

COFFS HARBOUR CITY COUNCIL



REQUEST TO AMEND COFFS HARBOUR LEP 2013

PRE-LODGEMENT MEETING NOTES

10am Wednesday

17/06/2020

Time / Day

Date:

Address / Property Details:

PP1: 9 Gaudrons Road, Sapphire Beach, Lot 11 DP1141269 (PN 2240155);

PP2: 21 Gaudrons Road, Sapphire Beach, Lot 2 DP 554908 (PN 1505900);

PP3: 148 Gaudrons Road, Sapphire Beach, Lot 7 DP 555490 (PN 132690);

PP4: 189 Gaudrons Road, Sapphire Beach, Lot 2 DP 5550362 (PN 1505300).

Client: Rick Bennell

Staff: Marten Bouma, Jackson Pfister, Marion Rhodes, Joseph Kirwood

MEETING NOTES – Background context regarding the Korora, Sapphire and Moonee Beach candidate area

General
queries:

Report format for the Planning Proposal is to be submitted in accordance with the Department's guidelines.

In 2016, Council commissioned environmental studies (Eco Logical, 2017). This work concluded that precincts 3, 4 and 5 (which Gaudrons Rd falls within) are environmentally constrained and economically expensive to service due to projected infrastructure costs associated with road upgrades and potential new road requirements.

The resulting lot potential largely depends on the on-site sewerage management capability of various sites, lot size and how road issues are resolved, including the use of private roads. One factor that may influence lot size and yield is the use of Community Title subdivision.

A "joint report" was endorsed by Council at its Ordinary Meeting of 10 August 2017, in which it is agreed that proponent-initiated planning proposals Council be lodged seeking rezoning of the land for large lot residential purposes (on an individual or precinct or clustered basis) at a time of their choosing. See bullet points below for notes on the joint report. In this report it is stated that proponent-initiated planning proposals and subsequent funding of any required infrastructure upgrades will be the responsibility of the landowner/applicant. Funding of any construction and maintenance of any upgrades to private rights-of-carriageway will also be the responsibility of landholders who benefit from access via a right-of-carriageway.

It is also noted in the joint report that planning proposals should aim to achieve environmentally sustainable planning outcomes and address all relevant planning issues. The report further states that such proposals can utilise the work undertaken by Eco Logical in 2017, supplemented by additional work as required. In this regard it should be noted that advice from the NSW State Government to Council during the initial stages of its review of the land indicated that, additional investigations would be required in relation to Biodiversity and Aboriginal Cultural Heritage.

The joint report also notes that Infrastructure upgrades (particularly roads) will need to be paid for by benefitting landowners through planning agreements made public through the planning proposal process, and that lot sizes will be determined by environmental constraints, particularly site-specific on-site wastewater studies, if lot sizes less than one-hectare are proposed.

The Joint Report points out the following:

- The recommended framework for LEP amendments is based on the adoption of a "user pays" principle;
- Due to the nature of the study area and the different access forms which exist (e.g. conventional roads, easements, rights of way, undocumented access agreements etc.) as well as the different standards of roads which apply in the locality (e.g. good quality two lane rural roads through to "bush tracks"), a "one size fits all" approach to the orderly release of land in the study area is not appropriate.
- Development scenarios potentially suitable for the investigation area are:

