

Reports for Council Decision**14.16 Planning Proposal PP-2026-19 - Application to Amend Coffs Harbour Local Environmental Plan 2013 to Reduce the Minimum Lot Size - Lot 1 DP 1220096, No. 82 Smiths Road, Emerald Beach - Exhibition**

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Authoriser: Director City Planning and Communities,
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: 1. Planning Proposal PP-2026-19 Smiths Road, Emerald Beach - Exhibition
2. Proposed Map Amendment to Coffs Harbour LEP 2013

EXECUTIVE SUMMARY:

The City of Coffs Harbour has received a Planning Proposal that seeks to amend Coffs Harbour Local Environmental Plan 2013 for Lot 1 DP 1220096, No. 82 Smiths Road, Emerald Beach to reduce the minimum lot size applying to the subject land to facilitate future development of the land for large lot residential purposes. The purpose of this report is to seek Council's endorsement to initiate a Planning Proposal in support of this application.

RECOMMENDATION:**That Council:**

1. Initiate and forward a planning proposal to the NSW Department of Planning, Housing and Infrastructure seeking gateway determination to reduce the minimum lot size for Lot 1 DP 1220096, No. 82 Smiths Road, Emerald Beach.
 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. 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.
 5. If no submissions, by way of objection are received, Council endorses the planning proposal and delegates the General Manager that 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.
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BACKGROUND:

Applicant: Keiley Hunter Town Planning
Landowner: Y Jeong

Land: Lot 1 DP 1220096, No. 82 Smiths Road, Emerald Beach
Zone: R5 Large Lot Residential

The subject land has a total area of 1.010 hectares and is contained within Zone R5 Large Lot Residential under Coffs Harbour Local Environmental Plan (LEP) 2013. The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to reduce the minimum lot size applying to the subject land from one hectare to 5,000m² (Attachment 1 and 2).

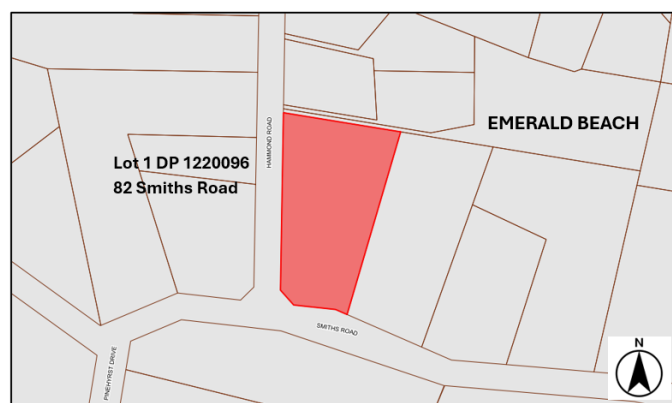


Figure 1 - Subject Land

ISSUES AND OPTIONS:

The proposal aligns with the North Coast Regional Plan 2041 and Coffs Harbour Local Growth Management Strategy (LGMS) 2020. Chapter 6 - Large Lot Residential of the LGMS addresses minimum lot size within Zone R5 Large Lot Residential and notes that a reduced minimum lot size may be supported where sufficiently justified. It is considered that the planning proposal provided as Attachment 1 to this report sufficiently justifies a reduced minimum lot size for the subject land and provides sufficient strategic merit to support the proposal.

A range of minimum lot sizes currently apply to land within Zone R5 Large Lot Residential under the Coffs Harbour LEP 2013, reflecting historic planning controls and site-specific land constraints (i.e. on-site sewage management). The Land Capability Assessment (provided in Appendix 4 of Attachment 1 to this report) demonstrates that 5,000m² lots on the subject land can be adequately serviced by on-site sewage management systems in accordance with the City of Coffs Harbour's (City's) On-Site Sewage Management Strategy 2015.

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 amendment will not proceed any further.

Relevant policies and statutory requirements have been considered for the proposed LEP amendment. As such, the proposal is considered to be of low risk to the 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 LEP amendment 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 will be undertaken in accordance with the City's Community Engagement Strategy and the relevant planning legislation.