

SC23/09	PLANNING PROPOSAL TO REZONE LAND - 9-9A (LOT 11 DP 1141269) & 148-158 (LOT 7 DP 555490) GAUDRONS ROAD, SAPPHIRE BEACH - PRE-EXHIBITION
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Authoriser: Acting Director Sustainable Communities

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Attachments: ATT1 SC23/09 Planning Proposal to Rezone Land – 9-9A & 148-158 Gaudrons Road, Sapphire Beach – Pre-exhibition
ATT2 SC23/09 Draft Coffs Harbour Development Control Plan 2015 - Amendment No. 30 (Gaudrons Road Sapphire Beach)

EXECUTIVE SUMMARY

A proponent-led application has been received by the City of Coffs Harbour (City) to amend Coffs Harbour Local Environmental Plan (LEP) 2013 for 9-9A (Lot 11 DP 1141269) and 148-158 (Lot 7 DP 555490), Gaudrons Road, Sapphire Beach to facilitate the 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 rezone the subject land from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and to apply an appropriate minimum lot size (Attachment 1).

RECOMMENDATION:

That Council:

1. Initiate a planning proposal to rezone land for 9-9A (Lot 11 DP 1141269) and 148-158 (Lot 7 DP 555490) Gaudrons Road, Sapphire Beach to the NSW Department of Planning and Environment seeking a gateway determination (Attachment 1).
2. Request that the Secretary of NSW Department of Planning 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 and Environment.
4. Publicly exhibit draft Coffs Harbour Development Control Plan 2015 - Amendment No. 30 (Gaudrons Road, Sapphire Beach) 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 30 (Gaudrons Road, Sapphire Beach).
6. Inform the landowners of the subject land and their consultant of Council's decision.

REPORT

Applicant:	Keiley Hunter Town Planning
Landowner:	C.E. & C.G. Bowen & K.F. Hunter
Land:	9-9A & 148-158 Gaudrons Road, Sapphire Beach
Zone:	RU2 Rural Landscape

Description of Item:

A proponent-led application has been received by the City to amend Coffs Harbour LEP 2013 for 9-9A (Lot 11 DP 1141269) and 148-158 (Lot 7 DP 555490) Gaudrons Road, Sapphire Beach. The LEP amendment will facilitate the subdivision of the land for large lot residential purposes.

9-9A Gaudrons Road (Lot 11 DP 1141269) has a total area of 5.2 hectares and is contained within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013. The application seeks to rezone 9-9A Gaudrons Road to Zone R5 Large Lot Residential and apply a minimum lot size of 6000m².

148-158 Gaudrons Road (Lot 7 DP 555490) has a total area of 2 hectares and is also contained within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013. The application seeks to rezone 148-158 Gaudrons Road to Zone R5 Large Lot Residential and apply a minimum lot size of 1 hectare to allow the land to be subdivided into 2 allotments, each containing an existing approved dwelling.

The application has been subject to a peer review and has been determined to have 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 Subject Land:**

The application to amend Coffs Harbour LEP 2013 affects two separately located allotments at 9-9A (Lot 11 DP 1141269) and 148-158 (Lot 7 DP 55549) Gaudrons Road, Sapphire Beach, (Figure 1).

