

SC21/38 PLANNING PROPOSAL - 116 BRAFORD DRIVE, BONVILLE - PRE-EXHIBITION

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MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 SC21/38 Planning Proposal - Braford Drive, Bonville - Pre-Exhibition

EXECUTIVE SUMMARY

An application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 to reduce the minimum lot size applying to Lot 3 DP 1052184, 116 Braford Drive, Bonville to facilitate the subdivision of the land. The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend Coffs Harbour LEP 2013 to reduce the minimum lot size applying to the subject land from one hectare to 6,000m².

RECOMMENDATION:**That Council:**

1. Endorse and forward a planning proposal (Attachment 1) to reduce the minimum lot size for Lot 3 DP 1052184, 116 Braford Drive, Bonville to the NSW Department of Planning, Industry and Environment seeking a Gateway Determination.
2. Request that the Secretary of the NSW Department of Planning, Industry and Environment issue a 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 in accordance with the Gateway Determination issued by the NSW Department of Planning, Industry and Environment.
4. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal.
5. Inform the owners of the subject land and their consultant of Council's decision.

REPORT:**Description of Item:**

An application has been received by Council to amend Coffs Harbour LEP 2013 to reduce the minimum lot size of land at 116 Braford Drive, Bonville from one hectare to 6,000m² in order to facilitate subdivision of the land for large lot residential purposes. The subject land has a total area of 1.26 hectares and is contained within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013. The proposed amendment would enable subdivision of the land into two allotments. No other changes to Coffs Harbour LEP 2013 are proposed or required.

The application has merit, as it accords with the Coffs Harbour Local Growth Management Strategy 2020 and the land is relatively unconstrained. In this regard, 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).

- The Site**

The application to amend Coffs Harbour LEP 2013 affects land at 116 Braford Drive, Bonville being Lot 3 DP 1052184 as shown in Figure 1 below.



Figure 1- Subject Site

The subject site is located in the existing large lot residential area of Bonville. The site has frontage to Braford Drive and currently contains a dwelling and associated outbuildings. Land surrounding the subject site is used primarily for large lot residential purposes. The land use zones of the subject site and surrounding land are shown in Figure 2 below.

