

SC22/28 PLANNING PROPOSAL - ARGYLL ESTATE PRECINCT RENEWAL - PRE-EXHIBITION

EXECUTIVE SUMMARY

Council has worked with NSW Land and Housing Corporation to investigate opportunities for affordable and social housing within the Argyll Estate Precinct. The purpose of this report is to seek endorsement to initiate a planning proposal to amend Council's local planning controls to facilitate medium density housing for the Argyll Estate Precinct and to provide opportunities for the renewal of existing social housing within the precinct.

2022/113

RESOLVED (Cr George Cecato / Cr Scott Wolgamot)

That Council:

1. Initiate a planning proposal to facilitate development of medium density housing in the Argyll Estate Precinct, Coffs Harbour and write to the NSW Department of Planning and Environment seeking a gateway determination (Attachment 1) and that Council's initial support for the planning proposal is conditional upon:
 - 1.1 Land and Housing Corporation outlining its delivery model and mechanisms for ensuring additional social housing; and
 - 1.2 This response be included in the statutory public exhibition.
2. Request that the Secretary of the 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. Note that a separate report be brought back to Council to consider a draft amendment to Coffs Harbour Development Control Plan 2015 and a draft contributions plan for the area.
5. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal.

For: Crs Amos, Cecato, Pryce, Sechi and Wolgamot

Against: Crs Cassell, Judge, Swan and Townley

CARRIED

SC22/28 PLANNING PROPOSAL - ARGYLL ESTATE PRECINCT RENEWAL - PRE-EXHIBITION

Author: Senior Planner / Urban Designer
Authoriser: Acting Director Sustainable Communities
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 SC22/28 Planning Proposal - Argyll Estate Precinct

EXECUTIVE SUMMARY

Council has worked with NSW Land and Housing Corporation to investigate opportunities for affordable and social housing within the Argyll Estate Precinct. The purpose of this report is to seek endorsement to initiate a planning proposal to amend Council's local planning controls to facilitate medium density housing for the Argyll Estate Precinct and to provide opportunities for the renewal of existing social housing within the precinct.

RECOMMENDATION:**That Council:**

1. Initiate a planning proposal to facilitate development of medium density housing in the Argyll Estate Precinct, Coffs Harbour and write to the NSW Department of Planning and Environment seeking a gateway determination (Attachment 1).
2. Request that the Secretary of the 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.
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REPORT**Description of Item:**

Council has worked with NSW Land and Housing Corporation to investigate opportunities for affordable and social housing within the Argyll Estate Precinct. This investigation has been carried out in response to the NSW Government's intention to redevelop its existing social housing properties in the precinct for a range of low to medium density social and private housing. The proposal has been determined to have merit, as it accords with the Coffs Harbour Regional City Action Plan 2036 and Coffs Harbour Local Growth Management Strategy 2020. The proposal will be supported by adequate infrastructure and planning controls to manage environmental constraints and natural hazards.

The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend Coffs Harbour Local Environmental Plan (LEP) 2013 to rezone part of the

Argyll Estate Precinct from Zone R2 Low Density Residential to Zone R3 Medium Density Residential and to amend associated planning controls to facilitate medium density housing (see proposed planning controls below).

- **The Subject Land:**

The Argyll Estate Precinct includes approximately 19 hectares of land bounded by commercial uses to the east fronting the Pacific Highway; Bray Street to the north and low density residential areas to the west (Figure 1). The precinct consists predominantly of land owned by NSW Land and Housing Corporation and the Aboriginal Housing Office, which provide social housing for very low income households. The site comprises a total of 197 lots including 118 owned by NSW Land and Housing Corporation, 11 owned by Aboriginal Housing Office and 68 privately owned. The real property description of each lot is included in Appendix 3 of the planning proposal (Attachment 1).

