



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
16 MARCH 2006

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE)
16 MARCH 2006

Mayor and Councillors

PLANNING, ENVIRONMENT & DEVELOPMENT DEPARTMENT REPORTS

PED7 DRAFT AMENDMENT NO 28 TO LOCAL ENVIRONMENTAL PLAN 2000 - LANDS AT KORORA AND UPDATE LEP 2000; AMENDED KORORA DEVELOPMENT CONTROL PLAN AND SECTION 94 PLAN; AND ACQUISITION OF CROWN LAND IN THE KORORA BASIN

Purpose:

The purpose of this report is to:

1. Provide comment on submissions received during the exhibition of Draft Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No 28) - Lands at Korora and Update to LEP 2000; Amended Korora Development Control Plan (DCP) and Developer Contributions Plan (Section 94 Plan).
2. Recommend that Council adopt the revised Draft LEP which proposes to rezone 1A land to 1B land and proposes to change Clause 18 of LEP 2000 in accordance with previously received legal advice.
3. Recommend that Council adopt an Amended Development Control Plan and Developer Contributions Plan (i.e. Section 94 Plan) for the Korora Rural Residential Release Area.
4. Provide an update on the acquisition of Crown Land defined as "Windbreaks" and the transfer of Crown Roads to facilitate legal access and orderly development within the Korora Rural Residential Release Area.

Cont'd

Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

Background:

LEP 2000

LEP 2000, Council's City-wide LEP, was gazetted by the Minister for Urban Affairs and Planning on 20 April 2000. A Local Environmental Study (LES) was prepared to provide a basis for the preparation of LEP 2000. Council adopted the LES on 12 July 1997. A Strategic Management Plan (SMP) was also prepared to link the findings under the LES with the new LEP (i.e. LEP 2000). One of the recommendations of the SMP was to monitor and review the new LEP every two years.

LEP 2000 was reviewed as it applies to the Korora Rural Residential Release Area in accordance with the Rural Residential Strategy and this resulted in the adoption of an LEP (Amendment No 3), which updated LEP 2000 in February 2004.

Some anomalies in LEP amendment No 3 were identified and were subsequently addressed in LEP Amendment No 25 (General Review - gazetted by the Minister for Infrastructure, Planning and Natural Resources on Friday 24 June 2005).

LEP Amendment No 28 originally proposed further amendment to the LEP maps, by including additional lands within the Rural 1B Living zone in the Korora Release Area. The following properties were included in the exhibited Draft LEP:

- Lot 1 DP119529 and Lot 370 DP44803, 111 Bruxner Park Road, Korora
- Lot 4 DP232037, Old Coast Road, Korora
- Lot 2 DP579644, 314 Bruxner Park Road, Korora

Korora Rural Residential Development Control Plan

The DCP establishes the rules to enable subdivision and development in the Korora Rural Residential area and is linked with Amendment No 3 to Coffs Harbour LEP 2000. The DCP was adopted by Council on 21 August 2003 and was implemented and came into force when LEP Amendment No 3 was gazetted in February 2004.

Korora Developer Contributions Plan i.e. Section 94 Plan

The Korora Rural Residential Developer Contributions Plan details the level of services and facilities to be provided in the area and also establishes an equitable mechanism for the payment of those services/facilities. The Contributions Plan came into force on 27 February 2004.

Acquisition and Transfer of Crown Land and Roads

The Korora Rural Residential DCP permits in certain situations subdivisions of land to allow for rural residential development. A large number of properties in the Korora Basin currently gain access via a network of Crown land parcels which are defined as Windbreaks. The Windbreaks are not public roads under the Roads Act 1993 and as such do not provide legal road access and the statutory rights which go with this, to many of the properties adjoining them. Subdivision of such properties will create further issues given that new properties must have legal access before formal planning approval can be granted.

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Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

Council and the Department of Lands have had numerous meetings in recent years to resolve the above problems and to rationalise land matters in the Korora Basin. The outcome of the recent meetings has been an agreement for Council to proceed with the acquisition of the Crown land parcels, including the Windbreaks shown on the attached plan. Due to the status of the land Council will need to acquire the land, by Compulsory Acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

The Crown has agreed to transfer the land to Council under this process and has provided a letter of concurrence to Council to allow this matter to proceed. The Crown has also confirmed that it will waive all rights to compensation on the basis that Council is responsible for all costs associated with the acquisition, including the preparation and registration of the plan of survey.

The Crown has also advised that part of the Windbreak west of Lot 52 DP 1014203 is currently held under Permissive Occupancy 86440 for grazing. As holder of the occupancy they may have an interest in the land in terms of Part 2 and 3 of the Land Acquisition (Just Terms Compensation) Act 1991. It is anticipated that this interest in terms of compensation would be minimal and insignificant.

The Crown Roads can be transferred to Council under Section 151 of the Roads Act by publication of a notice in the Government Gazette.

Description of Item:

Council resolved at its meeting on 17 March 2005, to use its delegated authority to issue a Section 65 Certificate and to exhibit Draft LEP Amendment No 28. The Department of Infrastructure, Planning and Natural Resources was advised of Council's decision to use its delegated authority on 13 April 2005.

The Draft LEP and amended DCP were placed on public exhibition from 11 April 2005 to 9 May 2005. As a result of this exhibition period, a total of seven written submissions were received from the public. Generally, the submissions supported the Draft LEP and amended DCP provided that no significant adverse impacts would occur as a result of the proposed changes. The Draft LEP and DCP were amended to reflect the issues outlined in the submissions.

In addition, an Internal Working Team comprising of representatives from the various departments within Council was established in order to resolve a number of outstanding issues as expeditiously as possible, in order to progress the Draft LEP and amended DCP.

Due to a number of significant matters arising during the first exhibition period of the Draft LEP and amended DCP, and the proposed changes recommended by the Internal Working team, it was necessary to re-exhibit the Draft Plans. This was considered imperative as the proposed changes affected a larger number of property owners than the previously exhibited Draft Plans. Subsequently, the Draft Plans were re-exhibited from Wednesday, 23 November 2005 to Wednesday, 21 December 2005. This exhibition period showed a keen interest from the community and government departments and resulted in a total of 25 submissions being received by Council. The section of this report titled "Issues" provides an overview of the matters of significance detailed in the submissions. A summary of the submissions is included as an attachment to this report.

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Sustainability Assessment:

LEP 2000

The test of a plan (in this case LEP 2000) is its ability to meet its aims and objectives. The aims and objectives of the LEP are categorised under economic, social and environmental sustainability principles.

- **Environment**

The LES previously prepared for Korora addressed the environmental impacts of heritage, habitat disturbance, biodiversity, water consumption/disposal, material consumption/waste, energy consumption, transport and air quality.

- **Social**

It is not expected that any significant adverse social impacts will occur from amending the LEP as outlined in this report.

- **Economic**

The economic impacts of the LEP amendment has been considered and assessed in the LES, LEP and other site-specific reports previously prepared for the rezoning. It is expected that the proposed LEP amendment will not have any adverse economic impacts.

Korora Rural Residential DCP

- **Environment**

The implementation of the Korora Rural Residential DCP has assisted in allowing development while protecting environmentally sensitive areas and providing a mechanism for enhancing degraded areas.

The proposed amendment to the DCP will continue to assist in achieving protection of environmentally sensitive areas, while providing direction to Developers and Consultants on Council's requirements for Vegetation Management Plans.

- **Social**

The Korora Rural Residential DCP aims to improve the wellbeing of Korora residents by allowing equitable provision of social services and community facilities.

The proposed amendment to the DCP will not have any adverse impact on the level of provision of services and facilities.

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Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

- **Economic**

The DCP assists in the Council's aim of encouraging economic growth through development of rural residential properties.

The amendment proposed to the DCP is consistent with this aim.

There has been concern expressed on the implications to Council's road maintenance and construction costs program once the Crown Roads and Windbreaks are transferred into its ownership. There will be no significant increase in Council's maintenance costs, as these roads will be added to the unmaintained road register. Any upgrading of these roads will be purely the responsibility of the developer/landowner.

Korora Developer Contributions Plan (i.e. Section 94 Plan)

- **Environment**

There will be no impact upon the environment as a result of this process.

- **Social**

The Developer Contributions Plan (CP) has been designed and amended to ensure that the existing community of the Korora Rural Residential Release Area is not unfairly burdened by the provisions of public facilities required as a result of future development. This CP provides for the collection of development contributions on an equitable basis throughout the release area.

- **Economic**

The changes to the Contributions Plan have resulted in an increase in the contribution rate from \$16,195.31 per lot in the exhibited plan to \$18,324.45 per lot in the revised plan. Necessary amendments to the Traffic and Transport Strategy have been the main catalyst for this increase in the rates. However, the benefits to the community will far outweigh the net costs as improved access arrangements and safer roads will be the resultant outcome.

Acquisition and Transfer of Crown Land and Roads

- **Environment**

There will be no impact upon the environment as a result of this process which will simply involve the transfer of the land from the Crown to the Council as public road. Any works on the road will be subject to environmental assessments both with regard to Council works and private development applications.

Any use of windbreaks for access will be subject to the provisions of the Vegetation Management Plan section of the DCP. This will ensure environmental impacts can be negated.

