

FOR ACTION

COUNCIL MEETING

1/05/2025

TO: Senior Planner/Urban Designer (Black, Lachlan)

Item Number: CPC25/13
Subject: Planning Proposal PP-2023-1583 - Application to Amend Coffs Harbour Local Environmental Plan 2013 and Amendment to Coffs Harbour Development Control Plan 2015 - Lot 105 DP 227257, No. 42 Sandys Beach Drive, Sandy Beach - Exhibition
Target Date: 8/05/2025
Notes:

Resolution Number: 2025/84

RESOLVED (Cr George Cecato / Cr Les Oxford)

That Council:

1. Initiate and forward a planning proposal to the NSW Department of Planning, Housing and Infrastructure seeking gateway determination to rezone Lot 105 DP 227257, No. 42 Sandys Beach Drive, Sandy Beach (Attachment 1).
2. Request that the Secretary of the NSW Department of Planning, Housing and Infrastructure 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 in accordance with the gateway determination issued by the NSW Department of Planning, Housing and Infrastructure.
4. Publicly exhibit the draft Coffs Harbour Development Control Plan 2015 - Amendment No. 44 (Sandy Beach Community Hub) concurrently with the associated planning proposal (Attachments 2 and 3).
5. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal if submissions by way of objection are received.
6. If no submissions by way of objection are received, Council endorses the planning proposal and delegates the General Manager the authority issued by the NSW Department of Planning, Housing and Infrastructure to exercise the functions of the Minister under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal.
7. If no submissions by way of objection are received, Council approves Coffs Harbour Development Control Plan 2015 - Amendment No. 44 (Sandy Beach Community Hub), which will come into effect when public notice of Council's decision is made in accordance with Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.
8. Inform the applicant of Council's decision.

The Motion on being put to the meeting was carried unanimously.

CARRIED

CPC25/13 PLANNING PROPOSAL PP-2023-1583 - APPLICATION TO AMEND COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 AND AMENDMENT TO COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2015 - LOT 105 DP 227257, NO. 42 SANDYS BEACH DRIVE, SANDY BEACH - EXHIBITION

Author:	Senior Planner/Urban Designer
Authoriser:	Director City Planning & Communities (Acting)
MyCoffs:	C.1 Liveable neighbourhoods with a defined identity
Attachments:	ATT1 CPC25/13 Planning Proposal PP-2023-1583, Sandy Beach Community Hub - Exhibition ATT2 CPC25/13 Coffs Harbour Development Control Plan 2015 Amendment No. 44 (Sandy Beach Community Hub) ATT3 CPC25/13 Coffs Harbour Local Environmental Plan 2013 and Development Control Plan 2015 Map Amendments

EXECUTIVE SUMMARY

An application has been received by the City of Coffs Harbour to amend the Coffs Harbour Local Environmental Plan 2013 as it applies to Lot 105 DP 227257, No. 42 Sandys Beach Drive, Sandy Beach to rezone the subject land in order to formalise an established local commercial centre on the site. The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend the Coffs Harbour Local Environmental Plan 2013 to change the land use zone applying to the site from R2 Low Density Residential to E1 Local Centre (Attachment 1). The report also seeks Council's endorsement to publicly exhibit an associated draft amendment to the Coffs Harbour Development Control Plan 2015 to support the rezoning (Attachments 2). Associated map amendments to the City of Coffs Harbour's local planning controls are provided in Attachment 3.

RECOMMENDATION:

That Council:

1. Initiate and forward a planning proposal to the NSW Department of Planning, Housing and Infrastructure seeking gateway determination to rezone Lot 105 DP 227257, No. 42 Sandys Beach Drive, Sandy Beach (Attachment 1).
2. Request that the Secretary of the NSW Department of Planning, Housing and Infrastructure 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 in accordance with the gateway determination issued by the NSW Department of Planning, Housing and Infrastructure.
4. Publicly exhibit the draft Coffs Harbour Development Control Plan 2015 - Amendment No. 44 (Sandy Beach Community Hub) concurrently with the associated planning proposal (Attachments 2 and 3).
5. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal if submissions by way of objection are received.
6. If no submissions by way of objection are received, Council endorses the planning proposal and delegates the General Manager the authority issued by the NSW Department of Planning, Housing and Infrastructure to exercise the functions of the Minister under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal.