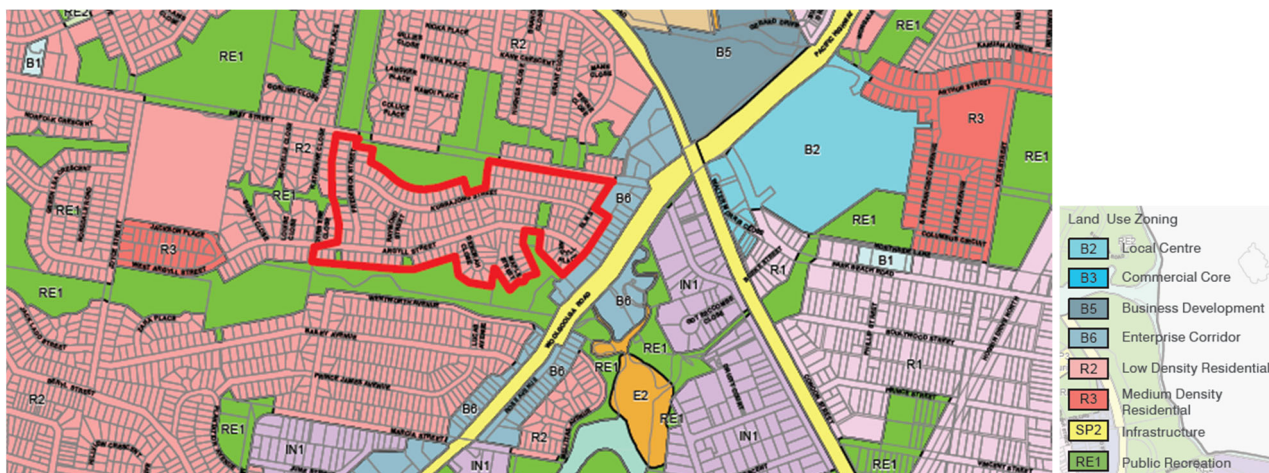


Figure 1 Argyll Estate Precinct

- **Existing Planning Controls**

Under Coffs Harbour LEP 2013 the Argyll Estate Precinct is currently within Zone R2 Low Density Residential and Zone RE1 Public Recreation (Figure 1). The maximum allowable building height within Zone R2 Low Density Residential is 8.5 metres and the minimum lot size is 400 square metres. The typical size of lots within the precinct is between 600 and 700 square metres, which provides limited opportunities for subdivision. It is noted that Clause 4.1B of Coffs Harbour LEP 2013 requires a minimum lot size of 800 square metres for the development of a dual occupancy within Zone R2 Low Density Residential. Accordingly, few lots in the precinct could be redeveloped as dual occupancies.

- **Proposed Planning Controls**

The planning proposal included at Attachment 1 proposes to amend Coffs Harbour LEP 2013 as follows:

- Rezone part of the precinct from Zone R2 Low Density Residential to Zone R3 Medium Density Residential. *Note: the updated land zoning map is shown at Figure 2.*
- Apply a maximum height of buildings of 15.5 metres to Zone R3 Medium Density Residential to allow buildings up to 4 stories in height. *Note: the updated height of buildings map is included in Part 4 of the Planning Proposal (Attachment 1).*
- Apply a minimum lot size of 1,200 square metres to Zone R3 Medium Density Residential. *Note: the updated lot size map is included in Part 4 of the Planning Proposal (Attachment 1).*
- Amend Clause 4.1B Minimum lot size for dual occupancies in Zone R2 Low Density Residential so that the clause does not apply to land within the Argyll Street Precinct. *Note: an updated Key Sites Map is included in Part 4 of the Planning Proposal to facilitate this exemption (Attachment 1).*

- Apply Clause 5.22 Special Flood Considerations to the precinct to require a higher level of assessment of the compatibility of future development with flooding in the precinct.

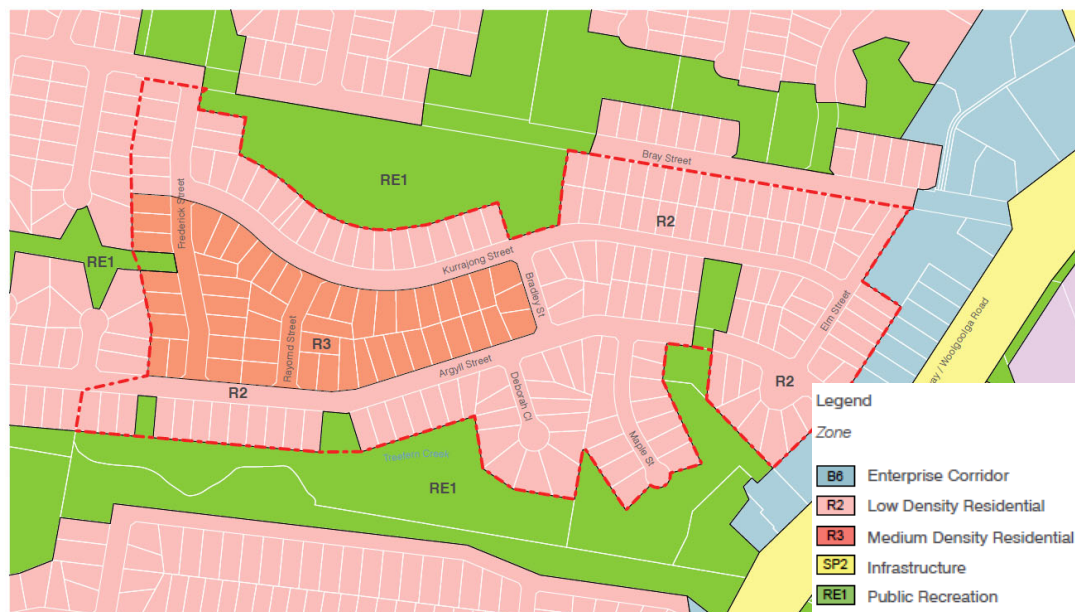


Figure 2 Proposed Land Use Zones

Issues:

