



COFFS HARBOUR CITY COUNCIL

**ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)**

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

**14 MARCH 2002
COMMENCING AT 5.00 PM**

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**ORDINARY MEETING
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14 MARCH 2002

Mayor and Councillors

PLANNING, ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORTS

PED12 DEVELOPMENT APPLICATION NO. 590/00 - LOT 230, DP 808398, 233 SAWTELL ROAD, BOAMBEE EAST - MULTI-UNIT HOUSING

Purpose:

To report on Development Application No. 590/00.

Description of Item:

This is an application for a five dwelling complex.

The site is on the western corner of Linden Avenue and Sawtell Road. It adjoins a small public reserve which is a strip of land adjoining Linden Avenue.

The application originally proposed all access from Sawtell Road. This arrangement was not acceptable to Council due to the distance of the site from the Sawtell Road / Linden Avenue intersection and the significant traffic movements on Sawtell Road.

The developer has pursued obtaining an access over the strip of public reserve to the east of the site. This has taken considerable time as the land was originally classified 'community land' under the Local Government Act. Reclassification of the land to 'operational land' has been necessary to allow the granting of an easement over the land.

Reclassification of this land has now occurred. Council agreed to grant an easement over the public reserve at the Economic and Community Enterprises meeting on 28 February 2002. The easement is yet to be formalised.

The proposal has now been amended such that all access is off Linden Avenue.

The site is a low density residential zone. The development is a mix of single and double storey development. Four of the dwellings are attached and one is separate.

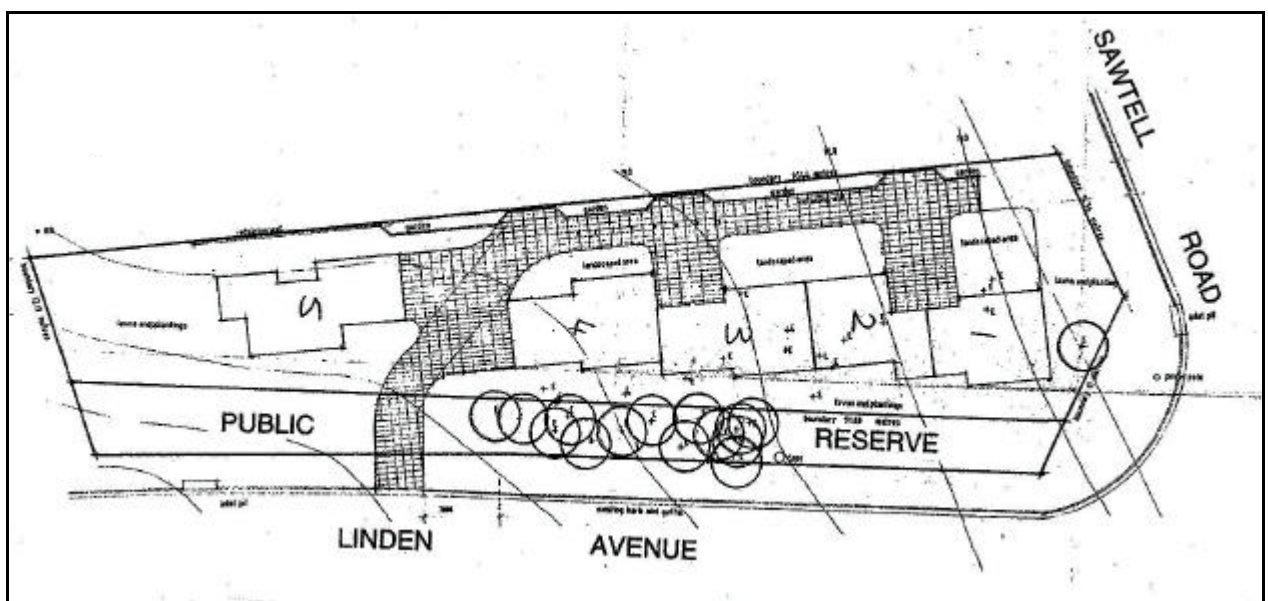
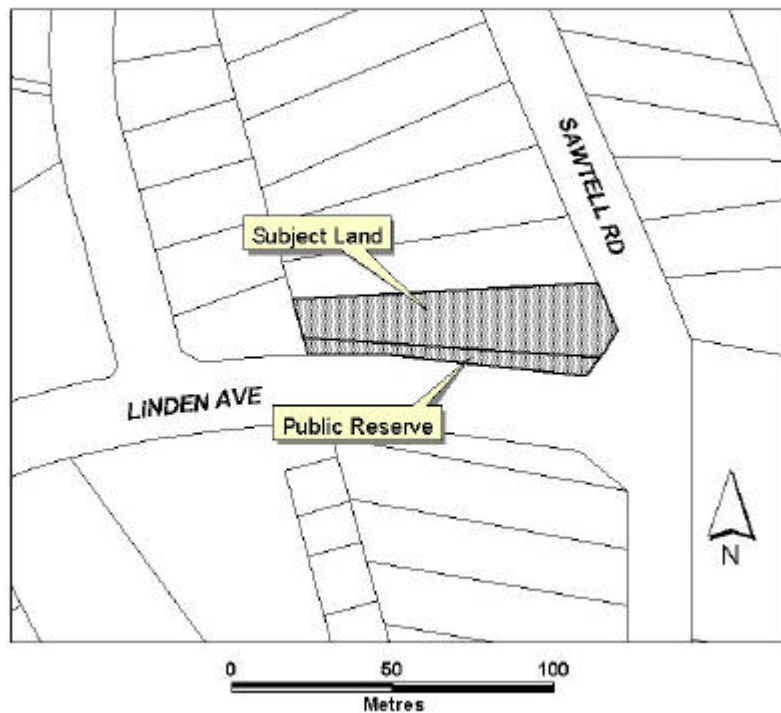
cont'd