7. If no submissions by way of objection are received, Council approves Coffs Harbour Development Control Plan 2015 - Amendment No. 44 (Sandy Beach Community Hub), which will come into effect when public notice of Council's decision is made in accordance with Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.
8. Inform the applicant of Council's decision.

BACKGROUND:

Applicant: Bennell and Associates
Landowner: David Brammah
Land: Lot 105 DP 227257, No. 42 Sandys Beach Drive, Sandy Beach
Zone: R2 Low Density Residential

The subject land has a total area of 556 square metres and is located within Sandy Beach village (see Figure 1). It is currently developed with a ground floor commercial premises that accommodates a hairdressing salon, general store/café and a dwelling located above the commercial premises.



Figure 1 – Subject Land

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend the Coffs Harbour Local Environmental Plan (LEP) 2013 to rezone the subject site from Zone R2 Low Density Residential to Zone E1 Local Centre (Attachment 1) and to remove the minimum lot size control from the site consistent with other land in business zones in the local government area. The planning proposal does not propose to alter the maximum 8.5 metre building height applying to the site or any other provisions in the Coffs Harbour LEP 2013.

This report also seeks Council's endorsement to publicly exhibit the draft Coffs Harbour Development Control Plan (DCP) 2015 - Amendment No. 44 (Sandy Beach Community Hub) concurrently with the associated planning proposal (Attachment 2). The Draft DCP amendment is proposed to apply development density and boundary setback controls that are consistent with a commercial land use zone. It is also proposed to introduce a requirement that redevelopment of the site above a certain value or size will deliver an upgraded public realm adjacent to the site. The rezoning and public realm upgrade requirements are intended to enable the site to function as a community hub in conjunction with community facilities in the nearby Sandy Beach Reserve. Changes to the LEP and DCP maps proposed by the planning proposal and DCP amendment are shown at Attachment 3 of this report.

ISSUES AND OPTIONS:

The Coffs Harbour Local Growth Management Strategy 2020 seeks to establish a community hub at Sandy Beach and identifies an area that is suitable for investigation for creation of a community hub. The subject site is located within this candidate area and is considered to be a suitable site for a community hub because it accommodates a commercial premises and is in proximity to a playground, BBQ and shelter facilities, multi-purpose court and skate park in Sandy Beach Reserve. These community facilities in the Sandy Beach Reserve are an important community gathering place that, in conjunction with establishment of an adjacent local commercial centre, will form a community hub for Sandy Beach.

The existing approved commercial uses on the subject site operate under 'existing use rights' due to the current residential zoning which prohibits most commercial activities. Whilst approved development remains lawful under 'existing use rights', there are limitations in terms of expanding or changing development or uses of the land. Applying a commercial zone to the site will provide potential for different types of commercial development or use of the site and assist to formalise the site as a hub for the Sandy Beach community. The planning proposal included in Attachment 1 of this report demonstrates that the site is suitable for the proposed E1 Local Centre land use zone and that there is strategic merit to support the proposal.

It is necessary to amend maps contained within the Coffs Harbour DCP 2015 to align with the proposed land use zone, these being the density map and front, side and rear setbacks maps. The draft DCP amendment also proposes to introduce a requirement that any redevelopment of the subject site deliver wider footpaths, pram ramps, kerb and gutter and street trees in the road reserve immediately surrounding the site. These public realm upgrades are intended to improve the appearance and function of the site and adjacent road reserve to assist it to function as a hub for the Sandy Beach community.

Council has the following options available:

1. Adopt the recommendation of this report.
2. Reject the recommendation. Should the recommendation not be adopted by Council, the proposed LEP and DCP amendments will not proceed.

Relevant policies and statutory requirements have been considered in the preparation of the proposed LEP and DCP amendments. As such, the proposal is considered to be of low risk to the City of Coffs Harbour (City).

Should Council choose to adopt the recommendation of this report, the planning proposal will be sent to the NSW Department of Planning, Housing and Infrastructure for gateway determination. The timeframe for the completion of the planning proposal is governed by the relevant planning legislation and NSW Department of Planning, Housing and Infrastructure.

FINANCIAL IMPACT:

There are no financial impacts associated with the recommendation of this report.

CONSULTATION:

Public exhibition of the proposed LEP amendment and DCP amendment will be undertaken in accordance with the City's Community Participation and Engagement Plan and relevant planning legislation.