- Community Title Subdivision;
- Torrens Title Subdivision with Voluntary Planning Agreement (VPA) [See 4.3 excerpt below];
- Torrens Title Large Lot Residential Subdivision; and
- Lands subject to environmental constraints [See 4.5 excerpt below].
- Before proceeding to lodge a request to amend Coffs Harbour LEP 2013, applicants are encouraged to consult with Council and prepare Development Application level documentation to accompany their Planning Proposal.
- **4.3 TORRENS TITLE LARGE LOT RESIDENTIAL SUBDIVISION WITH VPA**
 - In some circumstances, owners proximate to each other sufficient to have multiple lots (precinct) could prepare a subdivision proposal and, with that proposal, look in detail at the road network connecting their precinct with Solitary Islands Way. The engineer assisting with the preparation of such a proposal would develop an upgrading proposal and cost that proposal sufficient for a Voluntary Planning Agreement to be drafted to accompany a Planning Proposal. That Voluntary Planning Agreement would need to cover all the reasonable costs associated with providing access to Council's current construction standard to the subdivision.
- **4.5 LANDS SUBJECT TO ENVIRONMENTAL CONSTRAINTS**
 - There will be some properties in the investigation area which are physically capable of subdivision but, by virtue of their poor connectivity to Solitary Islands Way, are simply too expensive to service. i.e. the cost of development plus the cost of upgrading road construction to Council standards would not make it a worthwhile financial proposition to proceed with subdivision. These instances would be dealt with on their merits, via a proponent led Planning Proposal.

MEETING NOTES

PP1: 9 Gaudrons Road, Sapphire Beach, Lot 11 DP1141269 (PN 2240155);

Discussion

Biodiversity

- A flora and Fauna report will be required that identifies the Plant Community Types, values (hollows etc), predicted impact from future subdivision and presence of any threatened flora & fauna including targeted searches for *Moonee quassia*.
- The vegetated area is approx. 0.5ha, clearing 0.25ha or more with a minimum lot size of less than 1ha will trigger the Biodiversity Offsets Scheme under the BC Act at subdivision stage. Subdivision should be designed to avoid this. Details are required to demonstrate that the Biodiversity Offsets Scheme can be avoided. Proposed Lot 8 is a concern when APZs are factored in.
- Assessment against the Koala Plan of Management (KPoM) is required.
- Rezoning to R5 means that the Vegetation SEPP will apply to the land.
- [RB] Does the Bushland need to be zoned E2?
- This is to be assessed following completion of the flora/fauna report. Note: zoning is a preferred approach as it enables clear restrictions for clearing.

Noise

- The subject site is situated in proximity to the Pacific Highway, sharing the eastern boundary. The applicant will need to consider the impacts of road traffic noise in respect to siting and standard of construction for any future dwelling on any future proposed lot in accordance with Clause 101 Infrastructure SEPP (2007) and the NSW *Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline* (2008). This will require the preparation of a report by a suitably qualified person to demonstrate the development can satisfy the relevant requirements specified by the SEPP and planning guideline.

Contamination

- Council's data indicates that the subject site has been used in the past for the cultivation of bananas. A certified contaminated land practitioner (CEnvP (SC) or CPSS CSAM) is required to undertake a preliminary site investigation in accordance with the NSW EPA Guidelines for Assessing Banana Plantation Sites (1997) and to be in accordance with Council's Contaminated Land Policy to assess the suitability of the land for residential use.

Acid Sulfate Soils

- The site is mapped as having Class 5 Acid Sulfate Soils (ASS). A preliminary ASS investigation is required to determine the presence of ASS on the proposed lots and whether an ASS Management Plan is required for the respective lots. [JP, RB] Discussion that even though this is low risk, a report is still required to prevent holdups later in the process.

On-Site Sewerage Management

- The proposed subdivisional plans will have to be assessed against the provisions of AS 1547 (2012) tables R1 & R2.
- This can be addressed by providing a land capability assessment for each intended allotment.
- The feasibility of on-site sewerage management on each allotment can then be determined.
- [RB] General comment that reports will have a level of detail similar to a DA, to assist in the DA process in the future.

Aboriginal Cultural Heritage

- The subject land contains a known site, therefore an Aboriginal Cultural Heritage Assessment is required to be prepared by a suitable qualified person.
- [RB, MB, JP] Query about cultural heritage assessment and whether information from the recent Bypass assessment can be used, if relevant to the subject sites. Advice is to contact LALC.

Bushfire Risk

- The subject land is predominantly mapped as Bushfire Prone Land (Category 1) and as such a bushfire risk report will be required to accompany the planning proposal.