Ped12 Development Application No. 590/00 - Lot 230, Dp 808398, 233 Sawtell Road, Boambee East - Multi-Unit Housing (cont'd)

The proposal does not meet the current site density provision of one dwelling per 400 m² of site area. The proposal is considered satisfactory.

Council received one objection to the proposal prior to its amendment. Their concerns included the location of a driveway on Sawtell Road, disturbance caused by vehicle headlights, additional noise and loss of privacy.

Approval of the application is recommended.



cont'd

Ped12 Development Application No. 590/00 - Lot 230, Dp 808398, 233 Sawtell Road, Boambee East - Multi-Unit Housing (cont'd)

Statutory Requirements:

- **Local Environmental Plan (LEP) 2000**

The site is zoned 2A Residential Low Density under Local Environmental Plan 2000.

The proposal is permissible in the zone.

- **Low Density Housing Development Control Plan (DCP)**

This proposal does not meet the density provision of one dwelling per 400 m² specified in Council's Low Density Housing DCP.

The proposal does meet the density provision of 185 m² of landscaping per dwelling.

This application was submitted **prior** to gazettal of Local Environmental Plan 2000 and all subsequent DCPs including the Low Density Housing DCP.

Notwithstanding this the proposal meets the intention of the density provisions. This is discussed further under issues.

Issues:

- **Site Density**

This application was submitted prior to gazettal of Local Environmental Plan 2000 and the subsequent DCPs including the Low Density Housing DCP. The site density specified at the time of submission of this application was one dwelling per 350m² of site area.

The site area required is currently one dwelling per 400 m² of site area. Landscaping areas of 185 m² per dwelling are also required.

This site density requires a total site area of 2000 m². This site is approximately 1772 m². The proposal meets the minimum landscaping area requirement.

The site is a corner allotment. Privacy and overlooking to the two sites that adjoin it is not an issue as this has been satisfactorily addressed by landscaping and screen fencing to the boundary. Car lights will not leave the site to adjoining properties.

The mixture of double and single storey development means that significant landscaping areas will be available to the site.

