

SC21/61 PLANNING PROPOSAL PP-2021-5577 - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 TO REZONE LAND - PART LOT 202 DP 874273, BARK HUT ROAD, WOOLGOOLGA - PRE-EXHIBITION

Author: Planner / Urban Designer
Authoriser: Director Sustainable Communities
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 SC21/61 Planning Proposal PP-2021-5577 (Bark Hut Road, Woolgoolga) - Pre-Exhibition
ATT2 SC21/61 Draft Coffs Harbour Development Control Plan Amendment No. 20 (Bark Hut Road, Woolgoolga)

EXECUTIVE SUMMARY

A proponent-led application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 for part Lot 202 DP 874273, Bark Hut Road, Woolgoolga. This application replaces Planning Proposal PP_2019_COFFS_003_00, which was initiated by Council for the subject land at its Ordinary Meeting of 12 September 2019.

The purpose of this report is to seek Council's endorsement to initiate a fresh planning proposal to amend Coffs Harbour LEP 2013 to rezone part Lot 202 DP 874273, Bark Hut Road, Woolgoolga to facilitate low density residential development (Attachment 1). This report also seeks Council's endorsement to amend Coffs Harbour Development Control Plan (DCP) 2015 to align with the proposed land use zones (Attachment 2) and to amend Clause 7.19 and the Key Sites Map of Coffs Harbour LEP 2013.

RECOMMENDATION:

That Council:

- 1. Initiate and forward a planning proposal to the NSW Department of Planning, Industry and Environment seeking gateway determination to rezone part Lot 202 DP 874273, Bark Hut Road, Woolgoolga and amend Clause 7.19 of Coffs Harbour Local Environmental Plan 2013 (and the Key Sites Map) to include part of Lot 202 DP 874273 as a 'key site' (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. Publicly exhibit draft Coffs Harbour Development Control Plan 2015 - Amendment No. 20 (Bark Hut Road Woolgoolga) 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. 20 (Bark Hut Road Woolgoolga).**
- 6. Inform the landowners of the subject land and their consultant of Council's decision.**

REPORT

Applicant: Keiley Hunter Town Planning
Landowner: Vadejil Pty Ltd
Land: Part Lot 202 DP 874273, Bark Hut Road, Woolgoolga
Zone: RU2 Rural Landscape

Description of Item:

A proponent-initiated application has been received by Council to amend Coffs Harbour LEP 2013, to enable low density residential development on part Lot 202 DP 874273, Bark Hut Road, Woolgoolga. The land is located within the Woolgoolga North West Urban Investigation Area contained within the Coffs Harbour Local Growth Management Strategy 2020.

This application replaces Planning Proposal PP_2019_COFFS_003_00, which was initiated by Council for the subject land at its Ordinary Meeting of 12 September 2019. Planning Proposal PP_2019_COFFS_003_00 has been formally withdrawn by the applicant following advice from the NSW Department of Planning, Industry and Environment that the gateway determination for the proposal could not be extended beyond October 2021 (further discussed in the issues section of this report).

The application to amend Coffs Harbour LEP 2013 affects part Lot 202 DP 874273, Bark Hut Road, Woolgoolga. The allotment is made up of two part lots (a northern portion and a southern portion), separated by public open space. This planning proposal applies to the northern portion of the part lot, which is accessed from Bark Hut Road Woolgoolga (refer Figure 1). The southern portion of the lot, accessed from Newmans Road, Woolgoolga was rezoned in December 2020 to facilitate residential development on the land.



Figure 1 – Subject Land (Northern Part of Lot 202 DP 874273, Bark Hut Road, Woolgoolga)

The subject land has an area of 16.4 hectares and is located approximately 23 km north of Coffs Harbour and 2.4 km northwest of Woolgoolga. It is located immediately west of Solitary Islands Way in proximity to established residential areas of Woolgoolga and Safety Beach. An existing residential area within Zone R5 Large Lot Residential is located to the west of the subject 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 rezone part Lot 202 DP 874273, Bark Hut Road, Woolgoolga from Zone RU2 Rural Landscape to Zone R2 Low Density Residential, Zone E2 Environmental Conservation and Zone E3 Environmental Management (refer Figure 2). This report also seeks Council's endorsement to amend Coffs Harbour DCP 2015 to align with the proposed land use zones and to amend Clause 7.19 (and the Key Sites Map) of Coffs Harbour LEP 2013 to include the subject land as a 'key site' (Attachment 2).

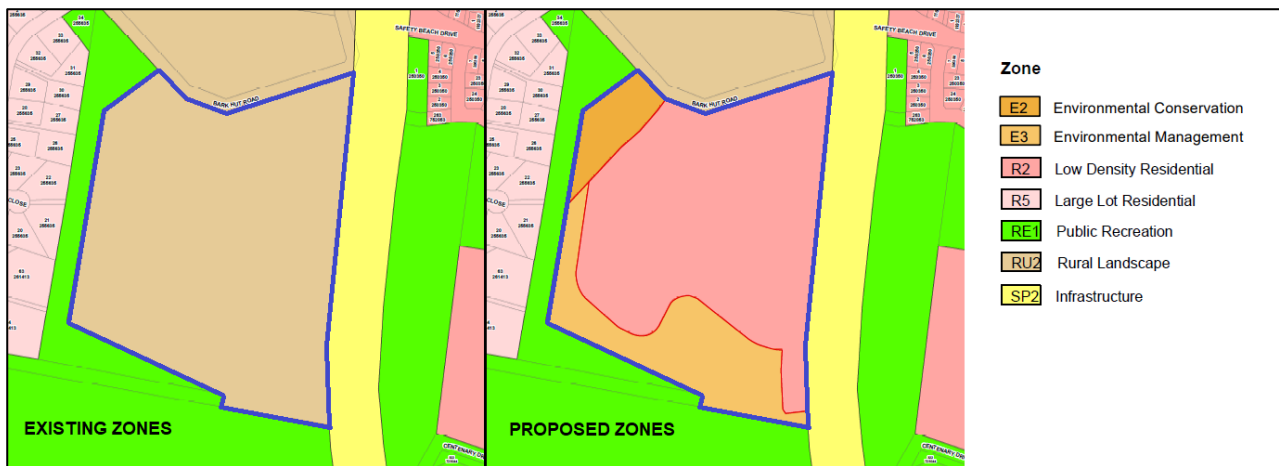


Figure 2: Existing and Proposed Land Use Zones – Coffs Harbour LEP 2013

Issues:

• Previous Application to Amend Coffs Harbour LEP 2013

The previous application to amend Coffs Harbour LEP 2013 for the subject land (PP_2019_COFFS_003_00) initiated by Council at its Ordinary Meeting of 12 September 2019, was publicly exhibited in accordance with a gateway determination issued by the NSW Department of Planning, Industry and Environment on 11 October 2019. This planning proposal sought to rezone the subject land from Zone RU2 Rural Landscape to Zone R2 Low Density Residential.

At the conclusion of the public exhibition period, Council had received three public submissions and six Government agency/stakeholder submissions. A number of issues were raised by submissions, particularly in relation to potential impacts from the proposal on biodiversity. In its submission, the NSW Department of Planning, Industry and Environment (Biodiversity Conservation Division) advised Council that it did not support the proposal to rezone the entire site to Zone R2 Low Density Residential due to biodiversity impacts on the western portion of the subject land.

The application was subsequently amended by the applicant to address the issues raised by submissions. However, due to a significant delay in the application being amended, the NSW Department of Planning, Industry and Environment advised Council and the applicant that the gateway determination issued for the proposal could not be extended beyond October 2021. Given that the proposal was unlikely to be completed prior to that date, the Department recommended that the applicant withdraw Planning Proposal PP_2019_COFFS_003_00 and lodge a fresh application. This report seeks to initiate a fresh planning proposal, as a result of this advice.

• Woolgoolga North West Urban Investigation Area

The subject land sits within the broader Woolgoolga North West Urban Investigation Area. The Coffs Harbour Local Growth Management Strategy 2020 identifies a significant dwelling yield for the urban investigation area. Despite this, Council does not have adequate local planning controls in place to ensure that orderly development occurs within the release area or to prevent impacts from new development in this locality on Council's existing infrastructure, such as additional vehicle movements, pedestrian movements and services.

To address this, the planning proposal also seeks to modify Clause 7.19 of Coffs Harbour LEP 2013 and the associated Key Sites Map to include the subject land as a 'key site' to limit development on the land until such time as adequate local planning controls are in place for the urban release area. Council is currently preparing local planning controls for the Woolgoolga North West Urban Release Area, which will be reported to Council separately.

- **DCP Map Amendments**

It is necessary to amend maps contained within Coffs Harbour DCP 2015 to align with the proposed land use zones, such as the density map; front, side and rear setbacks map; and the preservation of vegetation map. This report seeks to publicly exhibit draft Coffs Harbour DCP 2015 - Amendment No. 20 (Bark Hut Road Woolgoolga) concurrently with the associated planning proposal (Attachment 2).

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 creation of additional residential land and the resulting development of that land, has the potential to generate additional income and employment for the local economy. In this regard, broad economic implications from the planning proposal are likely to be positive.

- **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 subject land is identified in the Coffs Harbour Local Growth Management Strategy 2020 and North Coast Regional Plan 2036 as an Investigation Area – Urban Land. As such, the planning proposal is considered to be of low risk to Council. The planning proposal includes a requirement to modify clause 7.19 of Coffs Harbour LEP 2013 (and the associated Key Sites Map) to enable sufficient time for Council to update local planning controls to guide orderly development of this part of the urban investigation area. The planning proposal (Attachment 1) addresses the constraints that affect the land sufficient to allow Council to initiate a planning proposal to the next stage of the LEP amendment process (gateway determination).

Consultation:

Should Council resolve to initiate the planning proposal and gateway determination is subsequently issued by the NSW Department of Planning, Industry and Environment, the proposal is required to be publicly exhibited in accordance with the 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 place-making tool. Woolgoolga received a Place Score of 67, which is below the NSW average of 72 for liveability. The liveability improvement priorities identified by the Woolgoolga community include quality of public space; general condition of public open space; protection of the natural environment; and walking/jogging/bike paths that connect housing to communal amenity. The proposed LEP amendment will assist in facilitating economic growth and the provision of additional housing in Woolgoolga. Masterplanning the Woolgoolga North West Urban Investigation Area prior to any major development occurring on the subject land will assist in facilitating quality built form outcomes; ensure that new development is connected to public open space; and ensure that high conservation value land is protected.

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 the 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 the 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 rezone part Lot 202 DP 874273, Bark Hut Road, Woolgoolga to facilitate low density residential development. This report also seeks Council's endorsement to amend Coffs Harbour DCP 2015 to align with the proposed land use zones and to amend Clause 7.19 (Key Sites Map) of Coffs Harbour LEP 2013 to limit development on the subject land until adequate local planning controls are in place for the land. The proposal accords with the North Coast Regional Plan 2036 and Coffs Harbour Local Growth Management Strategy 2020. The proposal will facilitate additional affordable housing opportunities for Woolgoolga, whilst protecting areas of high environmental value and providing links to future public open space for the community.