

SC22/10	PLANNING PROPOSAL PP-2021-7194 - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 FOR AN ADDITIONAL PERMITTED USE (PUB) - LOTS 3 & 4, DP 825181, NO. 4/4A BRAY STREET, COFFS HARBOUR - PRE-EXHIBITION
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Author: Planner / Urban Designer

Authoriser: Acting Director Sustainable Communities

MyCoffs: B.1 A thriving and sustainable local economy

Attachments: ATT1 SC22/10 Planning Proposal for an Additional Permitted Use at 4/4A Bray Street, Coffs Harbour - Pre-exhibition

EXECUTIVE SUMMARY

A proponent-led application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 for Lots 3 and 4 DP 825181, No. 4/4A Bray Street, Coffs Harbour to allow alterations to an existing pub on Lot 4 and the utilisation of a vacant restaurant building on Lot 3 as a drive-through bottle shop.

The purpose of this report is to seek Council's endorsement to initiate a planning proposal (PP-2021-7194) to amend Schedule 1 Additional Permitted Uses of Coffs Harbour LEP 2013 for Lots 3 and 4, DP 825181, 4/4A Bray Street, Coffs Harbour to allow a 'pub' to be permitted with development consent on the subject land (Attachment 1).

RECOMMENDATION:

That Council:

1. Initiate and forward Planning Proposal PP-2021-7194 to amend Schedule 1 Additional Permitted Uses of Coffs Harbour Local Environmental Plan 2013 for Lots 3 and 4, DP 825181, No. 4/4A Bray Street, Coffs Harbour 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 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. 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. 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: Design Collaborative Pty Limited
Landowner: Australian Leisure and Hospitality Group Pty Limited
Land: Lots 3 and 4 DP825181, No. 4/4A Bray Street, Coffs Harbour
Zone: B6 Enterprise Corridor

Description of Item:

A proponent-initiated application has been received by Council to amend Schedule 1 Additional Permitted Uses of Coffs Harbour LEP 2013 for Lots 3 and 4, DP 825181, No. 4/4A Bray Street, Coffs Harbour to allow a 'pub' to be permitted with development consent on the subject land.

In summary, the Schedule 1 change would allow the lodgement of a Development Application to:

- make renovation and alteration works to an existing pub on the subject land with 1652m² tavern area which will result in:
 - 256m² gaming room;
 - 782m² bar area;
 - 97m² beer garden;
 - 409m² outdoor deck area; and
 - 67 car parking spaces (including 2 disabled car parking spaces).
- make alterations to an existing but unused adjacent restaurant building to provide a 694m² GFA drive-through bottle shop with 74 car parking spaces (including 2 disabled parking spaces); with the existing car parking to remain generally unchanged.

- **The Subject Land**

The application to amend Coffs Harbour LEP 2013 affects land at No. 4/4A Bray Street (Lots 3 and 4 DP 825181), Coffs Harbour as shown in Figure 1.



Figure 1 – Subject Land

The existing pub (Greenhouse Tavern) is located on Lot 4 and comprises:

- 278m² drive-thru bottle shop;
- 90m² gaming room;
- 803m² bar area;
- 130m² beer garden;
- 351m² outdoor deck area; and
- 65 car parking spaces (including 2 disabled car parking spaces).

The existing Greenhouse Tavern is a 'pub' for the purposes of Coffs Harbour LEP 2013 and the land use is an 'existing use' (i.e. prohibited under the current land use zoning for the land).

Lot 3 contains a building originally constructed as a single level restaurant. The approved building use is a 'restaurant or café' use under Coffs Harbour LEP 2013. It is currently vacant with 694m² GFA and 78 car parking spaces (including 2 disabled spaces).

Access to Lots 3 and 4 is gained via a driveway from Bray Street, some 70 metres west of its intersection with the Pacific Highway and thence via an easement which services the Bray Street precinct which includes fast food restaurants, a cinema and the Coffs Harbour Regional Conservatorium.

• Land Use Zones

Under Coffs Harbour LEP 2013 there is an eclectic mix of land use zones in the locality surrounding the subject land including, to the west, land within Zone R2 Low Density Residential and RE1 Public Recreation. Park Beach Home Base is located north of the subject land within Zone B5 Business Development, separated from the subject land by Zone SP2 Special Activities (North Coast Railway).

The Pacific Highway immediately eastward of the subject land is within Zone SP2 Infrastructure. The Park Beach Plaza precinct located further eastward is within Zone B2 Local Centre zone, while the Orlando Street industrial precinct is within Zone IN1 General Industry.

The subject land is contained within Zone B6 Enterprise Corridor under Coffs Harbour LEP 2013 as shown in Figure 2.