Subdivision Engineer Comments [MR]

- General comment – road upgrades from Solitary Island way need to be addressed in submission. Road upgrades will need to ensure compliance with Section 3.6 of the CHCC Development Design Specification 0041 – Geometric Road Layout. This will require 6m road with 1m shoulders.
- General comment – 20 metre road reserve required.
- Ensure sight distances for intersections are complied with.
- Stormwater is a problem as the land slopes to the south east. Stormwater Management Plan will be required to show how the water will be discharged. What works are proposed externally to deal with the additional flow and concentration of flow onto the highway land? Due to the discharge location being the highway, referrals will be required to Transport for NSW (TfNSW).
- The location of the access road is problematic due to the roundabout. The design should accord with Austroads (i.e. how and where the access is proposed). It must consider other development in proximity. TfNSW should be consulted on this matter.
- Plan B shows its access adjacent to Plan A. Plans A & B need to have a single road connection. Same access point preferred. Reduces costs in the long-term and to developers. Refer to background notes above regarding VPAs.

LUCRA

- A Land use conflict risk assessment (LUCRA) is required. Due to existing RU2 Zoning, it's past use for the cultivation of bananas and surrounding land uses.

Flooding

- There is an overland flow path at the back of proposed lots 7 and 8, however this is only a minor issue as there is plenty of land outside of the flow path on these lots which would be developable. Proposed Lot 5 is on a large sloping piece of land that flows into a farm dam. As per Marion's comments, stormwater needs to be looked at here. No significant flood issues with the proposal.

Discussion

Biodiversity

- Minimal ecological values however a flora and Fauna report will be required that identifies the Plant Community Types, values (hollows etc), predicted impact from future subdivision and presence of any threatened flora & fauna including targeted searches for *Moonee quassia*.
- Assessment against the Koala Plan of Management (KPOM) is required.
- Rezoning to R5 means that the Vegetation SEPP will apply to the land.

Noise

- The subject site is situated in proximity with the Pacific Highway having line of sight within 300m distance to the highway. The applicant will need to consider the impacts of road traffic noise in respect to siting and standard of construction for any future dwelling on any future proposed lot in accordance with *NSW Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)*. This will require the preparation of a report by a suitably qualified person to demonstrate the development can satisfy the relevant requirements specified by the SEPP and planning guideline.

Contamination

- Council's data indicates that the subject site has been used in the past for the cultivation of bananas. A certified contaminated land practitioner (CEnvP (SC) or CPSS CSAM) is required to undertake a preliminary site investigation in accordance with the NSW EPA Guidelines for Assessing Banana Plantation Sites (1997) and in accordance with Council's Contaminated Land Policy to assess the suitability of the land for residential use.

Acid Sulfate Soils

- The site is mapped as having Class 5 Acid Sulfate Soils (ASS). A preliminary ASS investigation is required to determine the presence of ASS on the proposed lots and whether an ASS Management Plan is required to be prepared.

On Site Sewerage Management

- The proposed subdivisional plans will have to be assessed against the provisions of AS 1547 (2012) tables R1 & R2.
- This can be addressed by providing a land capability assessment for each intended allotment.
- The feasibility of on-site sewerage management on each allotment can then be determined.

Aboriginal Cultural Heritage

- An Aboriginal Cultural Heritage assessment is required to be prepared by a suitably qualified person.

Bushfire Risk

- The subject land is mapped a bushfire prone land [Category 2]. A bushfire assessment report is required to be prepared.

LUCRA

- A Land Use Conflict Risk Assessment (LUCRA) is required.

