

SC21/62	PLANNING PROPOSAL PP-2021-4602 - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 TO REDUCE MINIMUM LOT SIZE - LOT 1 DP 726095, SMITHS ROAD, EMERALD BEACH - PRE-EXHIBITION
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MyCoffs: C.1 Liveable neighbourhoods with a defined identity

Attachments: ATT1 SC21/62 Planning Proposal PP-2021-4602 - Reduce Minimum Lot Size - Lot 1 DP 726095, Smiths Road, Emerald Beach - Pre-Exhibition

EXECUTIVE SUMMARY

A proponent-initiated application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 for Lot 1 DP 726095, No. 14 to 22 Smiths Road, Emerald Beach to facilitate subdivision of the land for large lot residential purposes.

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to reduce the minimum lot size for the subject land from one hectare to 5000m² (Attachment 1).

RECOMMENDATION:

That Council:

1. Initiate and forward a planning proposal to the NSW Department of Planning, Industry and Environment seeking gateway determination to reduce the minimum lot size for Lot 1 DP 726095, No. 14 to 22 Smiths Road, Emerald Beach (Attachment 1).
2. Request that the Secretary of the 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. Publicly exhibit the planning proposal and undertake government agency consultation based on 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 landowners of the subject land and their consultant of Council's decision.

REPORT

Applicant: Keiley Hunter Town Planning
Landowner: Estate AP Rose & Mrs NM Rose
Land: Lot 1 DP 726095, 14-22 Smiths Road, Emerald Beach
Zone: R5 Large Lot Residential

Description of Item:

A proponent-initiated application has been received by Council to amend Coffs Harbour LEP 2013 for Lot 1 DP 726095, No. 14 to 22 Smiths Road, Emerald Beach to facilitate subdivision of the land for large lot residential purposes.

The subject land has a total area of 1.0629 hectares and is contained within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013. The intention of the proposed amendment is to enable subdivision of the land to create two lots, with each lot to contain an existing approved dwelling. No other changes to Coffs Harbour LEP 2013 are proposed or required.

- **The Site**

The application to amend Coffs Harbour LEP 2013 affects land at No. 14 to 22 Smiths Road, Emerald Beach (Lot 1 DP 726095), as shown in Figure 1.



Figure 1 – Subject Land

The subject land contains an existing approved detached dual occupancy and is located within the Avocado Heights estate, an existing large lot residential precinct. The 1.06ha site is predominantly cleared with a small area of land mapped as koala habitat on the eastern boundary. The coastal village of Emerald Beach is located to the north-east of the subject land. The land use zones of the subject land and surrounding land are shown in Figure 2.

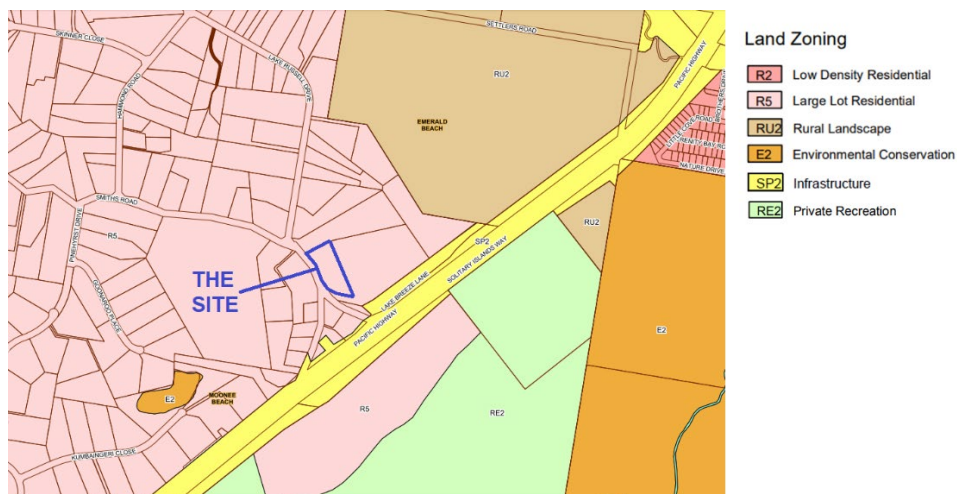


Figure 2: Land Use Zones – Coffs Harbour LEP 2013

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 from 1 hectare to 5000m². Existing and proposed minimum lot size provisions are shown in Figures 3 and 4.