The public reserve which adjoins contains significant vegetation. It will address the appearance of the development and add to the area of undeveloped land around the site.

The development meets all other provisions of the Low Density Housing DCP.

cont'd

Ped12 Development Application No. 590/00 - Lot 230, Dp 808398, 233 Sawtell Road, Boambee East - Multi-Unit Housing (cont'd)

- **Building Setbacks**

Building setbacks of six metres to Sawtell Road and three metres to Linden Avenue (where the site adjoins the public reserve) are proposed.

The public reserve will generally appear as the side setback for the Linden Avenue frontage. These building setbacks are satisfactory.

- **Access**

The proposal, as amended, has all access from Linden Avenue. All vehicles will enter the development and leave in a forward direction.

This access arrangement is satisfactory for the development.

Recommendation:

That Development Application No. 590/00 for multi-unit housing on Lot 230, DP 808398, 233 Sawtell Road, Boambee East, be approved subject to standard technical conditions.

PED13 DRAFT RESIDENTIAL TOURIST LANDS DEVELOPMENT CONTROL PLAN

Purpose:

The purpose of this report is to present to Council the Draft Development Control Plan (DCP) for land zoned 2E Residential Tourist under Coffs Harbour City Local Environmental Plan (LEP) 2000. It is recommended that Council adopt the DCP which has been amended as a result of submissions received from the community.

A copy of the amended DCP has been provided separately to Councillors.

Background:

The Draft DCP is relevant to land zoned 2E Residential Tourist under Coffs Harbour City (LEP) 2000.

The Draft DCP was placed on exhibition following Council's recommendations at the meeting of 13 September 2001. The Draft DCP was exhibited from 19 September 2001 to 7 November 2001. All owners of land zoned 2E Residential Tourist were notified by mail. As a result of the exhibition, fifteen submissions to the Draft DCP were received. Numerous phone calls were also received requesting copies of the Draft DCP, which in some cases led to further enquiries.

Report:

The DCP is largely self-explanatory, however the following summarises its structure:

- **Part 1 – Introduction**

This part of the DCP includes:

- objectives,
- procedures flow chart to assist applicants,
- site analysis and design response diagram.

- **Part 2 – General Controls**

This part of the DCP identifies the general controls and criteria which will apply to development applications, including:

- performance criteria,
- general design principles and controls,
- environmental constraints,
- provision of services.

cont'd

Ped13 Draft Residential Tourist Lands Development Control Plan (cont'd)

• Part 3 – Specific Controls

This part outlines guidelines which are particular to specific sites throughout the local government area, including:

- character statements describing the sites,
- site maps,
- development examples,
- specific controls
- building design principles.

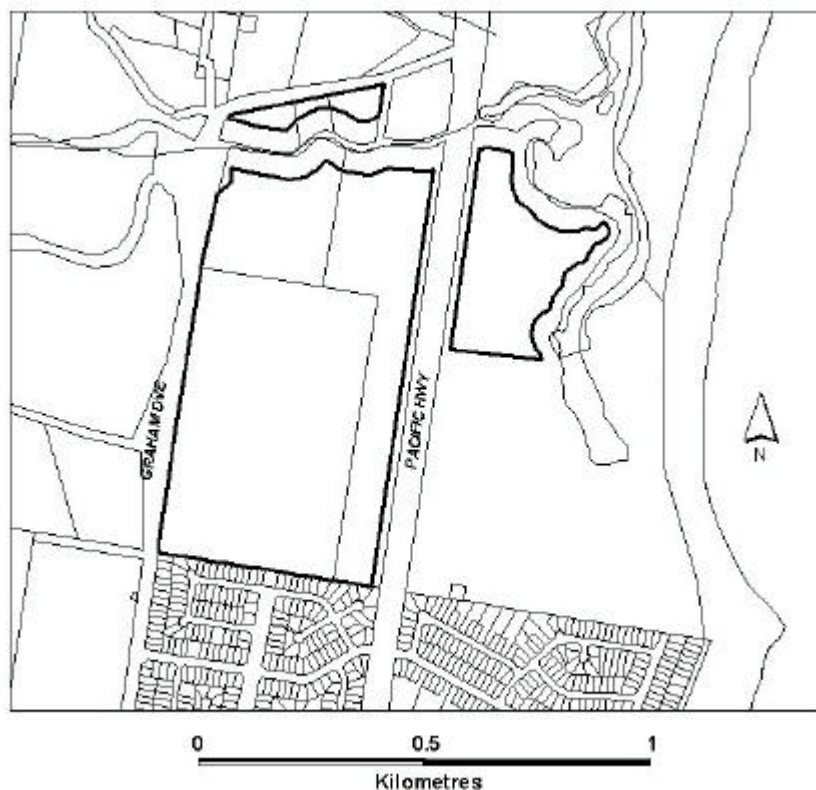
The following issues have been raised by the public, government authorities and other Council departments as a result of submissions to the plan:

1. Submissions from owners of land at Sandy Beach

• Issues

The owners of the land are preparing a tourist proposal for the site, which has not been lodged with Council; the owners wish to carry out more detailed environmental constraints investigations.

The owners are of the opinion that the provisions of the DCP are too restrictive and will restrict the development plan (in terms of density). The submission requested that the land be withdrawn from the provisions of the Draft Residential Tourist Lands DCP and that a site specific DCP be prepared applying to the land. The land is shown on the following map.



cont'd

Ped13 Draft Residential Tourist Lands Development Control Plan (cont'd)

- **Comments**

The owners consulted Council staff with issues relating to a significant reduction in density applying to the site in comparison to LEP 1988. This reduction is due to the current lack of infrastructure being in place, which is required to service higher density developments.

The land is also subject to numerous environmental constraints including:

- koala habitat,
- potential acid sulfate soils,
- proximity to Solitary Islands Marine Park,
- subject to the NSW Coastal Policy 1997.

- **Suggested Action**

The land could be deferred from the Residential Tourist Lands DCP for a period of 12 months to allow the property owners to provide more details in relation to the environmental constraints on the land. At the expiry of the 12 month period, the provisions of the DCP will be reviewed.

2. North Coffs Harbour (Map 7)

- **Issues**

Council staff have indicated that Map 7 (North Coffs Harbour) contains a great deal of information and the extent of the 2E zone needs to be easier to see on the map.

- **Comments**

Agreed.

- **Suggested Action**

The map of North Coffs Harbour be amended to ensure that the location of land in the 2E zone is clear to the reader of the DCP.

3. Environmental Buffer Zone – Sandy Beach (Map 3)

- **Issues**

Council received two submissions which expressed concern at the placement of a buffer zone 80 metres wide affecting large allotments north of Hearn's Lake.

The concerns raised by the submissions are that the buffer zone is too wide to enable the allotments to be developed to their maximum potential.

cont'd

Ped13 Draft Residential Tourist Lands Development Control Plan (cont'd)

- **Comments**

The buffer zone adjoins Woolgoolga Industrial Estate to the north and significant vegetation to the east.

Given the potential for future development of the land, it is necessary for a buffer zone to be in place to protect the visual and environmental amenity of the land in terms of bushland protection and noise reduction. These benefits would not be possible if the buffer zone was not in place.

- **Suggested Action**

The plan be amended to reduce the width of the Environmental Buffer Zone from 80 metres to 50 metres. This will allow for allotments to be developed and the amenity of these properties to be protected.

4. Fourteen Metre Height Limit – Sapphire and South Sapphire

- **Issues**

Submissions propose that the 14 m height limit is excessive and only applies to accommodate existing buildings such as Sapphire Apartments and Pacific Bay Resort.

- **Comments**

Development proposals which are higher than 14 m require concurrence from planningNSW to proceed; they must also be in accordance with the provisions of the NSW Coastal Policy 1997.