Flooding

- The subject land is impacted by the indicative flood extent. This extent covers most of proposed lot 1. There is also an overland flow path running across the access the road and lot 1. Areas affected by indicative flooding have been determined through '1st pass' flood modelling. The '1st pass' flood modelling is a preliminary assessment of flooding, it is not a detailed flood study and does not truly represent the 1% AEP (100 year ARI) flood level; however, Council is confident that this area is flood affected. The Indicative flooding extent is primarily designed to identify flood prone land in areas that do not have detailed flood studies. A flood assessment is therefore required, detailing the 1% AEP flood extent, and impacts of climate change to ensure that there are no potential issues with access during a flood event, and that all lots have a minimum of 400 sq m of land above the 1% AEP

	<p>+ climate change flood extent. The flood assessment may result in in restrictions for where a dwelling can be constructed and issues with access.</p> <p><u>Subdivision Engineer Comments [MR]</u></p> <ul style="list-style-type: none"> • General comment – road upgrades from Solitary Island way need to be addressed in submission. Road upgrades will need to ensure compliance with Section 3.6 of the CHCC Development Design Specification 0041 – Geometric Road Layout. This will require 6m road with 1m shoulders. • General comment – 20 metre road reserve required. • Stormwater is directed toward Gaudrons Road. A Stormwater Management Plan will be required to show how the water will be discharged. What works are proposed externally to deal with the additional flow and concentration of flow onto Gaudrons Road? What mitigating works are proposed? • The location of the access road is problematic due to the roundabout. Design in accordance with Austroads for how and where the access is proposed is required – it must consider other developments in proximity. Plan A shows it access adjacent to this site (B). Plans A & B need to have a single road connection. • Be aware of the requirements relating to drainage within a battle-axe handle.
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Discussion

Biodiversity

- A flora and fauna report will be required that identifies the Plant Community Types, values (hollows etc), predicted impact from future subdivision and presence of any threatened flora & fauna including targeted searches for *Moonee quassia*.
- Vegetated area is approx. 0.4ha, clearing 0.25ha or more with a minimum lot size of less than 1ha (or 0.5ha of the lot size is more than 1ha but less than 40ha) will trigger the Biodiversity Offsets Scheme under the BC Act at subdivision stage (refer to BC Reg 2017 Clause 7.2). Subdivision should be designed to avoid this and the curbed design should achieve this, regardless the details are required to confirm that the Biodiversity Offsets Scheme can be avoided.
- [RB] Notes that there is no intention to clear any vegetated area (on any of the lots).
- Assessment against the Koala Plan of Management (KPoM) is required.
- Rezoning to R5 means that the Vegetation SEPP will apply to the land.

Contamination

- Council's data indicates that the subject site has been used in the past for the cultivation of bananas. A certified contaminated land practitioner (CEnvP (SC) or CPSS CSAM) is required to undertake a preliminary site investigation in accordance with the NSW EPA Guidelines for Assessing Banana Plantation Sites (1997) and t in accordance with Council's Contaminated Land Policy to assess the suitability of the land for residential use.

On-Site Sewerage Managment

- The proposed subdivisional plans are to be assessed against the provisions of AS 1547 (2012) tables R1 & R2.
- This can be addressed by providing a land capability assessment for each intended allotment.
- The feasibility of on-site sewerage management on each allotment could then be determined.

Aboriginal Cultural Heritage

- Consultation is required with the Coffs Harbour and District Local Aboriginal Land Council (CH&D LALC) as the land is predicted to contain Aboriginal Cultural Heritage.
- *A heritage assessment is required where the land is within a Heritage Conservation Area or contains, or is located adjacent to a listed Heritage Item under Coffs Harbour LEP 2013.*
- *An Aboriginal Cultural Heritage Assessment is required where the land is an Aboriginal place of heritage significance, or where an Aboriginal object is known or reasonably likely to be located on the land.*

Bushfire Risk

- The subject land is classified as bushfire prone land [Category 2]. A bushfire assessment report is required.

Subdivision Engineer Comments [MR]

- General comment – road upgrades from Solitary Island way need to be addressed in submission. Road upgrades will need to ensure compliance with Section 3.6 of the CHCC Development Design Specification 0041 – Geometric Road Layout. This will require 6m road with 1m shoulders.
- There would appear to be an overland flow path through the property from the south western corner to the north east. This may result in restrictions of where a dwelling can be constructed and issues with access. It would appear from the plan that there is a stream through both lots, if so, this is a legal point of discharge. Water would be required to discharge as sheet flow.
- Sight distances need to be looked at for the speed zone for any access point onto Gaudrons Road.

