

COFFS HARBOUR CITY COUNCIL

REQUEST TO AMEND COFFS HARBOUR LEP 2013

PRE-LODGEEMENT MEETING NOTES

2pm Thursday

8/04/2021

Time / Day

Date:

Address / Property Details:

28 Sugarmill Road, Sapphire Beach - Lot 12 DP 243972 (PN 1549900);

35 Sugarmill Road, Sapphire Beach – Lot 91 DP 786155 (PN129896); and

89 Sugarmill Road, Sapphire Beach – Lot 17 DP 249273 (PN 1461200).

Client: Keiley Hunter / Grahame Fry

Staff: Marten Bouma



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

In 2016, Council commissioned environmental studies (Eco Logical, 2017). This work concluded that precincts 3, 4 and 5 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

Discussion

Biodiversity

An ecological 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.
- Details a targeted survey for *Moonee quassia*.
- Assessment against the KPoM that includes targeted surveys for scats is required as occupied koala habitat is known in the area.
- Provides commentary on the hydrolines and riparian areas through the sites(s) and how these will be protected.
- Details that the above information should inform zoning layout.

Rezoning to R5 means that the Vegetation SEPP will apply to the land.

Depending on the zone and concept subdivision layout, an eventual DA may trigger the Biodiversity Offsets Scheme under the BC Act at subdivision stage and subdivision should be designed to avoid this. Details are required to demonstrate that the Biodiversity Offsets Scheme can be avoided, this must assess the subdivision in its end state with any ancillary impacts, i.e APZs etc. to be considered and this must note the location of the Biodiversity Values Mapped area.

Noise

- 28 Sugarmill Road is situated within the Pacific Highway Acoustic Buffer. Therefore, you will need to consider the impacts of road traffic noise in respect to siting and standard of construction for any future dwelling/s on any future proposed lot/s in accordance with

	<p>Clause 101 Infrastructure SEPP (2007) and the NSW Department of Planning <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (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.</p> <ul style="list-style-type: none"> • The other properties are located outside of Pacific Highway Acoustic Buffer area and therefore no specific investigation in this regard is required. <p><u>Contamination</u></p> <ul style="list-style-type: none"> • As required by Ministerial Direction 2.6 Remediation of Contaminated Land, clause (5), a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines will be required. Therefore, you must engage the services of a certified contaminated land practitioner (CEnvP (SC) or CPSS CSAM) 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. <p><u>Acid Sulfate Soils</u></p> <ul style="list-style-type: none"> • According to Council's mapping, 28 Sugarmill Road and a portion of 35 Sugarmill Road contain Class 5 Acid Sulfate Soils (ASS). A preliminary ASS investigation is required to determine the presence of ASS on that portion of land. It is noted that even though this is low risk, a report is still required to prevent hold-ups later in the planning proposal process. <p><u>On-Site Sewerage Management</u></p> <ul style="list-style-type: none"> • The feasibility of on-site sewerage management and minimum lot size will be determined by the preparation of a land capability assessment for the subject land. <p><u>Aboriginal Cultural Heritage</u></p> <ul style="list-style-type: none"> • In addition to undertaking the due diligence process, consultation is required with the Coffs Harbour and District Local Aboriginal Land Council (CH&D LALC) as the land is likely to contain Aboriginal Cultural Heritage. • Demonstration of consultation and any subsequent advice from the CH&D LALC is to be included with the PP. <p><u>Bushfire Risk</u></p> <p>All of the subject land is mapped as Bushfire Prone Land (Category 1) and as such, a bushfire risk report will be required to accompany the planning proposal in order to comply with <i>Planning for Bushfire Protection 2019</i>.</p> <p><u>Engineering Comments</u></p> <p>The following is a preliminary assessment based purely on the subject location i.e. no proposed subdivision layout, etc.</p> <p>Access</p> <ul style="list-style-type: none"> • A Traffic Impact Assessment should accompany the submission to determine the impacts on the existing intersection of Sugarmill Rd and Solitary Islands Way. • RFS access requirements will need to be considered with regard to any potential subdivision layout. <p>Stormwater</p> <ul style="list-style-type: none"> • Consideration of the stormwater disposal from the lots will need to be provided, particularly where the natural topography grades to adjoining properties. • Swale drainage or other stormwater infrastructure within the road reserve may be required to be upgraded to appropriately convey increase in stormwater flows.
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	<p><u>LUCRA</u></p> <p>Due to existing RU2 Zoning, previous and current surrounding agricultural land uses, a land use conflict risk assessment (LUCRA) is required.</p> <p><u>Visual Amenity</u></p> <p>The KWSM Large Lot Residential Environmental Study notes that the sense of openness and space, undulating hills and uncluttered character of the view give the Sugarmill Road location a HIGH scenic quality. As such, adequate separation of building envelopes will need to be determined to lessen the impact on scenic quality.</p>
General comments	<p>A detailed (concept) subdivision proposal should be submitted with the PP. This is required to inform any required infrastructure upgrades, etc. Please show building envelopes (stormwater considerations in particular are pertinent here).</p>
OTHER INFORMATION	
<p><i>What to include in a Request to Amend Coffs Harbour Local Environmental Plan 2013</i></p> <p>The NSW Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals' outlines the appropriate information to include in a Request to Amend Coffs Harbour LEP 2013. However, it should be noted that Council will use the information submitted with the Request to inform a Planning Proposal, which Council will prepare in our template format.</p> <p>Council's on-line checklist contains all information to be considered / submitted with the Request to Amend Coffs Harbour Local Environmental Plan 2013. The checklist can be accessed HERE.</p> <p><i>Fees and Charges</i></p> <p>Council's current (2020/2021) fees for a Request to Amend Coffs Harbour LEP 2013 can be accessed HERE.</p> <p><i>Notes</i></p> <p>A thorough investigation of issues has been undertaken in response to this pre-lodgement meeting request. The information and requirements conveyed in these notes are deemed sufficient to inform the initial preparation of a Planning Proposal. Notwithstanding this, it is possible that NSW Department of Planning, Industry and Environment and / or other Agencies may require additional work to be undertaken prior to, or following the issue of a Gateway determination.</p>	
Close	2.34pm