The height limit is appropriate given the scale of buildings in this area and the landscape. The 14 m height limit is a maximum which may not be achieved in all cases as other controls in the DCP such as setback and density also influence the determination of an application, as well as the character statements and suggested building design types.

- **Suggested Action**

It is recommended that the 14 m height limit remain.

Consultation with other Council Departments:

The DCP has been prepared following consultation with all Departments within Council.

cont'd

Ped13 Draft Residential Tourist Lands Development Control Plan (cont'd)

Conclusion:

The preparation of the Residential Tourist Lands DCP completes the group of five DCPs which apply to the Residential zones under Coffs Harbour City Local Environmental Plan 2000.

The amendments made to the Draft Residential Tourist Lands DCP are consistent with the objectives of the DCP, while providing responsible and appropriate development controls for land in the 2E Residential Tourist zone.

This DCP provides controls for Residential Tourist Land which will encourage innovative development and enhance the qualities associated with this type of mixed-use zone.

Recommendation:

- 1. That Council adopt the draft Residential Tourist Lands Development Control Plan and advertise its adoption.**
- 2. That the land being:**
 - **Part Lot 2, DP 813954;**
 - **Lot 84 and Part Lot 260, DP 75283;**
 - **Part Lot 1, DP 726078;**
 - **Part Lot 1, DP 726077; and**
 - **Part Lot 2, DP 354878****be deferred from the provisions of the Residential Tourist Lands Development Control Plan for a 12 month period from its adoption.**
- 3. That all persons who made submissions to the draft Residential Tourist Lands Development Control Plan be advised of Council's decision.**

PED14 COFFS HARBOUR CITY COUNCIL NOTIFICATION DEVELOPMENT CONTROL PLAN

Purpose:

This report presents the Notification Development Control Plan (DCP) to Council for consideration. The report recommends that Council adopt the Notification DCP to remove the requirement to advertise some minor development applications in Business zones (under Coffs Harbour City Local Environmental Plan 2000).

A copy of the Notification DCP has been provided separately to Councillors.

Report:

On 12 October 2000 Council amended the Notification DCP to require that all development applications in Industrial and Business zones be advertised.

Subsequently many development applications which were considered to be of a minor nature were required to be advertised, such as shop fit-outs and other minor additions or alterations to existing uses.

This process involved a cost to developers of \$200 (for advertising) and a 14 day increase in turnaround time for their applications.

At its meeting of 24 January 2002, Council resolved to amend the Notification DCP, specifying that advertisement of development applications in Business zones is not required when Council is of the opinion that the application will not have a significant affect on the public interest. Council also resolved to place the amended DCP on exhibition for public comment.

The exhibition period was from 4 February 2002 to 4 March 2002.

Summary of Submissions received in the exhibition period:

One submission of objection was received from Concerned Residents Arrawarra Mullaway (CRAM) Inc. stating that this amendment will result in a loss of transparency regarding advertisement of applications. Applications which have implications for the public interest will be advertised under the amended DCP; this will ensure transparency.

No other submissions were received.

Conclusion:

Adoption of the amended Notification DCP will simplify the development application process by reducing turnaround times for relevant applications, resulting in an overall benefit for the applicant and Council alike without compromising appropriate public participation in the development application process.

cont'd

Ped14 Coffs Harbour City Council Notification Development Control Plan (cont'd)

Recommendation:

- 1. That Council adopt the Notification Development Control Plan referred to in this report.**
- 2. That Concerned Residents Arrawarra Mullaway Inc. be advised of Council's decision.**

PED15 COFFS HARBOUR DRAFT LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO. 7) - MORGANS ROAD FARM

Purpose:

The purpose of this report is to present to Council Coffs Harbour City Local Environmental Plan (Draft Amendment No. 7) relevant to Morgans Road Farm, Sandy Beach.

The report recommends that Council adopt the Draft Local Environmental Plan (LEP) and refer the plan to planningNSW for gazettal. A copy of the plan is attached to this report.