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Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

- **Social**

There will be no adverse social implications as a result of this process. The transfer will also correct a number of access issues which currently exist by providing legal access to all properties in the defined area.

- **Economic**

Broader Economic Implications

The transfer and rationalisation of these lands as public road will facilitate the orderly development of this area in line with the DCP.

Management Plan Implications

The major costs associated with the acquisition process will be for survey preparation and plan registration, estimated to cost \$35,000. As the whole of the Korora Basin will benefit, it is proposed that the Section 94 Plan be amended to allow this money to be recouped as the Korora Basin develops. Council will need to forward fund the cost.

Management Plan Implications

The proposed changes to the LEP, DCP and Section 94 Plan are to provide functionality and necessary updates to the plans. No management plan issues are foreseen with the amendments. However, if the amendments do not progress Council may become involved in additional litigation and court challenges in regard to development applications for subdivisions.

Consultation:

This report has been prepared with input from all the Departments within Council (particularly City Services and Corporate Services Departments) as well as meetings being undertaken with the Department of Lands and Council to resolve the acquisition and transfer of Crown Lands and Roads.

The revised DCP and Section 94 Plan have been amended to include provisions to improve the Traffic and Transport Strategy and Contamination section of these plans. In addition, the Amended DCP and Section 94 Plan have been updated to Council's current policy of tightening up the terminology in its plans to avoid misinterpretation and potential legal action by proponents of development. For example, this means changing all the word "should" into "shall" or "must".

The initial public exhibition period, from 11 April 2005 to 9 May 2005 and the subsequent re-exhibition period from 23 November 2005 to 21 December 2005 has provided considerable opportunity for community input into the project. In addition, a letter (dated 24 November 2005) and newsletter bulletin (dated November 2005) were sent out to all residents of the Korora Rural Residential Release Area advising them of the proposed changes to the Draft LEP, amended DCP, amended Section 94 Plan and acquisition and transfer of Crown Land and Roads. The contents of the submissions received have been addressed in this report.

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Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

Related Policy and / or Precedents:

The Draft LEP, the amended DCP and amended Section 94 Plan are consistent with Council's policies and will not set an undesirable precedent.

Statutory Requirements:

The Draft LEP, amended DCP and amended Section 94 Plan are not inconsistent with any State Environmental Planning Policies, Section 117 Directions, the North Coast Regional Environmental Plan or the Coastal Policy.

Issues:

Korora Rural Residential DCP

• **Covenants Required under the Vegetation Management Plan (VMP)**

The requirement for covenants to ensure compliance with the VMP, particularly to eradicate environmental weeds, is considered to be an unnecessary encumbrance which will make lots harder to sell.

Comment:

Positive covenants have been imposed on properties in the Korora Basin area to ensure that all works are completed to a satisfactory standard, particularly the ongoing works. If these ongoing works are not completed then Council has the power to access the property, complete the works and charge the landowner. The VMP is considered to be a living entity which will apply to the property indefinitely.

• **Building Envelopes**

A building envelope with a minimum size of 1,500m² is considered inappropriate as the necessary asset protection zones (APZs) under the current NSW Rural Fire Service Regulations would make an otherwise viable subdivision impossible. It has been suggested that the minimum area within any building or asset requiring protection be reduced to say 1,000m² and the area for chemical contamination testing remain at 1,500m². This scenario is considered to give developers more flexibility.

Comment:

*In the first instance, the landowner must attempt to locate the building envelope, access arrangements and services in the Rural 1B Living zone. If all or part of these arrangements cannot be located in the 1B zone (with justification), then Council should allow these developments within the 7A zone. However, it must be obvious that there will be **no** clearing for the house site, road, fire protection or habitat in the 7A zone. This flexibility will be beneficial for the management of these lands, particularly the steep land.*

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- **Vegetation Management Plan (VMP)**

Some landowners believe that the requirements under the VMP create a conflict or are in conflict with the NSW Rural Fire Service Bushfire Regulations. In addition, these landowners consider the matters to be addressed in the VMP to be cumbersome and already heavily controlled by Council regulations.

Comment:

One of the main reasons for requiring VMPs is to protect significant and environmentally sensitive vegetation; also allowing orderly feasible development in the release area. The requirements under the VMP are considered to be consistent with the Bushfire Regulations. The controls under the VMP give Council the power to ensure that the land is managed in accordance with the VMP. These controls will also be incorporated into other areas eg the Nana Glen/Bucca DCP area.

- **Remediation Works**

Some of the guidelines within the VMP such as grades of streams, gully areas, links to existing vegetation and defining what environmental weeds require control, are considered to be unclearly defined within this section of the Amended DCP. Furthermore, VMPs can currently financially penalise those landholders who have retained native vegetation and conversely reward those who have cleared all native vegetation from their properties. It has been suggested that landholders who have retained native vegetation and incurred large financial costs should have reduced developer contribution rates.

Comment:

*It is difficult to define **all** grades of streams, gully areas, links to existing vegetation and environmental weeds without over complicating the requirements under the DCP. Proponents of development may obtain additional information on these matters from the Department of Natural Resources and the Catchment Management Authority.*

Residents should not have an expectation of being rewarded for properly managing their property. The incentives for good management practices are numerous, for example, reduction in noxious/environmental weeds, improved living conditions, better future saleability of property, etc. If Council entertains the idea of reducing contribution rates in this release area, it may be setting an undesirable precedent for other release areas, where compensation for good management practices is already being sought.

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Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

- **Lots 373 and 374, DP44806; Lot 1, DP397708 and Lot 31, DP870970, Bruxner Park Road, Korora**

The inclusion of these properties in Area A with a minimum standard for subdivision of one hectare is considered inappropriate as it is believed that the consultants' reports are inadequate with respect to bushfire and slope assessment criteria.

Comment:

The subject properties are already zoned 1B Rural Living under the provisions of LEP 2000. The information submitted in the consultants' reports is considered to be accurate at the time that they were prepared and under the provisions of the relevant legislation of that particular time. Discussions with relevant government departments such as the NSW Rural Fire Service and the Department of Planning have not raised any objections to the proposed amendment to the DCP.

- **Buffers to Banana Lands**

The 10 metre revegetated buffer (page 15 of Amended DCP) which is to be provided between existing banana plantations and land to be subdivided or land identified as building envelopes for dwellings is considered to be insufficient by the Department of Primary Industries.

Comment:

The 10m revegetated buffer in the Korora Road Residential Release Area is considered to be appropriate and sufficient for land zoned Rural 1B as there are large tracts of 7A zoned land throughout the area to mitigate impacts of agricultural practices such as aerial spraying. In addition, Council may impose greater buffer areas where it is considered necessary through the development application process. It must be noted that there has been a significant reduction in banana producing farms in the release area and therefore this issue is less relevant than in previous years.

- **Lovett's Road**

Residents who reside along Lovett's Road do not favour the introduction of sealed roads or a garbage service as these will impact negatively on an area considered to be highly desirable for low-key private and secluded living.

Comment:

Under the provisions of the Korora DCP and LEP 2000 there is no requirement for landowners to have to subdivide their land. It is their choice. Sealing of roads will only occur along Lovett's Road if landowners subdivide their land in the future. Lovett's Road is listed on Council's unmaintained road register and there are no plans at present to change this status quo. The introduction of a garbage service to this area is not expected in the near future as garbage vehicles will experience difficulty in this terrain and encounter access/manoeuvring issues to properties.

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Developer Contributions Plan (i.e. Section 94 Plan)

- **Cost of Upgrading Roads**

The biggest area of contention with respect to the re-exhibition of the Draft Plans has been the issue of increases to upgrading existing minor roads to developers/landowners. It has been suggested that separate Section 94 Plans be devised to ameliorate this impact and it is perceived that this will ultimately result in the even distribution of these costs.

Comment:

If rural road costs in the Korora Rural Residential Area are currently considered to be prohibitive to development, then no development will or should occur until it is economically feasible to do so.

To create a Section 94 Plan based on a series of little-used minor roads to assist a small percentage of developers/landowners so that they may save money on road construction would be difficult to justify. Council would need to establish a legal nexus between the development and the community need for these minor roads.

In addition, such a Plan would create a very unfavourable precedent for Council and it is considered appropriate that the only equitable outcome for all concerned is that if a property owner on a secondary road wishes to subdivide, they must be responsible for the full cost of constructing the road to an acceptable standard.

However, should Council wish to support the concept of site or catchment based contributions plans, they must be initiated by the developer. Furthermore, the costs for preparing and administering these planning agreements should be solely borne by the developer.

The minimum standards for upgrading roads leading to properties in the Planning Controls Section of the Amended DCP have been reduced to ameliorate some of these concerns.

- **Road and Transport Changes**

Discussions between Council's City Services Department, Planning Department and Corporate Services Department has resulted in necessary amendments having to be made to the Section 94 Plan. These amendments have included the deletion of some unnecessary works and inclusion of additional works or upgrades to existing infrastructure i.e. existing roads and bridges.

Comment:

It is necessary and imperative that Council review its plans and/or policies as well as works programs to keep abreast of changes in needs and/or demands of communities in its release areas. This is important for a number of reasons but particularly in the Korora Release Area for safety and improved access arrangements for residents. Some of the roads in this area such as Old Coast Road are a traffic hazard with poor visibility and limited room for vehicles to pass safely.