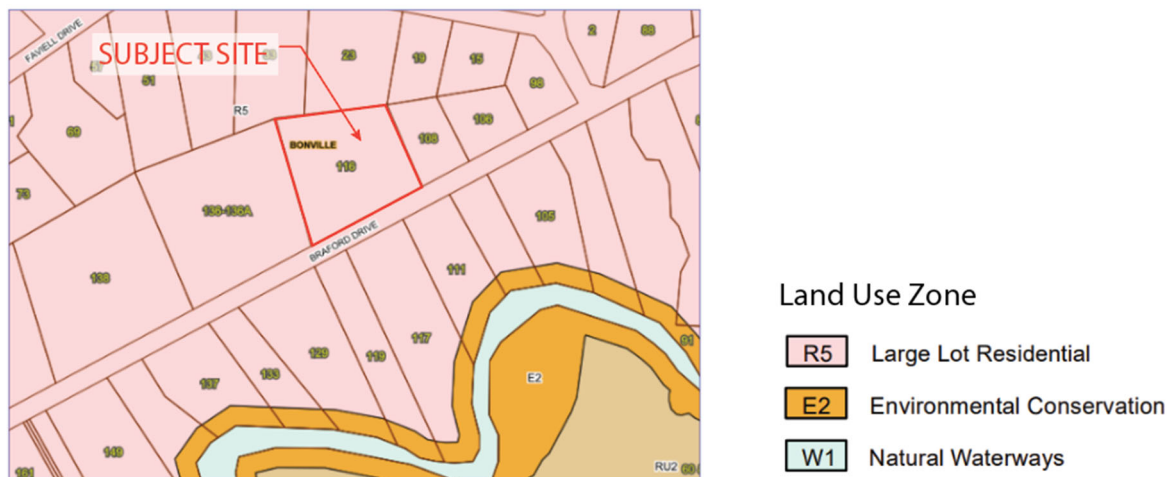
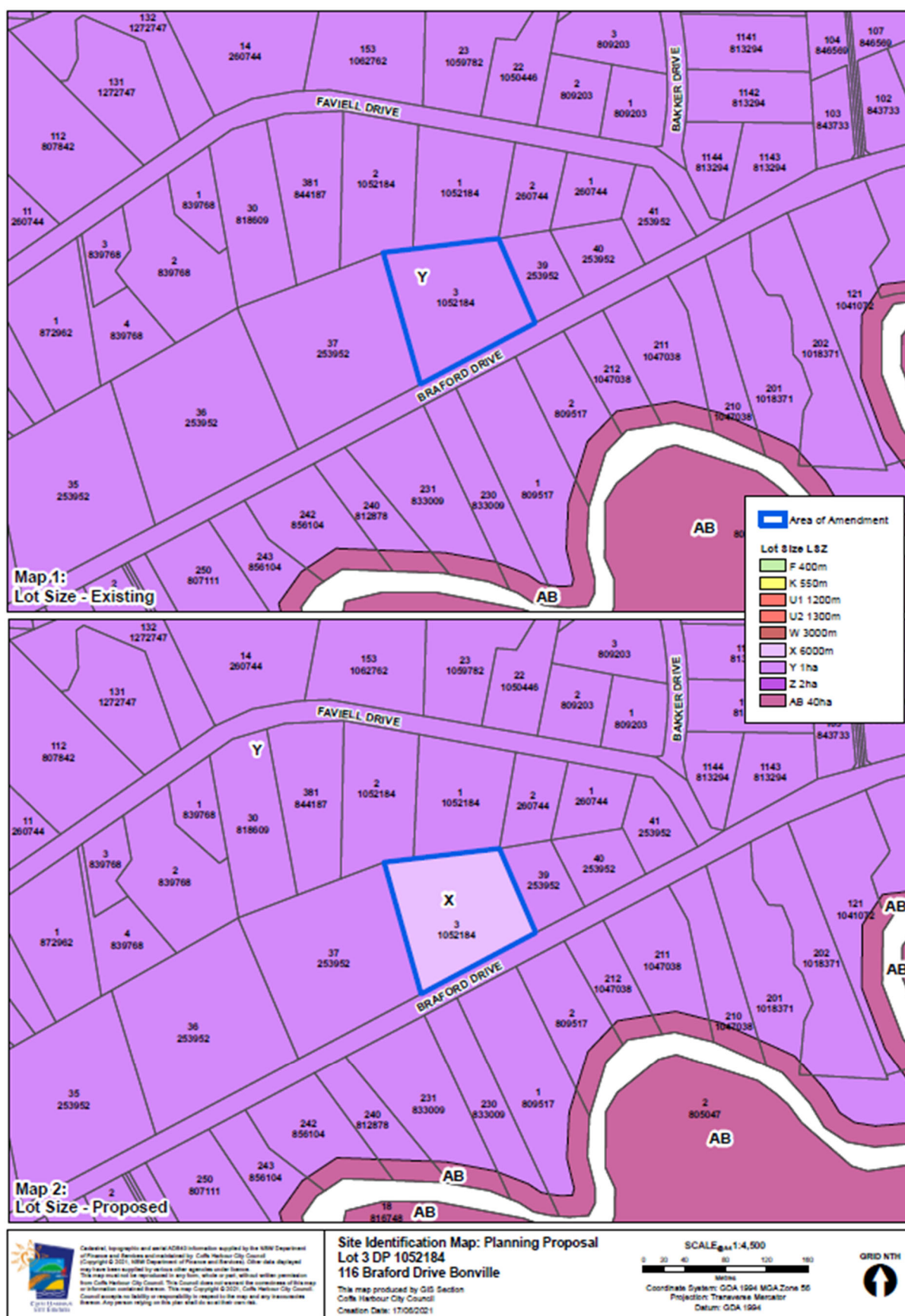


Figure 2- Land Use Zones – Coffs Harbour LEP 2013

- Existing and Proposed Minimum Lot Size**

A minimum lot size of one hectare currently applies to the subject land. The application to amend Coffs Harbour LEP 2013 proposes to reduce the minimum lot size to 6,000m². Existing and proposed minimum lot size provisions are shown in Map 1 and 2 below.



Issues:

- **Suitability of proposed amendment**

The Bonville R5 Large Lot Residential area has a range of existing lot sizes that reflect past subdivision planning controls and practice. The size of lots surrounding the subject site range from approximately 4,000m² to just over 2ha.

In order to inform minimum lot sizes in the area, Council in 2013 commissioned a study of land in the Bonville area to investigate its potential to accommodate on-site wastewater management (which is an inherent limitation on residential land that is not connected to a sewerage network).