Background:

Council purchased the site in 1998 in accordance with one of the recommendations of the Reclaimed Water Strategy. The Strategy recommended the purchase of suitable land to implement reuse demonstration projects in the first five years (short term) of the Strategy.

The Morgans Road site was selected because its elevation was suitable for a reclaimed water reservoir and its suitability as a site for banana and forestry plantation demonstration trials.

At its meeting of 11 October 2001, Council resolved to prepare a Draft LEP for the land. On 26 November 2001 Council was advised by planningNSW that a Local Environmental Study was not required due to sufficient studies which are in existence.

Subsequently a Draft LEP was prepared and placed on exhibition from 5 December 2001 to 6 February 2002. Council received submissions from the Department of Land and Water Conservation and the Marine Park Authority supporting the plan. There were no submissions of objection received.

Exhibition Details:

Council is the owner of the land. When Council rezones land it owns, there is a responsibility to deal with the matter in an open and transparent manner. planningNSW has issued a Best Practice Guideline entitled "LEPs and Council Land – for LEPs involving land that is or was previously owned or controlled by Council". The draft amendment was exhibited in accordance with those guidelines.

Consultation:

During the preparation of this plan, the following parties and organisations were consulted and comments were invited concerning the plan:

- Adjoining land holders,
- All Council departments,
- Government departments:
 - Department of Land and Water Conservation,
 - planningNSW,
 - NSW Coastal Council,
 - NSW Agriculture,
 - Solitary Islands Marine Park.

cont'd

Ped15 Coffs Harbour Draft Local Environmental Plan (Amendment No. 7) - Morgans Road Farm (cont'd)

Conclusion:

Morgans Road Farm has the potential to become a showpiece for sustainable agriculture on the NSW North Coast through the use of reclaimed water. It is planned to establish a wide range of different horticultural crops and irrigation systems and to develop best management practices for reclaimed water irrigation on the site. The adoption of this plan will assist these practices to come to fruition.

Recommendation:

- 1. That Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 7) attached to this report, rezoning Morgans Road Farm (being Part Lot 22, DP 752853, and Part Lots 3 and 4, DP 588272) from 1A Rural (Agricultural) to 5A Special Uses (Community Purposes) and 7A Environmental Protection (Habitat and Catchment) as shown on the plan attached.**
- 2. That Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 7) be referred to planningNSW for gazettal.**
- 3. That all persons directly affected by Council's decision be notified.**

Kerry Power
Director, Planning Environment
and Development

Attachments:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DRAFT
COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000
(AMENDMENT NO 7)

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (.....)

Minister for Planning

Sydney, 2002

1. Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 7)*.

2. Aims of plan

This plan aims to increase the range of permissible land uses on the land to which this plan applies so as to provide additional opportunities for community benefits and farming capabilities using reclaimed water.