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Ped7 Draft Amendment No 28 To Local Environmental Plan 2000 - Lands At Korora And Update Lep 2000; Amended Korora Development Control Plan And Section 94 Plan; And Acquisition Of Crown Land In The Korora Basin ...(Cont'd)

A copy of the proposed changes to the Transport and Traffic Strategy component of the contributions plan is attached to this report. Also, the map on page 6 of the Amended DCP and page 16 of the Amended Section 94 Plan has been modified to reflect these changes.

Acquisition and Transfer of Crown Land and Roads

Without the transfer of the land to Council and its dedication as public road the development of the Rural Residential Release Area of Korora in line with the Amended DCP would not be achievable due to legal access issues.

Another issue is that of Council's responsibility for maintenance of existing roads in the release area that it will inherit with the transfer of ownership from the Crown. It is intended that Council will only continue to maintain those roads that it does maintain at present. All other roads will be added to the unmaintained road register. Therefore there will be no significant increase in maintenance costs. If in the future roads were upgraded to Council's standards as part of development for subdivision, then Council would take over maintenance at that time.

Implementation Date / Priority:

The amended DCP and Section 94 for the Korora Rural Residential Release Area will become effective once they are adopted by Council and subsequently advertised in the local newspapers. The Draft LEP, which proposes to rezone certain lands in Korora and updates LEP 2000, will become effective once it has been gazetted by the Department of Planning. This is expected to occur later in the year provided that Council adopts the Draft LEP attached to this report and refers it to the Department of Planning for making of the Plan.

A survey plan is currently being undertaken to progress the acquisition and transfer of Crown Land and Roads and all the other steps associated with this process, i.e. registering and making of the Plan by the Minister. Council's City Business Units Department has advised that this process is expected to be completed by the end of this year.

Recommendation:

- 1. That, In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Council adopt the Coffs Harbour City Local Environmental Plan (Amendment No 28), as attached to this report and forward it to the Department of Planning for gazettal.**
- 2. That, in accordance with Clause 72 of the Environmental Planning and Assessment Act and Regulations, Council adopt the Amended Korora Rural Residential Development Control Plan, as circulated to Councillors.**
- 3. That, in accordance with Clause 94 of the Environmental Planning and Assessment Act and Regulations, Council adopt the Amended Developer Contributions Plan for the Korora Rural Residential Release Area, as circulated to Councillors.**
- 4. That those who lodged a submission be notified of Council's decision.**
- 5. That Council note the progress of the acquisition, dedication and transfer of Crown Land and Roads in the Korora Rural Residential Release Area.**

Attachments:

SUMMARY OF PROPOSED CHANGES TO DEVELOPER CONTRIBUTIONS PLAN

Road and Transport Changes

- Delete the need for the West Korora Road works.
- Add upgrade works for the first 100 metres of Rowsells Road.
- Amend Bruxner Park Road to upgrading 150 metres at the top end, and provision for safety rails in steep sections.
- Delete the need for full length widening of Bruxner Park Road.
- Include a turning area at the end of Korora Basin Road.
- Delete the need for widening of Old Coast Road South.
- Include the widening of two bridges in Old Coast Road (originally only one).
- Include a provision to forward fund Old Coast Road North as well as widening and sealing. This is due to the current condition of the road – which is a one-lane dust section.
- Change the wording for Bruxner Park /Highway intersection to “Upgrade Intersection” to be less specific.
- Include provision for upgrade (widening) of Finlays Road.
- Include provision for upgrade of Finlays Road bridges.
- Delete proposed link road from Bruxner Park Road to West Korora Road – as discussed with Council's Manager of Strategic Planning. This area is to be included in the settlement strategy investigations currently underway.

Other Contribution Changes

- Planning studies recoupment costs have been indexed by CPI (permissible under revised Environmental Planning and Assessment Act and Regulations).
- Minor adjustment to Sports Field costings.

Net Contribution Plan Cost Changes

EXHIBITED PLAN	REVISED PLAN	
\$13,708.78	\$15,837.92	KORORA PLAN ONLY
<u>\$2,486.53</u>	<u>\$2,486.53</u>	Other plans that apply
<u>\$16,195.31</u>	<u>\$18,324.45</u>	TOTAL PER LOT

SUMMARY OF ISSUES OUTLINED IN SUBMISSIONS RECEIVED

SUBMISSION NO.	ISSUES OF CONCERN	COUNCIL'S RESPONSE
1	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers 	<ul style="list-style-type: none"> DCP amended to reduce minimum road standards Potential for site or catchment specific Section 94 Plans
2	<ul style="list-style-type: none"> Request for land to be rezoned from 1A to 1B 	<ul style="list-style-type: none"> Additional information sought eg geotechnical assessment, flora and fauna assessment, etc Since land currently contains large section of 7A and classified as Secondary Koala Habitat, Council unlikely to support rezoning application
3	<ul style="list-style-type: none"> Request to be included in Area A for subdivision into 1ha lots 	<ul style="list-style-type: none"> Property constrained by access issues
4	<ul style="list-style-type: none"> Covenants encumber properties unnecessarily Costs of road upgrades to landowners/developers Reduced building envelopes of 1,000m² should be considered where appropriate 	<ul style="list-style-type: none"> Positive covenants ensure all ongoing works are completed in accordance with VMP DCP amended to reduce minimum road standards Reduced building envelopes can be considered on merit
5	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers Site or catchment specific Section 94 Plans proposed Better habitat links should be shown on Map 5 of Amended DCP Covenants encumber properties unnecessarily Reduced building envelopes of 1,000m² should be considered where appropriate 	<ul style="list-style-type: none"> Positive covenants ensure all ongoing works are completed in accordance with VMP Potential for site or catchment specific Section 94 Plans DCP amended to reduce minimum road standards Reduced building envelopes can be considered on merit Habitat links shown on Map 5 of Amended DCP are sufficient
6	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers 	<ul style="list-style-type: none"> DCP amended to reduce minimum road standards
7	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers Covenants encumber properties unnecessarily 	<ul style="list-style-type: none"> DCP amended to reduce minimum road standards Positive covenants ensure all ongoing works are completed in accordance with VMP
8	<ul style="list-style-type: none"> Covenants encumber properties unnecessarily Requirements under VMPs overly strict and difficult to police 	<ul style="list-style-type: none"> Positive covenants ensure all ongoing works are completed in accordance with VMP VMP will be a living entity with property indefinitely
9	<ul style="list-style-type: none"> VMP requirements conflict with Bushfire Regulations 	<ul style="list-style-type: none"> Requirements do not conflict with Bushfire Regulations
10	<ul style="list-style-type: none"> Minimum 40ha standard should be removed from subdivision requirements under Rural 1F Forest Zone 	<ul style="list-style-type: none"> Maintain as not all 1F zoned land owned by Forests NSW
11	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers Concerns with Section 94 Plan 	<ul style="list-style-type: none"> DCP amended to reduce minimum road standards Section 94 Plan amended in keeping with updates to Traffic and Transport Strategy
12	<ul style="list-style-type: none"> Believes property does not have access issues and Map 2 incorrect 	<ul style="list-style-type: none"> Right of Way does not meet RFS standards and standards in Amended DCP Maintain status quo
13	<ul style="list-style-type: none"> Include provision for cycleway link 	<ul style="list-style-type: none"> Projected population and terrain does not warrant need for cycleway link Maintain status quo

SUBMISSION NO.	ISSUES OF CONCERN	COUNCIL'S RESPONSE
14	<ul style="list-style-type: none"> Ensure compliance with State policies eg Environment Protection and Biodiversity Conservation Act 1999 	<ul style="list-style-type: none"> DCP meets all the requirements of relevant State policies and Acts
15	<ul style="list-style-type: none"> Specific properties should not be included Area A of Amended DCP 	<ul style="list-style-type: none"> Inclusion warranted. See Council report for more details
16	<ul style="list-style-type: none"> 10m revegetated buffer inadequate 	<ul style="list-style-type: none"> Buffer adequate as sufficient 7A zoned land in release area to mitigate aerial spraying concerns
17	<ul style="list-style-type: none"> Lovett's Road should maintain its current standards with respect to garbage services, access arrangements, aesthetic considerations and current allotment yields 	<ul style="list-style-type: none"> Current standards to be maintained
18	<ul style="list-style-type: none"> Supports Amended Plans and no concerns 	<ul style="list-style-type: none"> Noted
19	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers 	<ul style="list-style-type: none"> DCP amended to reduce minimum road standards
20	<ul style="list-style-type: none"> VMP requirements and remediation works inadequate Reduced contribution rates for retention of native vegetation Korora Basin Road should have 60km/h speed limit 	<ul style="list-style-type: none"> VMP requirements adequate especially due to imposition of covenants Reduced contribution rates will set undesirable precedent Matter to be addressed when speed limits and other road conditions are reviewed in the Korora Release Area
21	<ul style="list-style-type: none"> Ensure compliance with Heritage Act 	<ul style="list-style-type: none"> No known heritage items in release area Compliance will be ensured at DA stage
22	<ul style="list-style-type: none"> Lovett's Road should maintain its current standards with respect to garbage services, access arrangements, aesthetic considerations and current allotment yields 	<ul style="list-style-type: none"> Current standards to be maintained
23	<ul style="list-style-type: none"> Lovett's Road should maintain its current standards with respect to garbage services, access arrangements, aesthetic considerations and current allotment yields 	<ul style="list-style-type: none"> Current standards to be maintained
24	<ul style="list-style-type: none"> Costs of road upgrades to landowners/developers Concerns with Section 94 Plan 	<ul style="list-style-type: none"> DCP amended to reduce minimum road standards Section 94 Plan amended in keeping with updates to Traffic and Transport Strategy Site or catchment specific Section 94 Plans must be initiated by developers. All costs to be borne by developer.
25	<ul style="list-style-type: none"> Opposition to changes to Clause 18 of Draft LEP Clarification to "Basic Water Rights" issue Supports building envelope requirements and suggests flexible approach 	<ul style="list-style-type: none"> Draft LEP to proceed as per exhibited Plan Noted Flexible approach to be adopted

PED8 WASTE MANAGEMENT DEVELOPMENT CONTROL PLAN

Purpose:

To recommend adoption of a Draft Development Control Plan (DCP) for Waste Management.