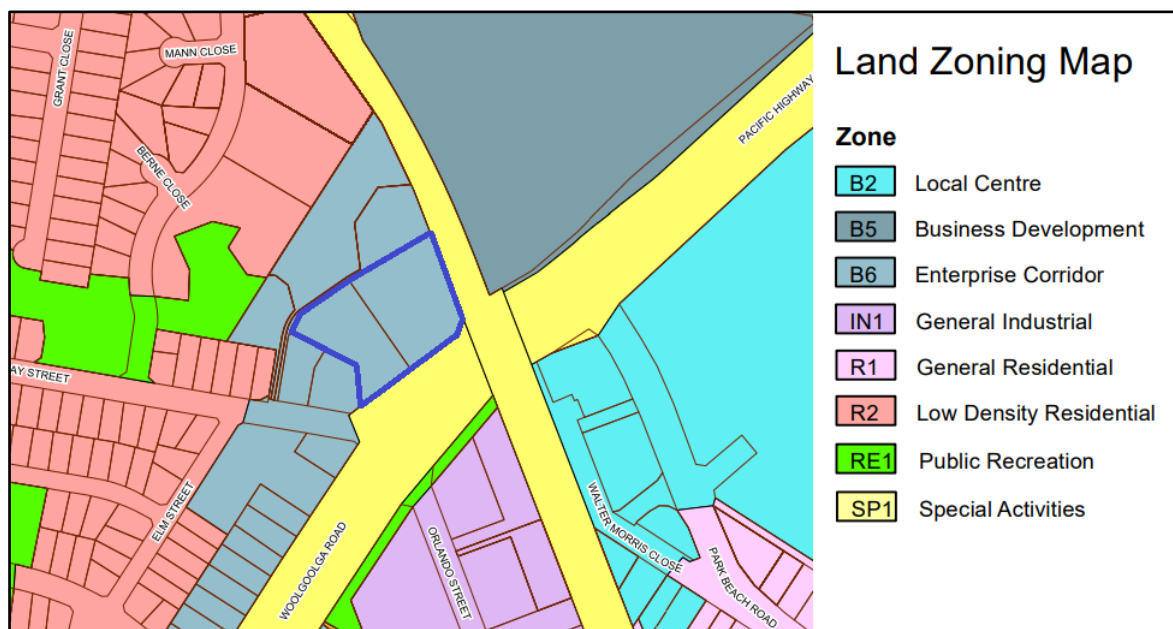


Figure 2: Land Use Zones – Coffs Harbour LEP 2013

Issues:

- **Additional Permitted Uses**

Council is able to permit additional uses for specific sites within Coffs Harbour LEP 2013 (in addition to the land uses already identified in the land use table within the LEP) that may not be appropriate in a broader context. Specific additional permitted uses are included in Schedule 1 of Coffs Harbour LEP 2013.

The NSW Department of Planning and Environment's Draft LEP Practice Note on Schedule 1 Additional Permitted Uses, states that Schedule 1 of an LEP should only be used in exceptional circumstances, where Council can demonstrate that there is no other acceptable solution to progress the matter.

Despite the fact that the subject site currently contains the Greenhouse Tavern, a 'pub' is a prohibited land use within Zone B6 Enterprise Corridor under Coffs Harbour LEP 2013. The Greenhouse Tavern is thus an existing use (i.e. prohibited under the current land use zoning for the land).

In order to facilitate the proposed alterations to the tavern and to utilise the existing unused building for an ancillary bottle-shop (which are considered to be suitable for the subject site), an addition to the permissible use for Lots 3 & 4, DP 825181, 4/4A Bray Street, Coffs Harbour as contained within Schedule 1 of Coffs Harbour LEP 2013 is the most acceptable solution.

The other alternative, to rezone the land has the potential for future undesirable land uses which may detract from other nearby employment centres. An additional permitted use of 'pub' ensures the future works it would permit are specific to what currently exists on the subject site and for the unused building on Lot 3 to be used only for the purposes of a bottle-shop.

- **Traffic Generation**

Given the current use of the subject land and the precinct in which the land is located, it is not envisaged that any amenity or the like issues will arise. The only material issue relates to traffic generation. The proponent has supported the request for LEP amendment with a report prepared by McLaren Traffic Engineering and Road Safety Consultants dated 25th May 2021. Council's planning consultant has independently reviewed the traffic report and concurs with the findings that the traffic generated by the proposed development is not likely to lead to a further detrimental impact on the performance of the Pacific Highway and Bray Street intersection.

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 utilisation of an existing but unused building on the subject 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 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 has addressed the constraints that affect the land and has demonstrated that these constraints can be managed effectively, therefore minimising associated risks (Attachment 1). This is sufficient to allow Council to initiate the planning proposal and proceed to the next stage (gateway determination).

Consultation:

Should Council resolve to initiate the planning proposal and a gateway determination is subsequently issued by NSW Department of Planning 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 place-making tool. The 2019 Place Score report was presented to Council on 11 April 2019. Coffs Harbour received a Place Score of 64, which is significantly below the NSW average of 72 for liveability. The lowest rated neighbourhood attributes for Coffs Harbour include a lack of sense of personal safety; a lack of quality of public space; and access and safety of walking, cycling and/or public transport. The intended outcomes of the planning proposal aim to ensure that future development provides quality built form in a prominent location.

Related Policy, Precedents and / or Statutory Requirements:

This 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 immediately forwarded to NSW Planning and Environment, requesting gateway determination. The timeframe for the completion of this planning proposal is governed by relevant planning legislation and internal processes within the NSW Department of Planning and Environment.

Conclusion:

This report seeks Council's endorsement to initiate Planning Proposal PP-2021-7194 to amend Schedule 1 of Coffs Harbour LEP 2013 by adding 'pub' as an additional permissible use for Lots 3 & 4 DP 825181, 4/4A Bray Street, Coffs Harbour. The proposal accords with the North Coast Regional Plan 2036 and Coffs Harbour Local Growth Management Strategy 2020. The proposal will facilitate the utilisation of an existing but unused building located on the subject land.