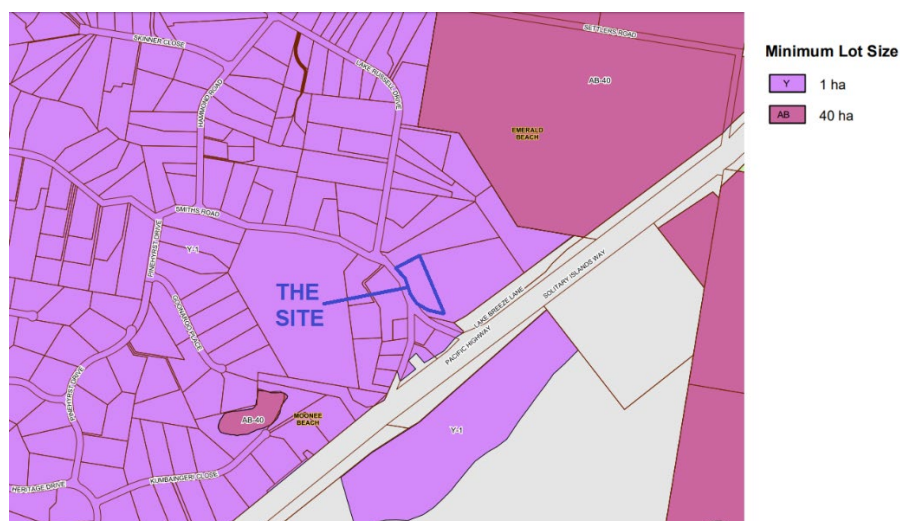


Figure 3 – Existing Minimum Lot Size

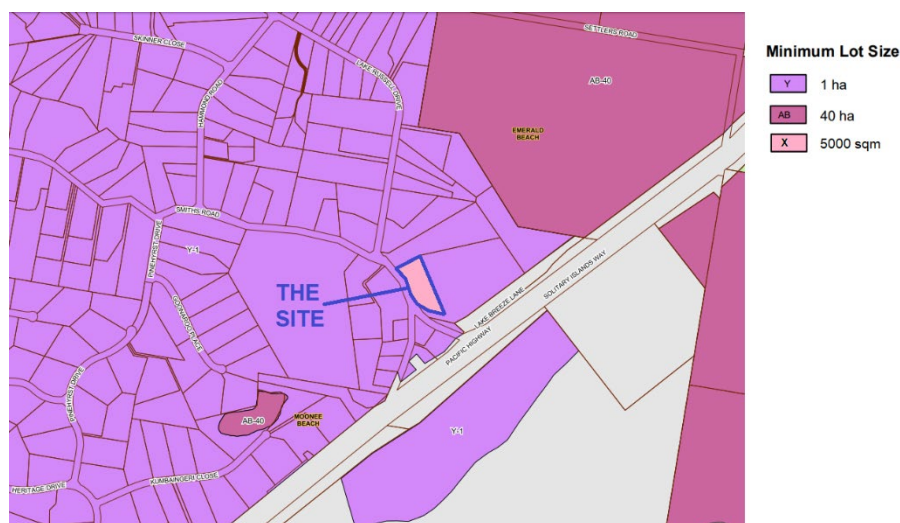


Figure 4 – Proposed Minimum Lot Size

Issues:

- **Minimum Lot Size**

A range of minimum lot sizes currently apply to land within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013, reflecting historic planning controls and site specific land constraints (i.e. on-site sewerage management). Historically, minimum lot size requirements were reflected in Council's development control plans and were able to be varied based on merit. Minimum lot size provisions are now a development standard within Coffs Harbour LEP 2013, with the introduction of the Standard Instrument LEP across NSW.

The Land Capability Assessment included with the application to amend Coffs Harbour LEP 2013 (Appendix 5 of Attachment 1) demonstrates that 5000m² lots on the subject land can be adequately serviced by onsite sewerage management systems in accordance with Council's On Site Sewage Management Strategy 2015.

- **Local Growth Management Strategy 2020**

Chapter 6 – Large Lot Residential of the Coffs Harbour Local Growth Management Strategy 2020 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 within Chapter 6 – Large Lot Residential 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, particularly given the proposal reflects the existing uses on the land (i.e. an approved detached dual occupancy).

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**

Environmental sustainability issues have been considered and are addressed in Part 3 of the planning proposal (Attachment 1).

- **Social**

Social sustainability issues have been considered and are addressed in Part 3 of the planning proposal (Attachment 1).

- **Civic Leadership**

The planning proposal supports the vision of the MyCoffs Community Strategic Plan 'connected, sustainable, thriving' and will assist in achieving the objectives of the Plan by: attracting people to work, live and visit; and by undertaking development that is environmentally, socially and economically responsible.

- **Economic – Broader Economic Implications**

The proposal is unlikely to result in negative economic implications, as it will facilitate the subdivision of two existing dwellings in keeping with the existing large lot residential character of the area.

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

The recommendations contained within this report are unlikely to impact on Council's Delivery Program or Operational Plan given that the LEP amendment process is being undertaken as a business as usual process, funded through a proponent-initiated planning proposal.

Risk Analysis:

The request to amend Coffs Harbour LEP 2013 accords with the Coffs Harbour Local Growth Management Strategy 2020 - Chapter 6 Large Lot Residential Lands, which states that applicant-initiated planning proposals may be lodged where a reduced minimum lot size can be justified on existing land within Zone R5 Large Lot Residential. As such, the planning proposal is considered to be of low risk to Council. The public exhibition process that is required to be undertaken for the proposed LEP amendment will also assist in reducing Council's risk.

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 planning legislation. 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			
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. The proposal will not result in any impacts on the natural environment, as future subdivision of the land resulting from a reduced minimum lot size, will reflect the existing use of the land (i.e. detached dual occupancy).

Related Policy, Precedents and / or Statutory Requirements:

The planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 and 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 progressed to NSW Department of Planning, Industry and Environment for gateway determination. The timeframe for the completion of this planning proposal is governed by the relevant planning legislation and 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 to amend Coffs Harbour LEP 2013 to reduce the minimum lot size of No. 14 to 22 Smiths Road, Emerald Beach from one hectare to 5000m². The proposed amendment to Coffs Harbour LEP 2013 will facilitate the separation by subdivision of an existing approved detached dual occupancy on the subject land. The proposal accords with the North Coast Regional Plan 2036 and Coffs Harbour Local Growth Management Strategy 2020. Sufficient planning merit for the amendment to Coffs Harbour LEP 2013 is provided within the planning proposal (Attachment 1).