Description of Item:

The Waste Management DCP has been drafted to enable Council to improve management of waste throughout the Local Government Area, particularly in regards to allowing for adequate waste management on all new developments. With the ongoing implementation of the new Waste Management Facility (WMF) it is envisaged that this DCP will help Council achieve successful waste management by increasing source separation (on-site separation) and reducing re-useable / recyclable wastes to landfill.

The DCP was first drafted in 2005 as a DCP specific to Waste Management for Multi-unit Dwellings. Using various other Council examples and Resource NSW best practice guidelines, the DCP was further developed to encompass waste management on a broader scale, including all residential premise types and commercial premises.

Sustainability Assessment:

• Environment

This DCP will enable better protection of our local environment by placing controls on developments to ensure:

- Waste is separated for re-use, recycling at the source (of the waste).
- Developments are built to enable compliance with Council requirements supporting the new Regional Waste Management system.
- Reduce material consumption by encouraging and making available quality re-use products and ensuring materials are recycled, thus reducing overuse of limited natural resources globally.
- Diverting quality product from the landfill thereby reducing landfill volume and prolonging the life of the landfill.

• Social

This DCP will enable positive social impacts to be realized by:

- Creating further community awareness of waste management and their individual responsibilities in maintaining Coffs Harbour as a healthy city.
- Creating business and industry awareness of waste thus helping to reduce waste impact within the city and region.
- Clear guidance is provided to the community on Council's requirements for developments.

Cont'd

- **Economic**

Broader Economic Implications

This DCP will enhance business in the region by:

- Allowing for more specialized waste collection providers, for example increased number of re-use facilities, transport operators to collect and transport goods to facilities both locally and intrastate / interstate.
- Potential for new industry creation by the introduction of reprocessing facilities to the city.
- Potential for buy back of re-processed goods encouraging Australian owned/made/sourced (as well as the reduction achieved in consumption of finite natural resources)

Management Plan Implications

Environment (Waste) and City Image

Implementation of this DCP would not impact on Councils Management Plan, as fees and charges applied to development applications would not alter. Fees applied to tipping waste to landfill may be reviewed in conjunction with implementation of this DCP to further encourage source separation of wastes for re-use and recycling – particularly from the construction and demolition sector.

The process of assessing Development Applications would not alter, as waste management issues are referred to the Environmental Service Branch for comment prior to issuing conditions of consent, and this process will continue.

Consultation:

The DCP has been discussed with Building and Development Branch and Environmental Services Branch representatives, throughout the development of the draft. It is envisaged that the mandatory exhibition period, will allow for adequate community comment to occur – given that it reflects the new waste management service requirements and updates Council's Code for Waste Storage and Handling (1990).

Related Policy and / or Precedents:

This DCP works in conjunction with other planning instruments administered by Council, Council Policies and Clauses 73 and 74 of *Environmental Planning and Assessment Act 1979*.

Statutory Requirements:

The DCP will come into effect when publicly notified in the local paper (Clauses 21 and 31 of *Environmental Planning and Assessment Act Regulations 2000*).

Cont'd

Ped8 Waste Management Development Control Plan ...(Cont'd)

Issues:

The DCP is a positive step for Council in promoting community understanding of requirements for new development in regard to waste management, specifically:

- Improved on-site waste management – source separation, waste storage and disposal;
- Give clear direction to applicants; and
- Facilitate the development application process by requiring more detailed information up-front reducing the need for Council to request further information from applicants.

Further issues to be addressed in conjunction with this DCP include:

- Development of an Information Sheet to support this DCP - provide further detail, resources and recommendations to applicants seeking approval.
- Events Waste Management – An Events Management Policy has been drafted and will be addressed.
- Demolition and Construction – to be added to the DCP as an amendment at a later stage – propose to carry out extensive consultation with community (specifically building and development industry workshops to introduce concept, gather ideas for detail and implementation for the proposed amendments to the DCP).

Addressing Demolition and Construction wastes will be required to support the new WMF, whereby a specific re-use centre and further separation of construction and demolition wastes will allow for recycling and reclamation of quality product that would otherwise be disposed of to landfill. Adjustment of landfill tipping prices for mixed loads of construction/demolition materials will further encourage community support for this future amendment.

Implementation Date / Priority:

Due to an extension on new requirements for planning instruments allowed by the Department of Planning, it is vital that the DCP is adopted by Council prior to 30 April 2006.

Should Council adopt the recommendations, notification of the adoption of the Draft DCP will be placed in the local newspaper within the next week.

Recommendation:

- 1. That Council adopt the Draft Waste Management Development Control Plan for public exhibition for a period of 28 days.**
- 2. That consultation start with the building / development community within one month after the adoption of this Development Control Plan, to continue development of the construction / demolition sections of the Development Control Plan.**

PED9 UPDATE ON DRAFT SETTLEMENT STRATEGY WITH REGARD TO INDUSTRIAL LAND SUPPLY

Purpose:

To present to Council feedback from the Councillor and staff Settlement Strategy Workshop held in February 2006, in relation to Council's preferred direction for employment generating (industrial) land, particularly in relation to South Coffs and North Boambee Valley (NBV) areas, but also in relation to Woolgoolga.

Description of Item:

The Draft "Our Living City" Settlement Strategy will update and replace the existing Urban Development Strategy. The updated Strategy will assist Council to guide development in the Local Government Area (LGA) in the coming years, and will be written to comply with requirements of the North Coast Regional Environmental Plan.

Council is well underway with the study, with the intention of having the draft document placed on exhibition in June 2006. The matter was reported to Council in December 2005, at which time Council voted on lands for inclusion in the draft Settlement Strategy and a priority release strategy for these lands. Letters were subsequently forwarded to landowners and people who made submissions to the Discussion Paper, offering information about adopted recommendations relating to their individual submission. Further submissions (a total of seven) have been received from landowners in the North Boambee Valley (NBV) area. These submissions are all opposed to the development of North Boambee Valley for industrial land.

A recommendation of the December 2005 meeting was that a workshop be held between Councillors and staff to discuss the adopted scenario and implications for development. That workshop was held on 14 February 2006, with six Councillors present.

At that workshop, the issue of the need for industrial land in proximity to Coffs Harbour was raised, and the question asked where is the most suitable location for such land. North Boambee Valley and South Coffs lands were raised as a matter for further discussion prior to finalisation of the draft Strategy.

The issue was also raised at the workshop that there may be need for additional employment generating (industrial) land at Woolgoolga, to provide an employment base at the northern end of the LGA, to service the employment needs of the population to 2030.

This report aims to discuss these issues and offer Council recommendations for inclusion in the draft Strategy.

Sustainability Assessment:

The final Settlement Strategy will include a 'Vision', and 'Objectives' covering the elements of Economic, Social and Environmental Sustainability. Three separate Working Papers will contain issues, directions, and strategic actions to address economic, social and environmental issues. The final Strategy will also include a monitoring and implementation strategy to ensure that actions in relation to these issues can be implemented. The entire Strategy is based upon achieving sustainability.

Cont'd

Ped9 Update On Draft Settlement Strategy With Regard To Industrial Land Supply ... (Cont'd)

Consultation:

An initial community engagement process was undertaken from April to June 2005 via a Discussion Paper, with the results of the 106 submissions received reported to the December 2005 meeting of Council. In accordance with a Council resolution from that meeting, letters were subsequently forwarded to all people who made submissions, offering information about recommendations adopted relating to their individual submission. People who made submissions regarding the North Boambee Valley area (previously Stage 2 and 3 release areas) were advised of Council's decision to include the NBV area as a high priority release investigation area for employment generating (industrial) purposes.

This has generated several submissions from additional landowners in the North Boambee Valley area, as well as additional submissions from some residents there. A total of seven submissions have been received, all in opposition to the development of the valley for employment generating (industrial) purposes. Submissions have all stated a preference for residential and/or rural residential development in NBV, given that the valley has been mooted for residential development since the 1980's. Submissions are attached for the information of Councillors. Some of these submissions were shown to Councillors at the workshop on 14 February 2006.