- **Consistency with Strategic Plans**

The proposal to amend Coffs Harbour LEP 2013 to facilitate medium density residential housing in the Argyll Estate Precinct is consistent with the NSW Government's Coffs Harbour Regional City Action Plan 2020, as well as Council's Local Growth Management Strategy 2020. The Regional City Action Plan includes specific actions to promote low-rise medium density housing and opportunities for infill development in priority renewal areas. Council's Local Growth Management Strategy seeks to deliver more housing diversity and supply and identifies the Argyll Estate Precinct as being within an area that has potential for infill development.

- **Flooding**

Some land within the Argyll Estate Precinct is subject to flooding during flood events, including the 1% Average Exceedance Probability (AEP) or 1 in 100-year flood, and probable maximum flood. Some roads within the precinct are also subject to flooding, which limits safe evacuation during certain flood events. The planning proposal has adopted two key responses to manage flood risk and hazard within the precinct:

1. Land proposed to be rezoned to Zone R3 Medium Density Residential is mostly located outside of areas impacted by the 1% AEP flood level; and
2. All future habitable floor levels on flood impacted land will be required to be at or above the probable maximum flood level to ensure that residents can shelter in place during all flood events up to the probable maximum flood level.

As the proposal will increase residential development density on flood-prone land, it is likely that the NSW Department of Planning and Environment will require the proposal to be referred to the NSW Government's Floodplain Management Team as a condition of gateway determination. Early consultation with the Floodplain Management Team has indicated general support of a shelter in place approach for the Argyll Estate Precinct, given the nature of flooding in the area.

A Flood Impact Assessment has been carried out to inform and support the planning proposal. The assessment includes flood modelling for a range of development scenarios, including the indicative growth scenario which forms the basis of the planning proposal. The flood

assessment concludes that the proposed rezoning will not result in significant flood impacts on other properties in a 1% AEP flood, which is adopted for flood planning purposes. The flood assessment also indicates that some lots within the precinct experience overland flow of flood water during certain flood events. Redevelopment of these lots will require voids to be provided beneath the ground floor level of new buildings to ensure overland flow paths are maintained. A site specific requirement is proposed to be included within Council's DCP to ensure that this matter is addressed during the development application process. A draft DCP for the Argyll Estate Precinct is currently under development and will be reported separately to Council.

- **Bushfire**

An assessment of bushfire hazard within the Argyll Estate Precinct has identified the need for asset protection zones to comply with *Planning for Bushfire Protection 2019*, including a 25 metre asset protection zone along vegetated creek corridors in the north and south of the precinct. Indicative development scenarios identified within the planning proposal locate future residential development outside the required asset protection zones. The bushfire assessment concludes that future development within the precinct will be able to comply with *Planning for Bushfire Protection 2019*, subject to further assessment at the development application stage.

- **Transport**

A transport study carried out for the Argyll Estate Precinct to inform the planning proposal includes modelling of potential impacts on roads and traffic that may result from redevelopment of the precinct. The transport study concludes that the proposal is expected to have minimal impacts to the operation of intersections in the surrounding road network. The transport study notes that public and active transport opportunities could be improved through improved paths and connections to public transport facilities and destinations within and surrounding the precinct. Such connections and pathway upgrades will be addressed in a contributions plan that is currently being developed for the precinct and will be presented to Council in a future report.

- **Amendment of Clause 4.1B Minimum lot size for dual occupancies in Zone R2**

Clause 4.1B of Coffs Harbour LEP 2013 prohibits dual occupancies on lots within Zone R2 Low Density Residential that are less than 800 square metres. The proposed amendment to this clause will exclude its application to the Argyll Estate Precinct to allow development of dual occupancies on lots less than 800 square metres. This aligns with Council's Local Growth Management Strategy which includes an action to review Clause 4.1B to allow dual occupancies to be developed on lots less than 800 square metres in order to facilitate infill and affordable housing. Whilst excluding the application of Clause 4.1B to the Argyll Estate Precinct will create an inconsistency with other land in Zone R2 within the Coffs Harbour Local Government Area, this inconsistency will be resolved by a future broader amendment to Clause 4.1B and Council's DCP.