This study examined the site that is the subject of this planning proposal (along with a number of others) and determined that a 4,000m² minimum lot size was generally appropriate for the Bonville rural residential area in regard to the capacity of the land to manage effluent generated by occupation of a single dwelling house on each site. Council adopted a conservative minimum lot size of 1ha for Coffs Harbour LEP 2013.

As the wastewater study commissioned by Council specifically assessed the subject lot, this study is considered to provide a satisfactory assessment of the capability of the land to accommodate on-site wastewater management and in turn, to justify the reduced minimum lot size for this site in terms of its capacity to accommodate management of wastewater on site. It is likely that a detailed on-site wastewater investigation will be required as part of a development application to subdivide the land.

- **Consistency with Coffs Harbour Local Growth Management Strategy 2020**

The Coffs Harbour Local Growth Management Strategy, Chapter 6 – Large Lot Residential Lands addresses minimum lot size within Zone R5 Large Lot Residential and notes that a reduced minimum lot size may be supported where sufficiently justified. Section 6.7 of this chapter states the following:

‘It is also reasonable that if undeveloped land within Zone R5 can justify a reduced lot size, then it should be considered through an applicant-initiated planning proposal. This would allow a merit case for a revised minimum lot size LEP amendment request to be submitted to Council, bearing in mind the underlying reasons for the standard in the first place and the objectives of Zone R5.’

It is considered that the planning proposal (Attachment 1) has sufficiently justified a reduced minimum lot size for the subject land. The resulting outcome would facilitate large lot residential development on the land that is in keeping within the objectives of Zone R5 Large Lot Residential under Coffs Harbour LEP 2013.

- **Consistency with NSW Planning Framework**

The proposed LEP amendment has been assessed against the relevant directions and actions of the North Coast Regional Plan 2036 and has been found to be consistent with the Plan. This assessment is outlined in the planning proposal included at Attachment 1.

The proposed amendment has also been assessed against the relevant criteria of applicable State Environmental Planning Policies and Section 9.1(2) Ministerial Directions and has been found to be consistent. This assessment is outlined in the planning proposal included at Attachment 1.

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.

Option 1 is recommended as the suitable course of action.

Sustainability Assessment:

- **Environment**

The subject land has limited biodiversity values and is located in an established large lot residential area. Therefore, the proposed amendment to Coffs Harbour LEP 2013 (which would allow application to be made for the development of an additional lot) is not expected to create significant environmental impacts. Potential environmental impacts are discussed in the planning proposal included at Attachment 1.

- **Social**

The provision of additional feasible large lot residential land will result in positive social impacts within the Coffs Harbour Local Government Area. The addition of one lot is not considered to place unreasonable demands on existing social services in the immediate area.

- **Civic Leadership**

The proposed amendment to Coffs Harbour LEP 2013 accords with relevant objectives and associated strategies of the MyCoffs Community Strategic Plan, including C1.1 We create liveable places that are beautiful and appealing; and C1.2 We undertake development that is environmentally, socially and economically responsible.

- **Economic – Broader Economic Implications**

The creation of an additional lot through a future subdivision is likely to have a small positive effect on economic activity in the Coffs Harbour Local Government Area.

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

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

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		
Initiate Planning Proposal	x			
Public Exhibition	x	x		
Post Exhibition Report to Council	x			
Post Endorsement Notification	x			

Place Score

In early 2019, Council undertook extensive community consultation using the Place Score placemaking tool to understand community priorities and values. The Coffs Harbour LGA received a Place Score of 65, which is below the NSW average of 72. The top most ranked strength for the Coffs Harbour LGA in this study is “Elements of the Natural Environment”. Despite this strength, the community identified “Protection of the Natural Environment” in its top five priorities for improvement. The planning proposal will contribute to facilitating the priorities relating to the protection of the natural environment.

Related Policy, Precedents and / or Statutory Requirements:

The planning proposal (Attachment 1) has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000*. 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 the NSW Department of Planning, Industry and Environment, requesting a 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. The anticipated timeframe for the LEP amendment process is summarised within the planning proposal (Attachment 1).

Conclusion:

The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend Coffs Harbour LEP 2013 to reduce the minimum lot size applying to Lot 3 DP 1052184 at 116 Braford Drive, Bonville from one hectare to 6,000m² in order to facilitate subdivision of the land for large lot residential purposes. Sufficient justification to support the amendment to Coffs Harbour LEP 2013 is provided within the planning proposal (Attachment 1).