After the Settlement Strategy workshop, Councillors and the Executive Team were circulated a map and associated table of North Boambee Valley lands on 23 February 2006, identifying landowners, land parcels and areas. This was to assist Council in identifying the submissions relative to land parcels.

Related Policy and / or Precedents:

Coffs Harbour City Council currently has in place the Coffs Harbour Urban Development Strategy, dated August 1996, which was prepared for the entire LGA prior to the rezoning of land for urban purposes under Coffs Harbour Local Environmental Plan 2000. The new "Our Living City" Settlement Strategy will replace the current Urban Development Strategy, and will apply to the whole LGA.

Statutory Requirements:

The Draft Settlement Strategy and associated documents will be prepared in accordance with Clause 38(3) of the North Coast Regional Environmental Plan and the Environmental Planning and Assessment Act 1979. They will need to be consistent with relevant State Environmental Planning Policies, the North Coast Regional Environmental Plan, Ministerial Directions and the NSW Coastal Policy. Community consultation forms part of the statutory process.

Cont'd

Issues:

Industrial Land Supply

Council was advised at the December 2005 meeting that there is preliminary anecdotal evidence that additional land for employment generating (industrial) land uses is necessary in a central location with ready access to the final location of the Pacific Highway. No Industrial Strategy has yet been completed, however the completion of such a strategy is proposed within the 2006-07 planning program. This will ascertain current demand and supply figures, along with providing recommended strategies for the location of additional land stocks, to supply the market with industrial land to 2030.

In the absence of any completed report, the December 2005 meeting of Council endorsed the resolution that North Boambee Valley be listed in the draft Settlement Strategy as a high priority release area for employment generating purposes, subject to the findings of the future Industrial Strategy determining the LGA's actual need for industrial land supply to service our growing population. Reasons for selection of this location were proximity to the Pacific Highway (the major north south link between Brisbane and Sydney markets), a central location relative to the Coffs Harbour and Sawtell/Toormina residential core, and an ability to have reticulated services.

In response to the additional submissions received from NBV residents opposing industrial development there, the Councillor workshop of 14 February 2006 discussed the need to look at other land parcels in the general vicinity, namely South Coffs lands on either side of the Pacific Highway. Council staff has undertaken a preliminary assessment of these areas, and offer the following recommendations. Mapping has also been undertaken to exclude steep lands and significant habitat in each of these areas, to allow comparisons to be made.

North Boambee Valley

As reported to Council's December 2005 meeting, with the Road and Traffic Authority's preferred option for the Pacific Highway bypass upgrade being IS1, this option cuts through parts of existing zoned residential land in North Boambee Valley (NBV), therefore separating any future settlements in Stages 2 and 3 of NBV.

A founding premise of the Settlement Strategy is that new residential development will not straddle either side of this Pacific Highway bypass (if straddling were to occur, essentially it would not then be a bypass, but a major transport route through a residential area, not resolving the situation Coffs Harbour has had to deal with over many years).

For this reason, it has been proposed that there will be no future residential development in what has always been identified as Stages 2 and 3 of NBV. The Department of Planning has also advised its opposition to new rural residential zones on the North Coast and it is unlikely they would support a rural residential zone in NBV. Council at its December 2005 meeting also endorsed the recommendation for no new rural residential zones for coastal lands in the Local Government Area (outside of those lands already identified under the existing 1999 Rural Residential Strategy).

Cont'd

Ped9 Update On Draft Settlement Strategy With Regard To Industrial Land Supply ... (Cont'd)

A number of submissions received from NBV residents note that the valley is too steep for industrial development and contains too much significant habitat. Council's analysis has found that the eastern end of the valley contains in the order of 80 to 100 hectares of land with slopes less than 5% and with no significant vegetation that would be suitable for industrial land uses. This land is mapped and shown on Map 1 in the attachments.

Based on this analysis, it is considered that the eastern end of North Boambee Valley is the most suitable location for industrial development and should be shown on the draft Settlement Strategy maps as a Priority 1 release area for investigation for employment generating purposes. The residue of NBV should not be included in the Settlement Strategy for any type of development.

South Coffs Development Area (East of Pacific Highway)

A Local Environmental Study is currently being prepared for this land (future residential uses). Mapping shows that it contains some steep land, with the exception of a small amount of land fronting Stadium Drive (in the order of 8 hectares). Council's engineers have advised that it is too steep for employment generating development.

This land has always been proposed for residential development. Given its location, and its proximity to the Health Campus, the Education Campus, and to both the Coffs Harbour and Sawtell/Toormina urban centres, it is recommended that this land be investigated for higher density residential development, and for inclusion in the draft Settlement Strategy as a Priority 1 release area for residential development (as already endorsed by Council).

South Coffs Development Area (West of Pacific Highway)

A Local Environmental Study is currently being prepared for this land as part of the South Coffs Development Area. This land is included in Council's existing 1999 Rural Residential Strategy for subdivision to allow up to 40 rural residential allotments.

This is generally the steepest land parcel of the three areas discussed in this report. The Lindsay Brothers Transport Depot fronting the Pacific Highway is the only flat land in the parcel. Council's engineers have advised that the residue land is too steep for employment generating development.

This land has always been proposed for rural residential development in Council's existing 1999 Rural Residential Strategy, in the same manner as land parcels at Bonville which are proposed for inclusion in the draft Settlement Strategy for rural residential development. Whilst the Department of Planning has agreed to the 1999 Strategy, it is unlikely to approve any additional rural residential areas outside of that 1999 strategy. It is therefore recommended that this land be identified as a Priority 2 release area for rural residential development (identical to land at Bonville) for inclusion in the draft Settlement Strategy.

Woolgoolga

Council adopted a large parcel of land on the southern side of Woolgoolga at the December 2005 meeting for inclusion in the Settlement Strategy as a Priority 2 release area for residential development. In discussing industrial land supply for the LGA to 2030 at the Councillor workshop, the matter of Woolgoolga was raised. It was suggested that a parcel of land should be nominated for investigation for employment-generating (industrial) land uses in the draft Settlement Strategy. The need for such land would be established in the future Industrial Strategy.

Cont'd

Ped9 Update On Draft Settlement Strategy With Regard To Industrial Land Supply ... (Cont'd)

It is considered this is a worthy recommendation. Analysis of the overall land parcel reveals that land in the southern corner (west of the existing Woolgoolga Industrial Estate and the existing Pacific Highway location) appears suitable, and contains flatter land and little significant vegetation).

It is therefore recommended that this area at Woolgoolga be modified as per Map 2, to show the south eastern corner as a Priority 2 release area for employment generating (industrial) development, and the residue of the area as a Priority 2 release area for residential development.

Implementation Date / Priority:

Once Council's resolution provides this additional direction for the Settlement Strategy, Council staff will complete the preparation of the draft Strategy and ancillary documentation. Exhibition of the draft "Our Living City" Settlement Strategy is scheduled for June 2006.

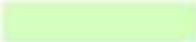
Recommendation:

- 1. That Council adopt the development areas and priority release recommendations for those areas as outlined on Maps 1 and 2 for inclusion in the draft Settlement Strategy.**
- 2. That all persons who made submissions to the draft Settlement Strategy in relation to North Boambee Valley be advised of Council's decision regarding North Boambee Valley.**
- 3. That a letter be sent to all landowners in North Boambee Valley and South Woolgoolga advising of Council's decision regarding employment generating lands, advising that the draft Settlement Strategy will be on exhibition from June 2006 and inviting submissions at that time.**

Attachments:

MAP 1 - RECOMMENDED DEVELOPMENT AREAS And PRIORITY RELEASES

Legend

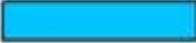
	Rural Living Zones
	Open Space Zones
	Developed Urban Areas
	Undeveloped Zoned Areas
	State Forest
	National Parks - Nature Reserves

