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.1 Environmental Protection Zones, 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans are minor or justified; and
- **note** that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the Director, as delegate of the Minister:

1. **note** the planning proposal (Attachment A);
2. **determine** the planning proposal should proceed subject to the following conditions:
  1. Consultation is required with the following public authorities:
    - NSW Rural Fire Service; and
    - BCD.
  2. The planning proposal should be made available for community consultation for a minimum of 14 days.
  3. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
  4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
  5. **sign** the Gateway determination (**Attachment B**) noting that Council is the local plan making authority and the letter to Council (**Attachment C**).



(Signature)

30/04/2021

(Date)

Gina Davis

Acting Manager, Northern Region



7/5/2021

\_\_\_\_\_  
(Signature)

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