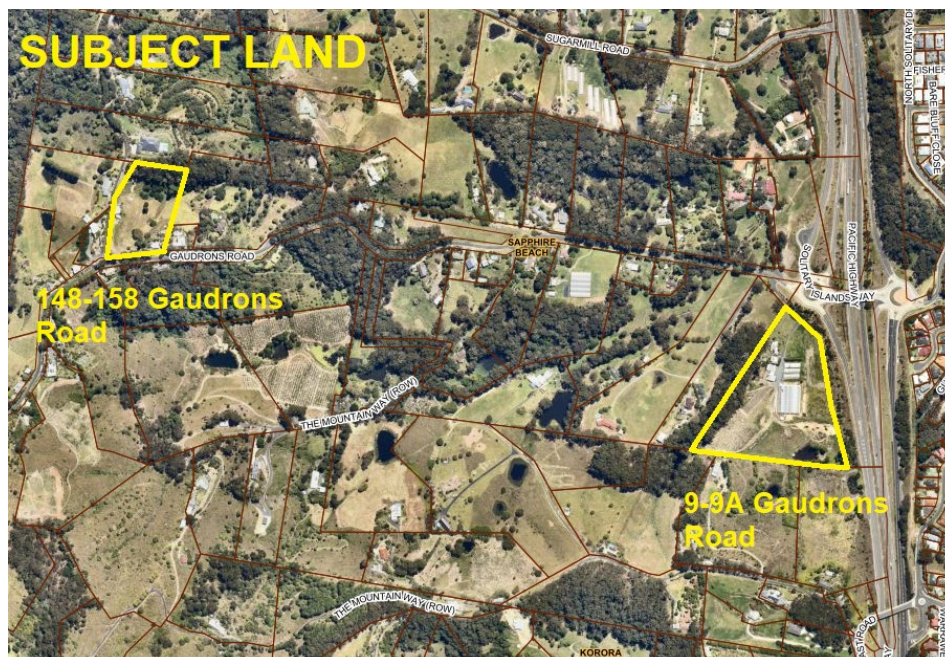


Figure 1 – Subject Land

The subject land is located on the south-western extent of Sapphire Beach, west of the Pacific Highway. 9-9A Gaudrons Road slopes gently from north to south and currently contains two existing approved dwellings, and an agricultural enterprise. 148-158 Gaudrons Road is

elevated and slopes moderately from south to north and contains two existing, approved dwellings. Land within Zone RU2 Rural Landscape surrounds both properties and the Pacific Highway is located adjacent to 9-9A Gaudrons Road (Figure 2).

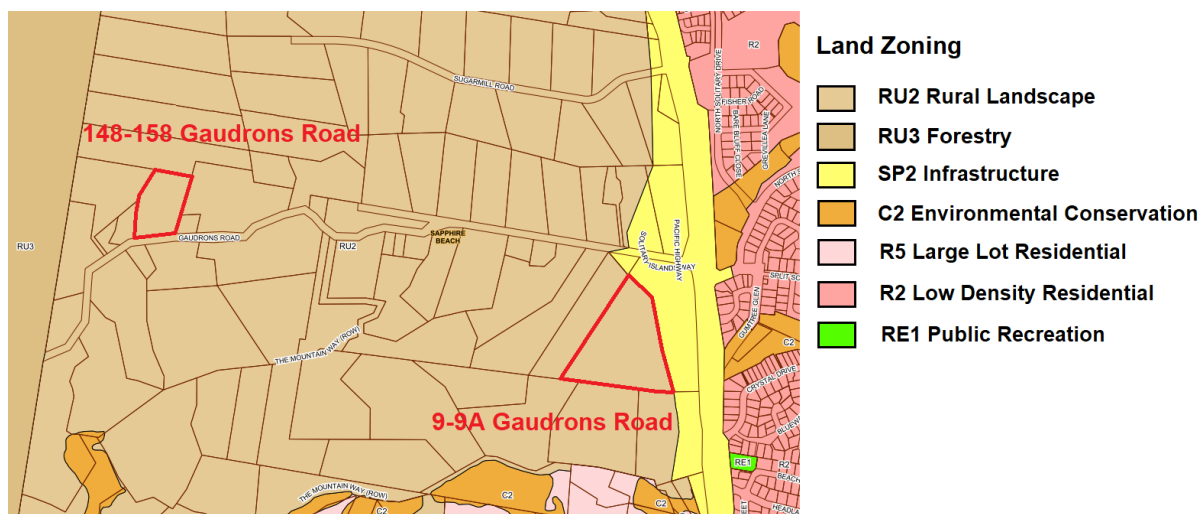


Figure 2: Land Use Zones – Coffs Harbour LEP 2013

Issues:

- **Local Growth Management Strategy 2020**

Chapter 6 Large Lot Residential Lands, of the Coffs Harbour Local Growth Management Strategy 2020 identifies both of the subject sites in Precinct 5 (Gaudrons Road / The Mountain Way) of the Korora, Sapphire and Moonee Candidate Area.

Environmental investigations of the broader Korora, Sapphire and Moonee Candidate Area were undertaken by Eco Logical Australia in 2017. The investigations concluded that Precinct 5 of the candidate area is environmentally constrained and economically expensive to service due to projected infrastructure costs associated with road upgrades and new road requirements.

Despite this, a joint report (co-written by City staff and an external planning consultant engaged by landowners within the candidate area) was endorsed by Council at its meeting of 10 August 2017. In this report it was agreed that proponent-initiated planning proposals could be lodged with the City seeking rezoning of land for large lot residential purposes within the Korora, Sapphire and Moonee Candidate Area (on an individual or precinct or cluster basis) at a time of their choosing. It was also agreed that subsequent funding of any required infrastructure upgrades would be the responsibility of the land owner/applicant. This agreement is reflected with the City's Local Growth Management Strategy.