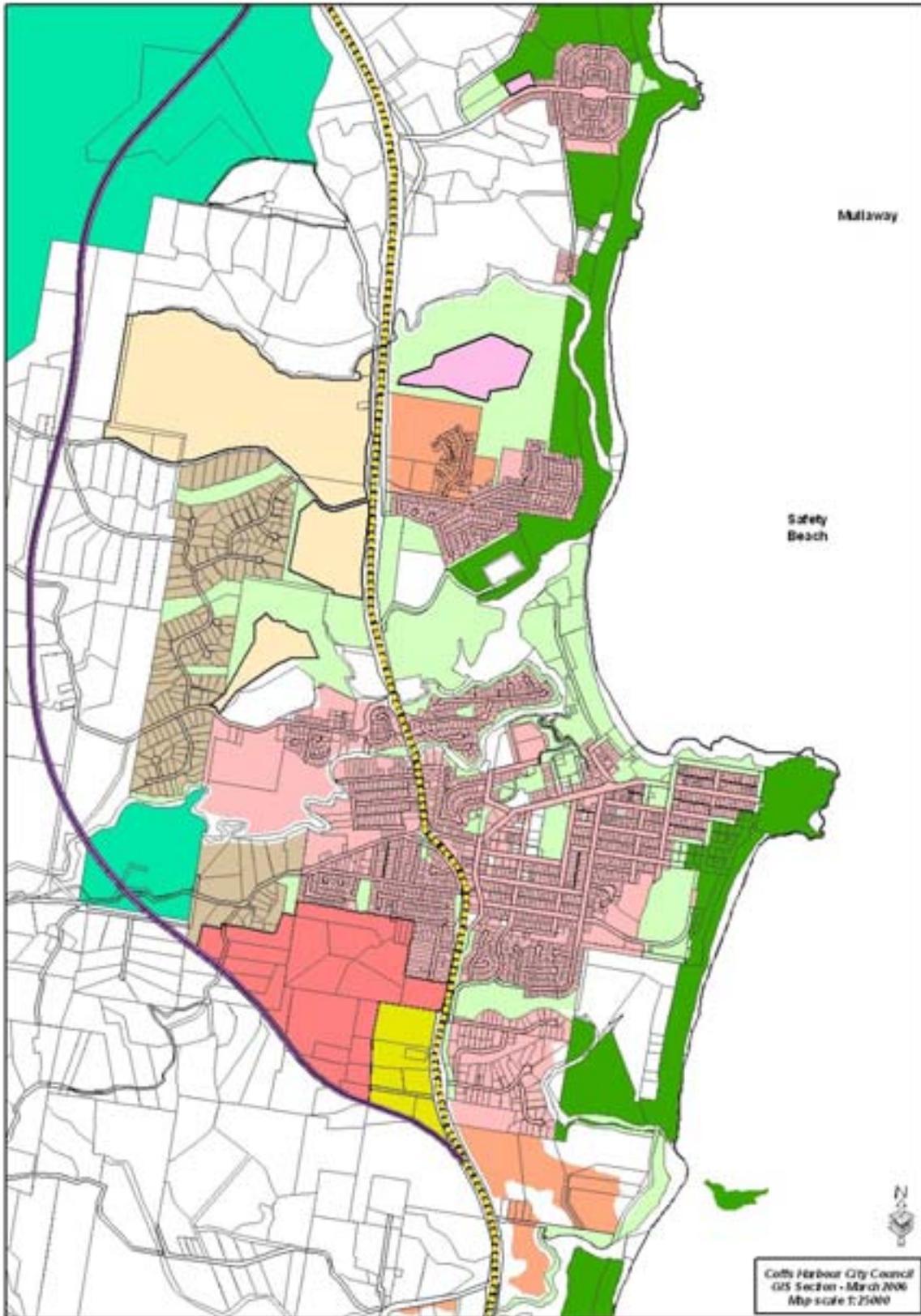
Highway Bypass Options

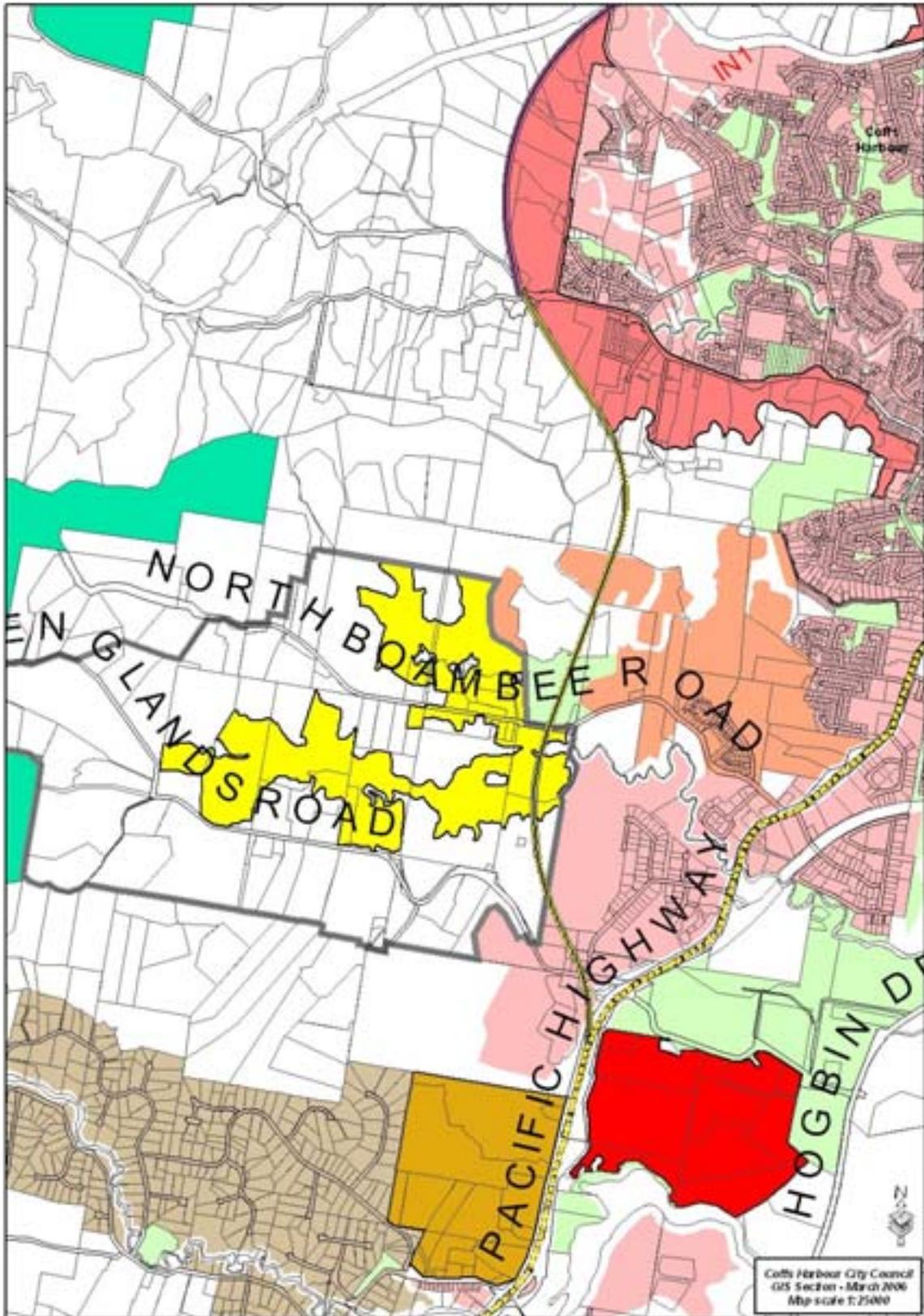
	Existing Highway
	Woolgoolga
	Coffs Harbour Nth
	Coffs Harbour Sth
	Bonville

Development Areas - Priority Releases

Priority

	Priority 1 - Residential
	Priority 2 - Residential
	Priority 3 - Residential
	Priority 1 - Employment Generating
	Priority 2 - Employment Generating
	Priority 2 - Business/Motel
	Priority 2 - Rural Residential
	Possible Future Urban Expansion



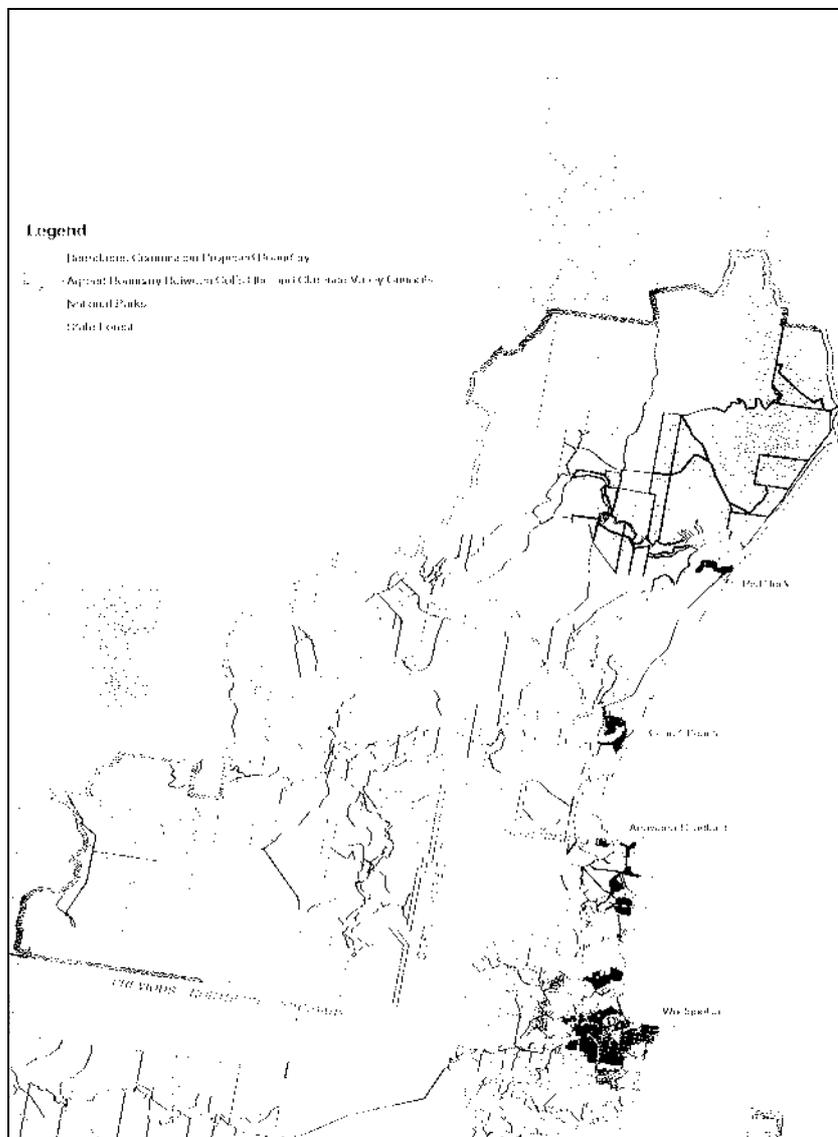


PED10 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 - AMENDMENT TO CONSOLIDATE FORMER PRISTINE WATERS (RED ROCK AND CORINDI) LOCALITIES

Purpose:

The purpose to this report is to formally commence the preparation of an amendment to the Coffs Harbour City Local Environmental Plan (LEP) 2000 to incorporate planning provisions for the amalgamated lands, comprising the former area of Pristine Waters Local Government Area (LGA), in accordance with Department of Planning (DoP) requirements.