LUCRA

- A Land Use Conflict Risk Assessment (LUCRA) is required.

Flooding/Overland Flow

	<ul style="list-style-type: none">• There is an overland flow path through the middle of the lot. This may result in restrictions of where a dwelling can be constructed and issues with access, which should be looked at.
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Discussion

Biodiversity

- Minimal ecological values however a flora and Fauna report will be required that identifies the Plant Community Types, values (hollows etc), predicted impact from future subdivision and presence of any threatened flora & fauna including targeted searches for *Moonee quassia*.
- Rezoning to R5 means that the Vegetation SEPP will apply to the land.
- [RB] Notes that there are opportunities to revegetate. Will be submitting a Vegetation Management Plan, as revegetation would be beneficial from water quality/environmental point of view.

Contamination

- Council's data indicates that the subject site has in the past been subject to contamination. The existing building envelope on the site has been tested and satisfied EPA thresholds for sensitive land use. However, land outside the building envelope has not been cleared for sensitive land use and as such the remainder of the site would be subject to further investigation. A certified contaminated land practitioner (CEnvP (SC) or CPSS CSAM) is required to undertake a preliminary site investigation in accordance with the NSW EPA Guidelines for Assessing Banana Plantation Sites (1997) and in accordance with Council's Contaminated Land Policy to assess the suitability of the land for residential use.
- [RB] Indicated that the building envelopes on this site would be fixed due to the nature of the associated contamination and on-site sewerage management issues.

Onsite Sewerage Management

- An on-site sewerage management assessment is required.
- The proposed subdivisional plans will have to be assessed against the provisions of AS 1547 (2012) tables R1 & R2.
- This can be addressed by providing a land capability assessment for each intended allotment.
- The feasibility of onsite sewerage management on each allotment can then be determined.

Aboriginal Cultural Heritage

- Consultation with the Coffs Harbour and District Local Aboriginal Land Council (CH&D LALC) is required as the land is predicted to contain Aboriginal Cultural Heritage.

Bushfire Risk

- The subject land is classified as bushfire prone land [Partly Category 1 & 2]. A bushfire assessment report is required.

Flooding/Overland Flow

- There is an overland flow path through proposed lot 1 and access road. This may result in restrictions of where a dwelling can be constructed and issues with access, which should be looked at.

LUCRA

- A Land Use Conflict Risk Assessment (LUCRA) is required.

Subdivision Engineer Comments [MR]

- General comment – road upgrades from Solitary Island way need to be addressed in submission. Road upgrades will need to ensure compliance with Section 3.6 of the CHCC Development Design Specification 0041 – Geometric Road Layout. This will require 6m road with 1m shoulders.
- Right of Carriageway servicing 4 lots will not be accepted. Maximum of 3, affects RFS requirements – if it's above 3 then this becomes a public road. Make sure each access has the correct sight distances. DCP notes no more than 3 resulting lots [DCP2015 C1.8 requirements]
 - (2) Subdivision of land in a zone to which this control applies may comprise access via a right of carriageway only where the access services no more than three resulting lots.

	<ul style="list-style-type: none"> ○ (3) Where access is provided to service three resulting lots via a right of carriageway, the access is to be constructed to a public road standard in accordance with Council's Development Specifications. <p>[RB] Response will be a redesign to align with the road.</p> <ul style="list-style-type: none"> • The location of the right of carriageway splits the lots – this is unacceptable. This can lead to issues between property owners. • Stormwater Management Plan required showing how the stormwater flows are to be management. As noted on plans, there is a creek that goes through the site, which may be suitable for legal discharge. • Sight distances required for access point. They need to comply with Austroads for intersections (not driveways). • General comment – note that passing bays and sealing may be required. Recommendation to consider these expenses in calculations.
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Close	11:00am
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