- **Infrastructure Upgrades / Voluntary Planning Agreements**

Chapter 6 Large Lot Residential Lands, of the City's Local Growth Management Strategy states that privately funded planning proposals and subsequent funding of any required infrastructure upgrades is the responsibility of the land owner/applicant. It is also noted that infrastructure upgrades (particularly roads) need to be paid for by benefitting land owners through voluntary planning agreements made public through the planning proposal process.

Road standards for large lot residential development are specified in the City's Planning and Design Development Specifications. Road carriageway widths are based on predicted traffic generation as a result of eventual subdivision.

9-9A Gaudrons Road is located adjacent to the upgraded Pacific Highway. As a result, Gaudrons Road in this location has been constructed in accordance with the City's Planning and Design Development Specifications. Therefore no upgrade to Gaudrons Road is necessary at this location.

148-158 Gaudrons Road is located approximately 1.5 km from the intersection with Solitary Islands Way. Parts of this section of Gaudrons Road do not comply with the applicable road standard outlined in the City's Planning and Design Development Specifications.

148-158 Gaudrons Road currently contains two existing approved dwellings on a 2.05 ha site. The application to amend Coffs Harbour LEP 2013 seeks to rezone the land to enable subdivision of the land into 2 lots (1.0ha and 1.05ha), which would each contain an existing (approved) dwelling. In this regard, no additional traffic will be generated as a result of the eventual subdivision and hence no road upgrades are required in accordance with the City's Planning and Design Development Specifications, which are based on predicted traffic generation. A more detailed discussion of infrastructure requirements is further discussed within the planning proposal (Attachment 1).

- **Minimum Lot Size**

A concept lot layout, included with the application to amend Coffs Harbour LEP 2013 (Figure 2 within Attachment 1) shows a potential yield of 8 lots for 9-9A Gaudrons Road, when applying a minimum lot size of 6000m². 148-158 Gaudrons Road contains 2 existing approved dwellings and the application seeks to enable the land to be subdivided into 2 lots, each with a minimum lot size of 1 hectare.

Chapter 6 Large Lot Residential Lands, of the City's Local Growth Management Strategy notes that a reduced minimum lot size (i.e. less than 1ha) for Zone R5 Large Lot Residential 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.'

The Land Capability Assessment included with the application to amend Coffs Harbour LEP 2013 demonstrates that 6000m² lots on 9-9A Gaudrons Road can be adequately serviced by onsite sewerage management in accordance with the City's On Site Sewage Management Strategy (Appendix B of Attachment 1). It is considered that the planning proposal has sufficiently justified a reduced minimum lot size for 9-9A Gaudrons Road (Attachment 1). 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.

- **DCP Map Amendments**

It is necessary to amend maps contained within Coffs Harbour DCP 2015 to align with the proposed LEP amendment, including updates to the front, side and rear setbacks maps. This report seeks to publicly exhibit draft Coffs Harbour DCP 2015 - Amendment No. 30 (Gaudrons Road Sapphire Beach) (Attachment 2) concurrently with the associated planning proposal.

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. Should the recommendation not be approved, the planning proposal may need to be amended and may not be able to proceed.

Option 1 is recommended as the suitable course of action.

Sustainability Assessment:

- **Environment**

Environmental sustainability issues are summarised 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 finalised.

- **Social**

Social sustainability issues are addressed in the planning proposal (Attachment 1). The provision of additional large lot residential land will result in positive social impacts within the City of Coffs Harbour Local Government Area.

- **Civic Leadership**

The planning proposal accords with the 'MyCoffs Community Strategic Plan' by undertaking development that is environmentally, socially and economically responsible.

- **Economic – Broader Economic Implications**

In terms of capital investment, additional land for large lot residential purposes has the potential to generate additional income and employment for the local economy.

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

The proposed amendment to Coffs Harbour LEP 2013 is a proponent led application and therefore the City's adopted fees and charges apply. In this regard there are no implications for the City'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 the NSW Department of Planning 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 the City's Community Participation and Engagement Plan.

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 the NSW Department of Planning and Environment, requesting gateway determination. The timeframe for the completion of this planning proposal is governed by the Act and thus is determined by the NSW Department of Planning 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 apply Zone R5 Large Lot Residential to 9-9A (Lot 11 DP 1141269) and 148-158 (Lot 7 DP 555490) and to amend the minimum lot size for both land parcels to 6000m² and 1ha respectively. The proposed amendment accords with the North Coast Regional Plan 2041 and the Coffs Harbour Local Growth Management Strategy 2020. Sufficient planning merit for the amendment 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).