- **Site Specific Development Controls**

An amendment to Coffs Harbour DCP 2015 is currently being prepared to include site specific controls to ensure future development is responsive to the constraints, climate and character of the Argyll Estate Precinct. It will also include requirements to manage flood hazard, including minimum floor heights and controls to maintain overland flow paths. The draft amendment to Coffs Harbour DCP 2015 will be presented to Council in a future report.

- **Infrastructure Planning**

An analysis of existing community infrastructure and open space within the Argyll Estate Precinct has shown that there is sufficient existing open space and community facilities to meet the needs of the future population. The analysis has, however, identified that the open space within the precinct could be embellished to improve user opportunities and experience, and that the precinct has limited footpaths and street trees, which is restricting access to existing open space and community facilities, and resulting in poor amenity and a poor uptake of walking and cycling. A draft contributions plan is currently being developed to ensure that the precinct is provided with sufficient infrastructure to support the additional housing and

population, including infrastructure to support walking and cycling and improved amenity. The draft contributions plan will be presented to Council in a future report.

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**

The Argyll Estate Precinct is an existing urban area, therefore redevelopment and renewal is unlikely to have significant impacts on biodiversity values. Facilitating renewal of existing urban areas that are close to services, facilities, employment and education will assist to reduce the community's reliance on private motor vehicles for transport and allow for more efficient use of land and infrastructure. Further commentary on environmental sustainability is provided in the planning proposal included at Attachment 1.

- **Social**

The proposal will facilitate redevelopment of existing social housing and the provision of new privately owned housing within the Argyll Estate Precinct. Social housing renewal projects delivered by NSW Land and Housing Corporation have a target of 30% social housing, with the balance being private housing. This creates integrated and inclusive communities with more opportunities to move beyond social housing. In this regard, the proposal is expected to have positive social outcomes. Further commentary on social sustainability is provided in the planning proposal (Attachment 1).

- **Civic Leadership**

The planning proposal is consistent with Council's MyCoffs Community Strategic Plan, in particular C1.2 'undertaking development that is environmentally, socially and economically responsible'.

- **Economic – Broader Economic Implications**

The proposal is expected to have a positive economic impact through the creation of construction jobs in the short term and housing supply in the longer term. Housing growth in the precinct will also deliver economic benefits to surrounding retail and commercial centres, whilst being a catalyst to further renewal of surrounding areas.

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

Consultants and technical studies that have informed the planning proposal have been funded by NSW Land and Housing Corporation. Administration and project management of the LEP amendment is being undertaken by Council staff. This has impacted on the timing of the development of the Affordable Housing Policy, this will now commence from July as part of the 22/23 Delivery Program and Operational Plan.

Risk Analysis:

Investigation of the Argyll Estate Precinct for rezoning has involved a detailed examination of land based constraints. The planning proposal addresses such constraints and identifies how they are to

be mitigated. Public exhibition of the planning proposal will further reduce Council's risk by ensuring that community and stakeholder feedback is taken into consideration.

Consultation:

Initial community consultation and stakeholder engagement on the proposal has been undertaken in collaboration with the Land and Housing Corporation. Details of such consultation is provided in Appendix 10 of the planning proposal (Attachment 1). Should Council resolve to initiate the planning proposal, public exhibition will be undertaken in accordance with the gateway determination, including consultation with government agencies. Further consultation on the planning proposal will be undertaken in accordance with Council's Community Participation and Engagement Plan 2019, as follows:

Project Stage	Inform	Consult	Involve	Collaborate
Early community consultation and stakeholder engagement	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. This 'place experience' measurement tool enabled residents and visitors within the Coffs Harbour LGA to share what they most valued in their neighbourhood and then to rate how their neighbourhood was performing against such values. West Coffs received a Place Score of 64, which is below the NSW average of 72 for liveability. The key liveability improvement priorities identified by the West Coffs community included; better parks and greenery, improved active transport infrastructure, improved sense of safety and improved open space design. The proposed amendment to Coffs Harbour LEP 2013 will be supported by a contributions plan addressing active transport networks, street trees and upgrades to open space.

Related Policy, Precedents and / or Statutory Requirements:

This planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* 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, gateway determination will be sought from the NSW Department of Planning and Environment. This determination will identify the required timeframe for the completion of the LEP amendment.

Conclusion:

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to support renewal of the Argyll Estate Precinct. The planning proposal has addressed constraints in the precinct and is aligned with the objectives and actions of the Coffs Harbour Regional City Action Plan 2036 and Coffs Harbour Local Growth Management Strategy 2020. The proposal will facilitate the redevelopment of existing social housing and the development of additional privately owned housing in the Argyll Estate Precinct.