The report recommends that Council formally resolve to undertake preparation of this plan to enable the commencement of statutory notification and consultation processes. The report recommends that Council prepare a Draft LEP for the land shown on the map below.



Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

Description of Item:

In May 2005 the Minister for Local Government announced the finalisation of the boundary matters relating to the amalgamation of the localities of Red Rock, Corindi Beach and approximately half of the Corindi plateau with the Coffs Harbour City LGA. The area, formerly part of Pristine Waters LGA, comprises 21,520ha and 1,267 residents at the 2001 Census (Coffs Harbour City Population Profile, 2004).

The Planning Reform Funding Program aims to assist councils to update their LEPs in line with the NSW Government planning reforms. As part of its Planning Reform Funding offer, Council was provided \$110,000 in funding on 3 December 2004. A Memorandum of Understanding (MOU) was entered into in between the DoP and Coffs Harbour City Council (CHCC) concerning this funding.

The funds provided have enabled Council to obtain information to amend its principal planning instrument with respect to these lands including:

- obtaining aerial photography of the area;
- undertaking vegetation classification; and
- completing vegetation mapping.

In kind contributions by Council include staff resources for:

- the preparation of a Local Environmental Study (LES);
- undertaking amendments to the Comprehensive Koala Plan of Management (KPOM) to incorporate this area; and
- incorporating the new areas into Council's website information base.

Of the project funds, approximately half (\$53,000) remains for undertaking other identified studies such as a heritage review and aboriginal heritage assessment.

Relationship to other Council Projects:

- *Model LEP*

Further to this process, the State Government also in 2005 announced the creation of a draft Model LEP 'template' for NSW Councils to use as a starting point for the review of all LEPs timetabled over the five years from when the model template is gazetted. An assessment of the implications of this model LEP template was the subject of a previous report to Council in November 2005. On 14 April 2005 the DoP advised Council of its proposed recommendation that CHCC be scheduled to have a new LEP within five years and that any such new comprehensive LEP be required to follow the standard template. The standard LEP template is expected to be gazetted in March 2006.

Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

- *Settlement Strategy*

Council has already commenced consultation on the city-wide Settlement Strategy "Our Living City" in line with the NSW Government's projections for population growth in this region. Initial community consultation took place and Council endorsed a modified Settlement Strategy being proposed. While it is desirable to limit the number of properties for which a staged/two-step rezoning process may occur, Council may need to balance the DOP's requirement that the short-term transference of Ulmarra LEP 1992 provisions to the most relevant Coffs Harbour City LEP 2000 equivalent with the medium-term requirements of the proposed model LEP template. Outcomes from the Settlement Strategy (under preparation) will also be incorporated in the review of medium and long-term urban development.

- *LEP Review*

Areas within the amalgamated lands currently zoned Rural 1A and Rural 1H - horticulture under the *Ulmarra LEP 1992* have been incorporated into the study area subject to the project: Settlement Strategy for Rural Lands, currently under preparation. The DoP is also undertaking a Farmland Mapping Project for the Mid North Coast (MNCFMP) with the outcome being the identification of State and Regionally significant farmland or potential farmland for future preservation from urban and rural residential rezoning.

The Corindi River catchment at 15,047ha now comprises Council's largest coastal catchment. In the current Management Plan, Council has nominated \$75,000 towards a *Corindi River Flood Study* for 2008/2009.

Further discussion with the Department has established an agreement to proceed with those LEPs that are of a strategic nature such as the amalgamated Red Rock and Corindi localities.

In accordance with the MOU, it is timely that Council commence the formal preparation of the draft plan, to enable the assessment of current planning provisions and the creation of any additional provisions that will be required for the amalgamated lands.

This report recommends the formal commencement of those processes and will enable staff to undertake and exhibit an LES and LEP. A review of the Ulmarra LEP 1992 provisions in line with preparation of an LES will enable Council to consider outcomes of the *Settlement Strategy* (in preparation) in line with the completion of the *Mid North Coast Regional Strategy*.

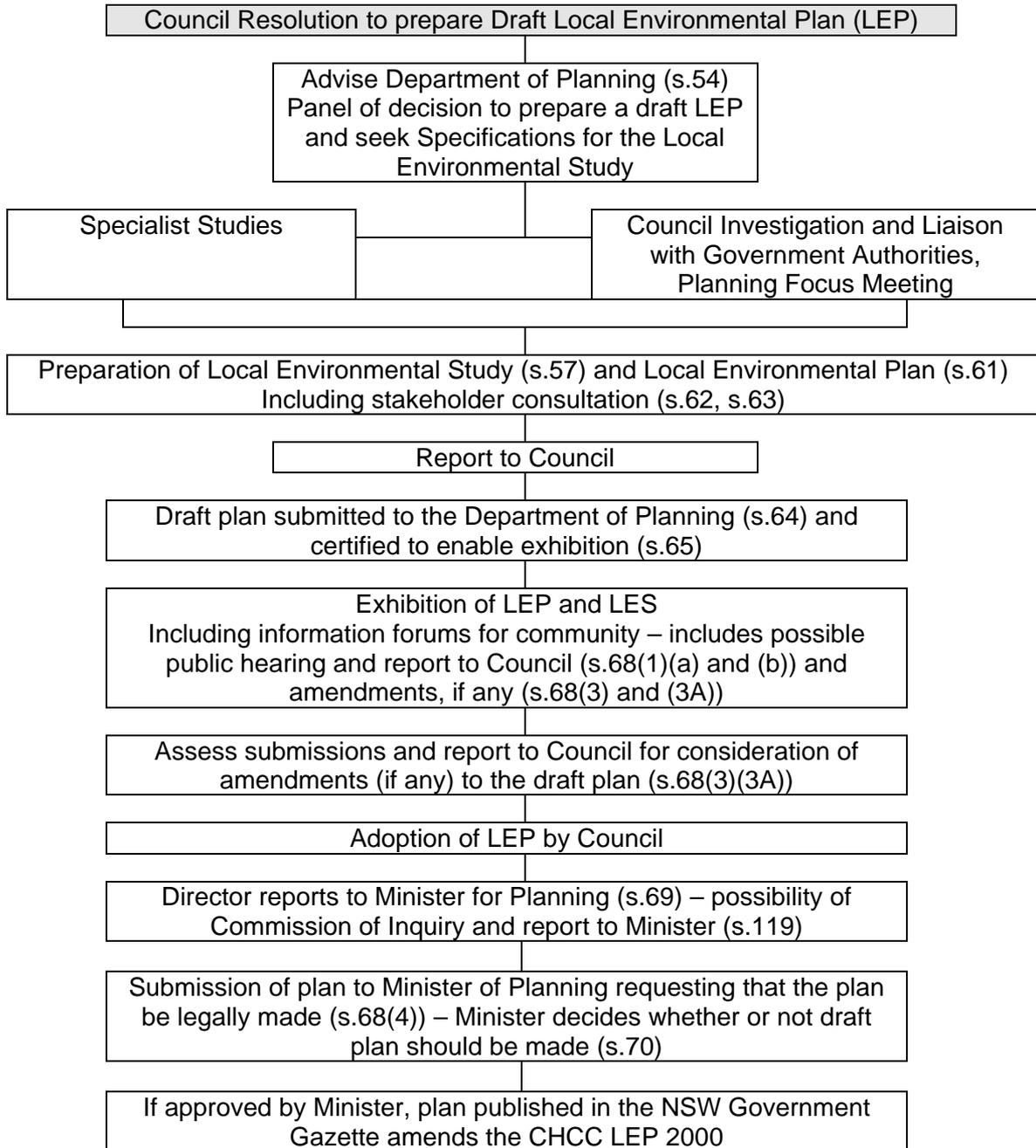
It is understood from concurrent processes associated with standardising LEPs that the Department is considering ways to work directly with local councils to quickly transpose existing LEPs into the new template format. While the Coffs Harbour City LEP is scheduled for standardising within five years, the preparation of the Red Rock and Corindi localities' LEP Amendment is considering the standard LEP template (as exhibited by the DoP) to ensure:

- a more direct or streamlined translation of planning provisions for the area when the Coffs Harbour City LEP 2000 is overhauled within the next five years; and
- the minimisation of properties undergoing two zone changes within this timeframe for landowners in the subject area.

Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

The following chart outlines the LEP-making process, as an environmental study is required (references to sections are the Environmental Planning and Assessment Act, 1979):



A regular review (biannual) program has ensured that the Coffs Harbour City LEP 2000 is tested on its ability to meet its aims and objectives. These aims and objectives are categorised under economic, social and environmental sustainability principles.

Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

Sustainability Assessment:

In order to identify an appropriate zone for the land, it is necessary to undertake an assessment that addresses the economic, social and environmental impacts for each possible land use zone. This will be completed as part of the LES. Any amendment to the Coffs Harbour City LEP 2000 will need to address the environmental and social sustainability criteria.

The final Settlement Strategy will include elements covering Economic, Social and Environmental Sustainability. The three separate Working Papers contain issues, directions, and strategic actions to address economic, social and environmental issues. The final Strategy will also include a monitoring and implementation strategy ensuring that actions can be implemented.

- **Environment**

The aim of the Coffs Harbour City LEP 2000 is to provide for development within the City in an ecologically sustainable manner.

The implementation of the following strategies under the Coffs Harbour City LEP 2000 will assist in achieving environmental sustainability in the amalgamated areas of the LGA:

- the comprehensive review of the Koala Plan of Management and application of zoning provisions for protecting koala habitat;
- the recognition of riparian and estuarine areas;
- the recognition and appropriate protection of regionally or ecologically significant vegetation;
- the identification of environmental hazards such as acid sulfate soils and flood-prone areas; and
- the identification of heritage items and areas.

Council aims to achieve environmental sustainability by reducing conflict and providing greater certainty and transparency as to where development opportunities exist. The extension of the KPOM and the identification of environmental hazards will direct development away from sensitive areas as well as providing a clear direction for investment opportunities. The benefits of extending these levels of information for properties in the amalgamated areas will also assist Council administrative procedures with the more streamlined production of s.149 planning certificates, references for customer planning enquiries, and information that can be incorporated on Council's website resources.

Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

- **Social**

The aim of the LEP is to improve the wellbeing of people within the City. The relevant objective of the LEP is to allow for the equitable provision of social services and facilities for the community.

The implementation of the following strategies under the auspices of the LEP 2000 will assist in achieving social/cultural sustainability in the LGA:

- encouraging residential and cultural uses to be located within the existing urban centres; and
- introducing heritage provisions including protection of heritage items and conservation areas.

Although it is difficult to measure the success of the social and cultural sustainability principles of LEP 2000, the extension of application of Council's innovative measures in its program to improve the wellbeing of the people in the LGA will result in improved social indicators for the newly-amalgamated communities. By clearly defining a business hierarchy, the enhancement and planning of small centres clarifies their role and function, and will assist their revitalisation as community places.

A lack of items identified for local heritage values exists under the Ulmarra LEP 1992. There is also the need to comprehensively list any specific heritage items and apply similar protection provisions to these as already exist in the balance of the LGA.

- **Economic**

Broader Economic Implications

The aim of the LEP is to encourage economic growth and development within the City. The corresponding objective of the LEP is to identify areas for compatible development opportunities.

The implementation of a stricter land use strategy will ultimately result in a consolidated business centre for Corindi Beach, and a greater likelihood that rewards that will flow from the ordered development of land in sequence, such as savings for infrastructure servicing costs. This will also enhance the importance and appearance of this centre. It is considered inappropriate to have a stand-alone low-density housing zone adjoining a shopping centre due to land use conflicts (i.e. noise, traffic, etc.). Therefore, the Draft LEP intends to rectify this anomaly by rezoning Lot 529 to 3F Business (Neighbourhood) to reflect its intended future use as a shopping centre.

The necessary detailed studies (Aboriginal Heritage etc.) will be prepared by a consultant selected by Council's normal process; a suitable brief will be prepared. This work will be funded to the extent of the remaining state government funds.

Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

Management Plan Implications

Coffs Harbour has successfully applied for funding to facilitate the incorporation of the amalgamated lands (Red Rock & Corindi localities) that are currently governed by the dated provisions of the Ulmarra LEP 1992.

The funds remaining from the grant (approximately \$53,000) will be sufficient to complete the necessary works.

Consultation:

No formal consultation has occurred with government agencies and other authorities, or the community.

On the 20 September 2005 the DoP placed on exhibition the *Draft Standard Instrument (Local Environmental Plans) Order 2005* ('Draft Standard LEP'). The preparation of this draft LEP Amendment No. 32 will also have to have regard to the standard LEP upon its completion expected in the first quarter of 2006.

The preparation of the Draft Plan will involve all Departments within Council through a project management group.

Related Policy and / or Precedents:

- **Strategy Development**

Coffs Harbour City Council has a legal obligation to the State Government to prepare appropriate Strategies relating to all land uses, but particularly for urban and rural residential land releases. Council cannot rezone major residential and rural residential release areas without completion of these strategies, i.e. the State Government will not support major land rezoning unless they comply with agreed strategies.

Other current projects and processes should inform the LEP Amendment for the amalgamated areas of Red Rock and Corindi, including:

- Coffs Harbour City LEP 2000;
- NSW Coastal Policy 1997;
- State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land;
- SEPP No. 71 - Coastal Protection;
- Environmental Planning and Assessment Act (EP&A)1979;
- North Coast Regional Environmental Plan 1988;
- Coffs Harbour City Council - Koala Plan of Management;
- the Department of Planning's Mid North Coast Farmland Mapping Project;
- the proposed Model LEP template;

Cont'd

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

- Council's consultant's review of Rural Lands matters and development of a Rural Settlement Policy; and
- preparation of the "Our Living City" Settlement Strategy.
- **Environmental Studies**

These studies form part of the research necessary to prepare the draft plan. Vegetation mapping and classification has already occurred with ground-truthing providing defined extents of identified ecological communities. While it is understood that not all information (such as that able to be provided by the Corindi River Flood Study) will be available, much documentation already exists from the Pristine Waters Council's records including the Corindi River Estuary Management Plan (1999) and Review (May 2004). Furthermore the review of the Coffs Harbour City LEP 2000 in accordance with the proposed scheduled review within the next five years, and biannual reviews, as part of Council's policy will ensure appropriate information is added as it becomes available.

Statutory Requirements:

The Draft Plan will be prepared in accordance with the EP&A Act 1979 and must be consistent with relevant SEPPs, the North Coast Regional Environmental Plan, Ministerial Directions and the New South Wales Coastal Policy.

Council is now required to apply to the DoP's s.54 Planning Review Panel to seek delegation of power to certify Draft LEPs for exhibition.

Council is the owner of some parcels of land in the amalgamated areas. When Council rezones land it owns, there is a responsibility to deal with the matter in an open and transparent manner. The DoP (formerly DIPNR) 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". These Guidelines require the following to be included in the material displayed during exhibition:

- a statement of Council's interest;
- a statement of the purpose of the Draft LEP;
- a statement outlining the anticipated development on the land;
- a statement of the financial implications; and
- a copy of the "Best Practice Guideline".

The preparation of a Draft LEP and associated DCPs and Contribution Plans will require that the statutory processes under the EP&A Act 1979 be followed.

Statutory consultation with government agencies, neighbouring Councils and other public authorities is required. Formal consultation with public authorities will be undertaken in writing and through a Planning Focus Meeting process.

For Council to proceed with the exhibition of the Draft LEP, the recommendations stated below are to be followed.

Ped10 Coffs Harbour City Local Environmental Plan 2000 - Amendment To Consolidate Former Pristine Waters (Red Rock And Corindi) Localities ...(Cont'd)

Issues:

Council has received funds and has entered into a MOU to undertake this project within the allocated timeframe. It will be beneficial for landowners to be able to access a similar level of information on-line that relates to the Red Rock - Corindi areas as landowners of other areas of Coffs Harbour City already access.

The immediate issues relating to this matter are:

- i. The allocation of resources to cover any additional costs associated with a comprehensive review of the LEP, including funding for the preparation of the DCP and Contributions Plans;
- ii. The review of Council's Strategic Planning Program to reflect existing work projects, external funding and planned items in terms of their consistency with the proposed template LEP and likely contribution to the LEP review; and
- iii. The establishment of an internal working group to ensure delivery of a whole of Council approach to the preparation of this draft plan.

Implementation Date / Priority:

Council has identified the amalgamated lands matters as one of its high priority projects in the Strategic Planning Program 2005-2006.

The Terms of the MOU with the DoP are that this draft plan be substantially completed by November 2006.

Recommendation:

1. That Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands formerly part of Pristine Waters Council as an amendment to Coffs Harbour City Local Environmental Plan 2000.
2. That the Department of Planning be advised that Council considers that a Local Environmental Study is necessary.
3. That Council seek authority from the s.54 Planning Review Panel to permit the Director of Planning, Environment and Development to issue, under delegation, a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow the Draft Local Environmental Plan to be exhibited.
4. That the Draft Local Environmental Plan 2000 (Amendment No. 32) be exhibited in accordance with the 'Best Practice Guidelines for LEPs and Council Land' prepared by planningNSW.
5. That all persons directly affected by the Draft Plan be advised of Council's decision.
6. That a public forum with interested parties be held during the exhibition period in respect of the proposed zoning changes.

Mark Salter
Acting Director
Planning Environment and Development