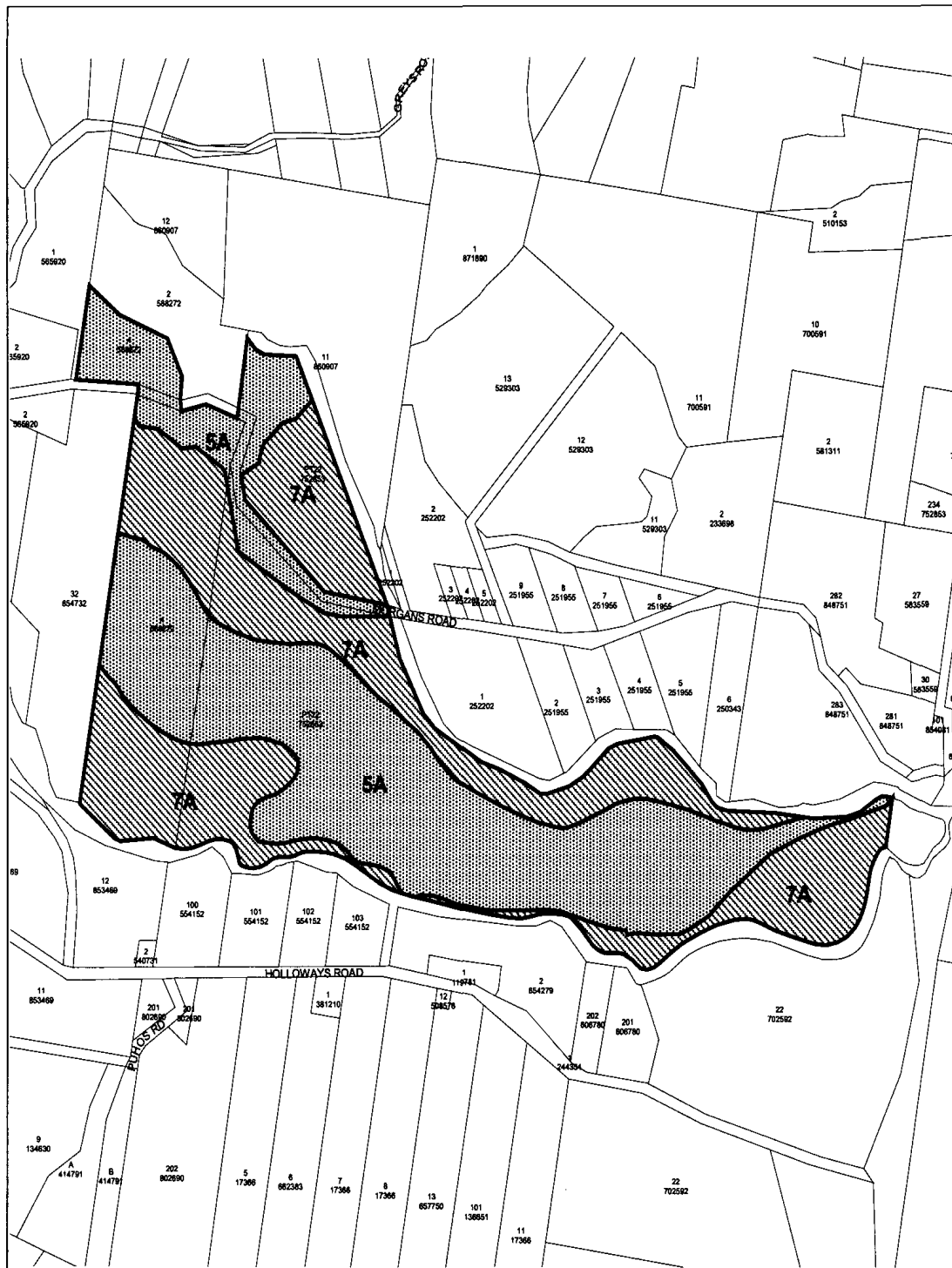
3. Land to which plan applies

This plan applies to part of Lot 22, DP 752853 and part of Lot 4, DP 588272, known as Morgans Road Farm, Sandy Beach, as shown coloured yellow and lettered "5A" or coloured orange and lettered "7A" on the map marked "Coffs Harbour City Local Environmental Plan 2000 (Amendment No 7)" deposited in the office of the Coffs Harbour City Council.

4. Amendment of Coffs Harbour City Local Environmental Plan 2000

Coffs Harbour City Local Environmental Plan 2000 is amended by inserting in appropriate order in the definition of ***the map*** in the Dictionary the following words:

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 7)



Special Uses - Community Purposes

Environmental Protection - Habitat & Catchment

LOCALITY - SANDY BEACH



DRAWN BY: RPG DATE: SEPTEMBER 2001 SCALE: 1:10000

SHEET NO: 1 OF 1 SHEETS

COUNCIL FILE NO:

DEPT. FILE NO:

CERTIFICATE PLAN NO:

DATE:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**COFFS HARBOUR CITY
LOCAL ENVIRONMENTAL PLAN 2000**

Draft
Amendment No. 7

CERTIFICATE ISSUED UNDER SEC 65 EPA ACT 1979. DATE:

PUBLISHED IN GOVT. GAZ. NO. OF

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER:

DATE: