



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(LAND USE, HEALTH & DEVELOPMENT COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
5 JULY 2007

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

(LAND USE, HEALTH & DEVELOPMENT COMMITTEE)

Thursday 5 July 2007

Mayor and Councillors

LAND USE, HEALTH & DEVELOPMENT DEPARTMENT REPORTS

LUHD26 OUR LIVING CITY SETTLEMENT STRATEGY

Purpose:

To present to Council feedback from the community engagement process for the draft Our Living City (OLC) Settlement Strategy, and for Council to endorse changes to the final OLC Settlement Strategy document and plans resulting from that community engagement process. This will allow Council to proceed to the next step of obtaining endorsement from the Director General of the Department of Planning to allow contents of the Strategy to be implemented.

Description of Item:

The North Coast Regional Environmental Plan (REP) 1988 requires the preparation of an approved urban land release strategy prior to any significant rezoning for urban purposes within the North Coast region. Coffs Harbour City Council currently has in place the Coffs Harbour Urban Development Strategy, dated August 1996, which was prepared for the entire Local Government Area (LGA) prior to the rezoning of land for urban purposes under Coffs Harbour Local Environmental Plan (LEP) 2000.

The OLC Settlement Strategy updates and replaces the existing Urban Development Strategy. The updated Strategy will assist Council to guide development in the LGA in the coming years. It has been written to comply with requirements of the North Coast REP.

The recently exhibited draft Mid North Coast (MNC) Regional Strategy is also required to be taken into account. The final OLC Settlement Strategy document has been modified to ensure it meets the requirements of the draft MNC Regional Strategy, as exhibited.

The draft OLC Settlement Strategy was formally exhibited from 3 July 2006 to 13 October 2006. Under separate cover to this report is a Submissions Summary Document containing summaries of the 793 submissions, and responses to those submissions.

Cont'd

The version of the OLC Settlement Strategy recommended for endorsement has been made available in the Councillor's room for perusal and will be available at the meeting.

Sustainability Assessment:

The entire Strategy is based upon achieving sustainability.

- **Environment**

The OLC Settlement Strategy aims to manage development to ensure we conserve our natural attributes, to satisfy the demand for housing and land development without creating land use conflicts, to minimise pollution and waste, and to ensure efficient use of resources, as our population grows.

- **Social**

The OLC Settlement Strategy aims to improve health and safety for residents, to protect and enhance the character and liveability of our communities, to ensure equal access to services for all, and to best provide for people to move around our City.

- **Economic**

The OLC Settlement Strategy aims to improve employment and educational opportunities for residents, to best foster opportunities for businesses and industries that serve our community, and to make efficient use of existing and future infrastructure.

Management Plan Implications

Council's 2006-2007 Management Plan and draft 2007-2008 Management Plan provides funds to complete the OLC Settlement Strategy.

Consultation:

The project to date has resulted in several key community engagement processes. From June 2005, for a period of two months, the OLC Discussion Paper was circulated to the community and government agencies. Results and recommendations of that consultation process were reported to Council at its meeting on 1 December 2005. A total of 106 submissions from the public and government agencies were received.

An additional seven submissions were received from landowners in the North Boambee Valley (NBV) in ongoing correspondence after that meeting, all stating a preference for residential and/or rural residential development in NBV, rather than for employment generating purposes. These submissions were reported to Council at its meeting in March 2006. Council at that time resolved that the South Woolgoolga and NBV areas be listed in the draft Strategy as "Special Investigation" areas, with a decision on the future development of these areas to be based on the findings of further studies/strategies. Consultants have been engaged to investigate and prepare a preliminary Structure Plan for the NBV to recommend future uses of the valley.

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LUHD26 Our Living City Settlement Strategy ...(Cont'd)

Council resolved on 15 June 2006 to adopt the draft OLC Settlement Strategy, and to formally exhibit it from 3 July 2006 to 29 September 2006. This was further extended to 13 October 2006 by Mayoral minute, to give additional time for proponents to lodge submissions. Consultation included public meetings at Woolgoolga, Coffs Harbour and Bonville, along with a meeting for industry stakeholders.

Under separate cover to this report is a Submissions Summary Document containing summaries of the 793 submissions, and responses to those submissions, comprising:

- eight (8) agency submissions; and
- 785 public individual submissions (total of 1,104 signatures).

A map is attached to that Summary Document, identifying the location of land referred to in specific submissions that addressed particular parcels of land.

Attachment 1 of this report further summarises the key issues from agency submissions and groups key issues from public submissions for ease of understanding.

Separate detailed letters of response have been forwarded to every person who lodged a submission or signed a petition in relation to the draft Settlement Strategy. The “comment/recommendation” column in the Submissions Summary Document gives generally the content of the response provided to each person.

Councillors have visited most of the lands contained within the OLC Settlement Strategy via a bus trip on Wednesday, 27 June 2007. This has allowed them to familiarise themselves with various matters and land parcels referred to in submissions.

A number of alterations have been made to the final document as a result of submissions received. These changes are discussed in more detail later in this report.

Changes added as a result of government feedback include a Structure Plan for Bonville (including a reduction in the area proposed for long term future residential development); maps indicating target densities and release timeframes for each release area; various strategic actions in Part 2; comments relating to the draft MNC Regional Strategy as exhibited; constraints maps for each release area; details about how land capacity was calculated; and proposed agreed growth areas discussed with the Department of Planning during the development of the draft MNC Regional Strategy.

Further changes have been added as a result of individual public submissions. These include removal of the words “final highway location” from all plans in the document; various strategic actions in Part 2; and provision of an additional Appendix to the document, being a schedule of lands which are already zoned for urban uses, but which require an investigation into the most appropriate future use of the land (which may result in alterations to either the Coffs Harbour LEP 2000 or one or more Development Control Plans).

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 LEP 2000. The OLC Settlement Strategy will replace the current Urban Development Strategy, and will apply to the current LGA boundary.

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Statutory Requirements:

The OLC Settlement Strategy has been prepared in accordance with Clause 38(3) of the North Coast REP and the Environmental Planning and Assessment Act 1979. It is consistent with the provisions of relevant State Environmental Planning Policies, the North Coast REP, the draft MNC Regional Strategy, Ministerial Directions and the NSW Coastal Policy. Community consultation forms part of the statutory process, and has been incorporated into the draft Strategy process.

The North Coast REP 1988 gives clear guidelines for the preparation of an urban land release strategy. Clause 37 of the REP requires that strategic planning provide for the orderly and economic release of urban land. Clause 38(3) requires that an urban land release strategy:

- (a) be based on a land release program and population projections agreed between the Council and the Director of the Department of Planning;
- (b) give preference to development resulting in urban growth on land that adjoins other land which is already being used for urban purposes and is the most economic to service;
- (c) not provide for development of land which is unsuitable for urban growth due to its agricultural capability or which adjoins land that is currently used for agriculture;
- (d) not include for development land which has conservation value or which has heritage, environmental or cultural significance;
- (e) have regard to the rural character and heritage significance of villages and small coastal settlements and the need to maintain that character and significance; and
- (f) provide substantial buffer areas between coastal urban centres to avoid uninterrupted coastal development.

These are key matters for Council's consideration. The Department of Planning is unlikely to endorse the Strategy, unless the Strategy achieves these minimum requirements, and is seen to provide for the orderly and economic release of urban land. The OLC Settlement Strategy aims to satisfy this list of objectives, in order for the Department to endorse the overall Strategy.

On 26 February 2007 the Minister for Planning issued a new Direction (Ministerial Direction No 30 "implementation of regional strategies") under section 117 of the Environmental Planning and Assessment Act 1979 requiring that all draft comprehensive and amending LEPs be in accordance with the relevant regional, or draft regional, strategy. The regional strategy will also provide the context for the preparation of land use planning strategies that support LEPs. Land use planning strategies prepared by councils are to generally provide a local perspective on the vision, land use strategy and relevant outcomes for the council area as set out in the regional strategy.

The OLC Settlement Strategy takes the form of a land use planning strategy. As such, this Ministerial Direction is relevant to this Strategy. A section has been added into the final document to identify the manner by which the document is consistent with the draft MNC Regional Strategy. Council officers have liaised closely with the Department of Planning regarding the preparation of the final Strategy to ensure it is consistent with the draft MNC Regional Strategy.

Issues:

Issues have been reported to Council as they have arisen during the preparation of the Strategy over the last three years. This has allowed Council to be involved with the development of the Strategy.

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A number of key issues have been raised in both government and community submissions. The various issues are summarised in Annexure A and the separate Summary Document, and are addressed in the following. Significant alterations that have been made to the draft OLC Settlement Strategy as a result of the latest round of consultation activities are also discussed.

Draft Mid North Coast Regional Plan

The Department of Planning's recently released draft MNC Regional Strategy lists Coffs Harbour as a major regional centre and Woolgoolga as one of six major towns in the region. A report to Council (3 May 2007) outlined Council's response to the exhibition of the MNC Regional Strategy.

Officers from the Department of Planning have been working with Coffs Harbour City Council and the other seven local Councils in the region to prepare the final document. The Department requested Councils prepare maps of proposed growth areas, calculations of areas and future dwelling targets for these growth areas. This work was to be undertaken for both residential and rural residential areas. The Department further required nomination of proposed industrial areas and calculated areas for same. These maps and dwelling targets will be used in finalising the draft MNC Regional Strategy.

Most of the areas were taken directly from the draft Settlement Strategy maps, but additional work was required to fine-tune the areas, and to work out anticipated lot yields and land supply calculations for each of these areas. This was particularly so for the yellow "Special Investigation" areas at South Woolgoolga and NBV.

These maps have been captured into the final Settlement Strategy, to provide additional information with regard to proposed urban release areas. They are provided in the final document as the "B" series of maps. At this stage, verbal feedback has been received from the Department that it is likely that each of these areas will be afforded an "agreed growth area" status for inclusion in the MNC Regional Plan.

In the event that the Department's final agreed growth areas for inclusion in the regional strategy are changed, these changes will need to be reflected in the final OLC Settlement Strategy document. The Department may instruct Council to amend these areas prior to their endorsement of the final Strategy.

Dwelling targets have also been a key matter for consideration and discussion with the Department of Planning. The draft MNC Regional Strategy (pg 20) makes the statement that over the lifetime of the Strategy, 60% of development will be in greenfield locations and 40% in existing urban areas (i.e. infill) across the Coffs Coast subregion (the Coffs Coast sub-region is comprised of Nambucca, Bellingen, and Coffs Harbour LGAs). This was likely to pose a significant issue with the OLC Settlement Strategy, given that the Bellingen and Nambucca LGA areas were unlikely to take up much of that infill development, and Coffs Harbour, being the higher order regional centre, would likely need to take up more than 40% infill to achieve the sub-regional targets.

However, verbal discussions with the Department of Planning have revealed that the final MNC Regional Strategy is now most likely to have its definitions altered to reflect wording contained within the Far North Coast Regional Strategy, being 60% single and 40% multi-unit dwellings. This is already being achieved in developments within Coffs Harbour (for example, units at the Jetty and Park Beach, and dual occupancies in greenfield areas). This wording change has significant impact to the OLC Settlement Strategy, and means that it does not need alteration to comply with this requirement of the MNC Regional Strategy.

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Land Capacity and Population Projections

A number of submissions were critical of the low population projections included in the draft Settlement Strategy. However, as previously reported to Council, Council was bound to publish population projections by the Government's Transport and Population Data Centre (91,800 people in the LGA by 2031). After lobbying with the Department, these projections were increased to 99,000 persons for the final draft Settlement Strategy. Verbal advice received from the Department was that this was acceptable to them and they would endorse the document in this regard.

Preparation of the lot yields and land supply calculations to inform the Department of Planning's MNC Regional Strategy has resulted in updating the calculations contained within Council's Land Capacity (Revised) Assessment 2005. These new calculations have been added into Appendix C of the OLC Settlement Strategy. Additional possible future rural residential areas have been included in this table, but are not referenced in the actual OLC Settlement Strategy.

Final calculations identify a total of 15,499 additional dwellings in the entire Coffs LGA by 2031 (calculated forward from 2004 figures). This number is composed of:

- 3,726 additional dwellings in new residential zones;
- 2,707 dwellings infilled into existing residential zones;
- 639 additional rural residential dwellings in possible future rural residential areas (once the 1999 Rural Residential Strategy is updated and any additional areas confirmed);
- 1,509 vacant lots;
- 6,336 dwellings on existing zoned, but unsubdivided residential land;
- 382 dwellings on existing zoned, but unsubdivided rural residential land;
- 2,957 dwellings in Bonville and Bark Hut Road areas (beige areas of the draft Settlement Strategy) but most of these are longer term than the 2031 Regional Strategy timeframe. An allowance of 200 dwellings at Bonville before 2031 is included.

The Department's published figures in the draft MNC Regional Strategy show dwelling projections of 18,600 dwellings for the Coffs Coast subregion. The Department has also stated these may be marginally revised upwards. Bellingen and Nambucca only have minor capacity for additional dwellings (a total of around 4,800 dwellings), meaning that Coffs Harbour LGA can pick up the remainder. This fits into the land capacity calculations itemised in Appendix C of the OLC Settlement Strategy, and should allow the Department to endorse the document in this regard.

Pacific Highway Upgrade

A total of 656 (84%) out of the 785 community submissions to the draft OLC Settlement Strategy raised the RTA preferred route for the Pacific Highway upgrade as a significant issue. The majority of these submissions requested that Council continue to lobby the State and Federal governments to construct a "far western bypass". Many also requested that the community-preferred route (far western bypass) be shown on the final OLC Settlement Strategy maps.

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Council at its ordinary meeting of 17 May 2007 resolved *“to make provision for the Pacific Highway Upgrade at Coffs Harbour to be included for consideration in the OLC Settlement Strategy”*. It further resolved that Council and the community request both the State and Federal members to continue to lobby on the City’s behalf for an acceptable highway west of Coffs Harbour. In light of that resolution, no actual western route has been shown on the final Strategy plans. Instead, words explaining Council’s resolution for an acceptable highway west of Coffs Harbour have been included in Part 3 of the Strategy.

A number of community submissions requested that the Settlement Strategy process be halted until the final Pacific Highway upgrade route is selected and all environmental studies are completed. However, this is not considered appropriate. The Department of Planning has instructed Council to update the 1996 Urban Development Strategy and Council is acting upon that instruction. The Department further issued Council with a letter dated 11 October 2006 that stated *“it is appropriate that the preferred route be shown in the Strategy as this major infrastructure corridor needs to be considered in the future planning of the Coffs Harbour local government area”*.

Many community submissions also made the comment that the aims and objectives of the OLC Settlement Strategy cannot be achieved by construction of the RTA preferred inner bypass routes. It is agreed that the goals and objectives contained within the Strategy would be more readily achieved with a highway located to the west of Coffs Harbour. This is another reason for Council to continue to lobby on the City’s behalf for an acceptable highway west of Coffs Harbour.

Community and agency submissions have also continually raised issues about ease of traffic movements around the LGA, lack of satisfactory public transport, that city precincts are not readily accessible, and that there is significant reliance on the Pacific Highway, along with parking issues in the CBD. The lineal growth and dispersed settlement pattern of the city has resulted in many of these issues. Settlement for the next planning horizon needs to include mechanisms to address this lineal growth and dispersed settlement pattern.

Council is in the process of preparing an Integrated Transport Plan for the LGA. That strategy document will address many of the issues raised. Fundamental aims of that document will be to reduce the reliance on private vehicles and the Pacific Highway, to separate local and through traffic, and to provide a choice in transport modes. Consolidated development and timing of proposed release areas are principles of the OLC Settlement Strategy which also aim to address the dispersed settlement pattern.

Land Supply and Changes to Priority Release Dates

The OLC Settlement Strategy (Table 7) predicts that the northern beaches will not experience a shortfall in residential landstocks until the period 2021 – 2026. This is because there are already significant supplies of land in this location (for example, Moonee and Hearnes Lake). It further predicts the Coffs urban area will not experience a shortfall until the period 2016 – 2021, but that the Sawtell/Toormina area will experience a shortfall in the period 2006-2011. The South Coffs release area (LEP Amendment No 17), currently awaiting gazettal with the Department of Planning, will assist to alleviate this short-term shortage in the southern area.

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All of the land parcels exhibited within the draft OLC Settlement Strategy with less than a Priority 1 (short term) release date were requested (via public submissions) to have these priorities increased to a Priority 1. Altering the priority to a Priority 1 for each parcel would mean they would be investigated for urban development in the shortest timeframe of the Strategy. Lands at Bark Hut Road (currently proposed to be a long term urban investigation "beige" area, beyond 2031 release) were also requested for inclusion into the final Strategy with no set priority, to allow this land to be released for residential purposes in the shortest timeframe possible.

It is difficult for Council to justify increasing the priority release date for any of these land parcels based on available landstocks. Lands have been allocated their priority classification based on calculations of residential landstocks in various areas of the LGA over the life of the Strategy.

As a result of the numerous requests to increase the priority, Council sought further advice from the Department of Planning in January 2007 regarding release areas and timing. The Department has advised in writing (letter dated 7 February 2007) that Coffs Harbour LGA already has an immediate supply of zoned land to meet short and medium term demand. Council has again been advised it needs to justify demand if it wishes to reduce timeframes for greenfield development areas. In the light of the latest Departmental advice, and based on the dwelling supply, it is difficult to justify increasing the priority of these land parcels, in a manner sufficient to ensure the Department will endorse the Strategy. It is recommended that this land remain with priorities unchanged in the final Strategy.

It needs to be brought to Council's attention that the Department of Primary Industries (DPI) has raised the issue of rezoning land for residential purposes in West Coffs adjacent to Roberts Hill as a matter of concern. The Strategy shows that land around Roberts Hill as an urban investigation area with a Priority 2 release date. The DPI states that Roberts Hill is some of the best banana land in NSW and that urban development adjacent to Roberts Hill is not supported. Council awaits finalisation of the Department of Planning's Coastal Frost Free Horticulture Strategy. This will inform future decisions in the Roberts Hill locality at the time of any LES and LEP preparation. It is recommended that these lands remain in the final Strategy.

Additional Residential Development

Several submissions to the exhibited draft Strategy requested rezoning of additional lands for residential purposes at Mullaway. If adopted, this would result in a significant expansion of the Mullaway village in a southerly direction.

However, Council has received a clear directive from the Department of Planning during the preparation of the draft Strategy that development should be concentrated around the City CBD, and that the smaller coastal villages, including Mullaway, Arrawarra and Red Rock, should retain their current size and character. For this reason, a significant expansion of the Mullaway village has not been considered for inclusion in the OLC Settlement Strategy.

A total of 11 submissions were received for the NBV, again requesting that the valley be developed for residential development, and that it be given a Priority 1 for residential land uses. At this stage, NBV is classified as a "Special Investigation" (yellow) area, with a Priority 1 investigation timeframe.

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Because of the size of the “Special Investigation” areas at both NBV and also at South Woolgoolga, the Department of Planning requested that additional work be undertaken to fine-tune available area, and to work out anticipated lot yields and land supply calculations, for the agreed growth area mapping. Maps 4B and 7B of the final Strategy include the preliminary identified parts of these sites. At both the Woolgoolga and NBV locations, lands in the northern part of the yellow “Special Investigation” area are shown as possible future residential, and lands in the southern part are shown as possible industrial.

Council should note that these classifications are only preliminary at this point in time, and are subject to agreement by the Department of Planning. The Department has questioned whether the land at NBV is of sufficient size to allow development for a self-contained village. Final land uses are further subject to the findings of the NBV Structure Plan being prepared by consultants, and also to the findings of the Industrial Strategy for the entire LGA. It is recommended that both the South Woolgoolga and NBV yellow “Special Investigation” zones be retained in the final Strategy without alteration at this point in time.

Rural Residential Development

A total of 39 submissions have requested that Council include additional areas for rural residential development, at various locations around the LGA. Many of these request rural residential subdivision because their banana lands are no longer viable. Often these lands have significant constraints in terms of steepness and vegetation, and their subdivision proves difficult in terms of environmental sustainability (the Korora rural residential land release is a case in point). Council awaits finalisation of the Department’s Coastal Frost Free Horticulture Strategy. This will inform future decisions for banana lands.

The only rural residential lands shown in the draft Settlement Strategy are those already included in the 1999 Rural Residential Strategy. It is proposed that the 1999 Rural Residential Strategy will be reviewed on completion of the draft Settlement Strategy. This will allow additional landstock analysis to be undertaken for rural residential development. It will also allow Council to commence the formal process with the Department of Planning that is necessary for such a review. Consequently, no additional rural residential areas have been proposed for inclusion in the final Strategy.

There have been a number of requests from landowners in the Gaudrons Road area, some not necessarily for rural residential development and just wanting to keep the status quo of development that exists at present, others requesting rural residential development. The land would appear to comfortably fit the new LEP template for a transition zone. A rural residential land use may be the most appropriate future zone for the land, with a subdivision plan overlaying this to restrict subdivision to a minimum of (say) five hectares. This will be investigated with the review of the 1999 Rural Residential Strategy.

The beige long-term future investigation area at Bonville has been modified as a result of submissions from several landowners, along with comments raised by the Department of Planning. Originally, a number of the lands nominated in the 1999 Rural Residential Strategy at Bonville were included as possible long term urban uses (beige area) in the draft exhibited OLC Strategy. Submissions received in the vicinity of Titan Close point out that this area is some distance from the Bonville core and would be more suited to rural residential development.

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The Department has also requested Council prepare a Structure Plan for Bonville, to identify how the various land parcels would be developed over the life of the Strategy. This is now included in the Strategy as Map 8D. On further investigation, lands to the north of Bonville Creek have been removed from the "beige" long-term possible urban investigation zone (refer Map 8A). It is proposed that they revert to the classification of "investigation for urban purposes", Priority 2, for future potential investigation for rural residential development.

Industrial Development

The draft MNC Regional Strategy requires a total of 83 hectares of industrial land for the sub-region (including Bellingen and Nambucca LGAs). The Department has expressed that this is a minimum requirement. Verbal discussions with the Department when addressing industrial land targets resulted in the expression that Bellingen LGA is unlikely to contribute to this supply, Nambucca LGA is likely to contribute lands for large footprint industrial sites, and Coffs LGA is likely to provide service level and employment zone style industrial development.

The yellow "Special Investigation" areas at South Woolgoolga and NBV in the OLC Settlement Strategy identify a total of 98 hectares which could be possibly used for industrial purposes. It is considered identifying them as general special investigation areas is sufficient to satisfy the requirements of the draft MNC Regional Strategy.

Agricultural Lands

Submissions from the NSW Department of Primary Industries (DPI), the Department of Planning, and the Department of Environment and Climate Change (DECC) have all raised issues with future land uses in NBV and Bonville. Both areas are considered good land resources for primary industries as identified by the draft Farmland Mapping Project. DPI do not support including NBV as a "Special Investigation" area.

The Department of Planning's Farmland Mapping Project is soon to be exhibited. Preliminary discussions with the Department indicate that the draft Strategy is generally in keeping with the Farmland Mapping Project. Bonville and NBV are both areas that were originally identified in Council's 1996 Urban Development Strategy and 1999 Rural Residential Strategy. These are both approved strategies by the Department of Planning. It is expected the Farmland Mapping Project will recognise that whilst lands in Bonville and NBV contain small pockets of Regionally Significant Farmland, because approved planning strategies exist for these lands, Council can continue to plan for the future uses of these lands for urban and rural residential purposes.

Servicing

A total of eight submissions have requested that the servicing constraint of the 55 metre contour line for development areas in proximity to Coffs Harbour be lifted. Council's engineers have advised the parameters for the overall Coffs Harbour area were set by the 55 metre AHD contour, which provides a significant constraint to development. Lands higher than this are unable to be serviced with reticulated water, without significant and costly upgrades. Upgrades are not included in Council's current servicing program.

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It should be noted that the 55 metre height is based on existing infrastructure however some catchments may be able to service higher levels and will be assessed when detailed planning is undertaken. This would be at the LES stage and would result in confirmation of the final appropriate zoning boundaries for each release area. Servicing will be one of many matters raised during the investigations to prepare an LES and draft LEP for each urban release locality. It is recommended no alterations be made to maps in this regard.

Implementation Date / Priority:

Once Council's resolution adopts the OLC Settlement Strategy, Council can then lobby the Department of Planning for them to endorse the Strategy. It is hoped that endorsement of the OLC Settlement Strategy by the Department will occur concurrently with the finalisation of their MNC Regional Strategy. Council officers will lobby with the Department that this be the case, rather than waiting for the final publication of the MNC Regional Strategy.

Recommendation:

- 1. That Council note the matters raised in the public submissions received in response to the community engagement process for the draft Our Living City Settlement Strategy.**
- 2. That Council endorse the Our Living City Settlement Strategy.**
- 3. That Council endorse the adoption of priority release dates for urban investigation areas as exhibited in the draft Our Living City Settlement Strategy, without further alteration.**
- 4. That Council lobby the Department of Planning to allow for endorsement of the Our Living City Settlement Strategy whilst the Department is finalising their Mid North Coast Regional Strategy.**

**FEEDBACK FROM EXHIBITION OF
DRAFT OUR LIVING CITY SETTLEMENT STRATEGY**

KEY ISSUES – GOVERNMENT SUBMISSIONS

Roads & Traffic Authority (2 letters)

- Model road network to determine infrastructure requirements.
- Consider noise and vibration issues from new highway.
- Consolidate development to reduce travel and infrastructure costs.
- Locate community facilities for easy access to public transport.
- Council's parking code needs to be resolved.
- Planning for community facilities should be located well away from arterial roads.

NSW Department of Primary Industries

- OLC Strategy needs to be in keeping with Farmland Mapping project.
- Some of the proposed investigation areas may conflict with extractive industry resources (e.g. NBV, Bonville) and horticultural resources (e.g. South Woolgoolga, North Coffs, West Coffs, NBV).
- Particular concern over NBV – good land resource for primary industries – not supported for inclusion in the Strategy.
- Prefer concept of defined village at Bonville, but defined urban investigation area in draft Strategy may be too large.
- Support managed urban growth around Coramba.

NSW Department of Planning (2 letters)

- Appropriate that Pacific Highway preferred RTA upgrade route be shown in the Strategy.
 - Supports infill and consolidation east of highway, only supports western development when created as self-contained village.
 - Supports compact city, with infill development.
 - Strategy requires adjustment to indicate target densities for infill and greenfield areas – delay release of greenfields to allow more infill development to occur first.
 - Clarify whether possible future investigation areas and special investigation areas form part of land needs to 2031.
 - Two short-term Bonville parcels (i.e. BIG Resort) are inconsistent with Department of Planning advice for settlement west of highway. Strategy needs to show how these form logical components of the ultimate village development at Bonville.
 - NBV – if planning a self-contained village isn't possible, then consider expanding industrial lands into the valley.
 - Rural residential land issues – decide whether DG Clause 20 of NCREP approval is sought or whether to update 1999 Rural Residential Strategy.
 - Consider farmland-mapping issues when maps become available.
 - Coffs LGA already has an immediate supply of zoned land to meet short and medium term demand.
 - Council needs to justify demand if it wishes to reduce timeframes for greenfield development areas.
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Marine Parks Authority

- Incorporate predicted climate change into planning documents (sea level rise up to 0.88m over next 100 years).
- Map SIMP in Strategy, and provide non-developable buffers to SIMP (50-100m from the predicted 100 year sea level).
- Protect wetlands south of Corindi Beach.
- Protect Arrawarra Headland.
- Protect saltmarsh & wetland areas of Corindi River system.
- Improve operation of sewerage pump stations.

Department of Environment & Conservation

- Principles of compact city model have not been reflected in proposed investigation areas – should encourage infill development before greenfields development.
- Strategic actions would be strengthened if included implementation of actions and lists of responsible persons.
- While steep lands generally not appropriate for housing, some areas of cleared crests and valleys present further options for dense village style housing (e.g. West Korora Road).
- Need to put more emphasis on environmental sustainability matters in overall strategy.
- Areas identified for growth are supported provided that proper assessment occurs to protect environment and heritage issues.
- Areas of Bonville marked for short-term development (i.e. BIG Resort) not supported. Should occur after infill in Coffs, Sawtell and Toormina.
- Emphasis on expanding Coffs, Korora and Woolgoolga's populations before Moonee's.
- Development in Arrawarra needs to avoid high conservation significance areas – protect creek vegetation.
- Development zones should not extend all way up to highway – incorporate a buffer.
- Vary development areas on Map 8A to avoid lots containing high value vegetation.

NSW Department of Housing

- Wants to maintain and improve the development potential of its assets to meet housing needs, and also to promote housing affordability more generally.
 - Has undertaken an extensive review of its housing resources in the Coffs Harbour LGA. Several Department sites were identified for potential rezoning. The Settlement Strategy should allow for future rezonings of these lands.
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KEY ISSUES – PRIVATE SUBMISSIONS

ISSUE	NO. SUBS.
1 Pacific Highway upgrade	
• Want far western bypass – not inner bypass	623
• Aims / objectives of draft can't work with inner bypass	54
• Remove Strategy and/or inner bypass from Strategy	22
2 Supply and Demand Issues	
A. Increase land to Priority 1	
• Various areas	13
B. Add residential lands	
• North Boambee Valley	11
• Mullaway	5
C. Add rural residential lands	
• Gaudrons Road / The Mountain Way	16
• Convert banana lands to rural residential various locations	8
• Various other locations	15
D. Other	
• Solve use issues at Bakker Drive Park (access, uses, fence)	11
• 55m AHD zoning constraint around Coffs should be lifted	8
• Preserve green backdrop to city – urgent	6
• No residential development at Bonville	5
• Better investigate Hearnese Lake for development areas	5
• Consolidate development around city centres (i.e. compact)	5
• Better urban design necessary in whole LGA	5
• Keep Gaudrons Road transition zone or protected against development	4
• Increase densities of use (West High Street for residential; CBD fringe with mixed uses; special investigation area at Richmond Drive for residential; Department of Housing land in Bray and High Streets for residential)	4
• Issues with infill development (oppose high density Jetty, Sawtell)	3
• Use North Boambee Valley for industrial development	2
• Need for village core at Korora	1
• Provide industrial land at Bonville	1
• Provide industrial land at Hulberts Road	1
• Parking in CBD is issue	1
• Extend business zone at Woolgoolga	1
• Create business park near Park Beach (York Street)	1
• Avoid extending Mullaway	1
• Use only Englands Road part of NBV for industrial	1

This summary table documents those submissions relating to specific parcels of land and/or urban investigation areas, as well as Pacific Highway issues. Other requests for alterations or additions to Part 2 Strategic Directions are not summarised in this table.

LUHD27 COFFS HARBOUR CENTRAL BUSINESS DISTRICT DEVELOPMENT CONTROL PLAN REVIEW

Purpose:

This report outlines the review of the City Centre Development Control Plan (DCP) covering business zoned land in Coffs Harbour Central Business District (CBD) and the area covered by the special business rate. The review considers options for amending the City Centre DCP, components of the Off-Street Car Parking DCP and the Coffs Harbour City Centre Car Parking Developer Contributions Plan.

Note: *No change is required to the current Business Lands DCP.*

Background:

On 24 June 2000 Council's City Centre DCP came into force. This document established:

- controls and procedures for gaining approval to undertake development in the CBD; and
- a masterplan with general guidelines applying to all public and private lands within the CBD.

The DCP was a component of the Local Environmental Plan 2000 process which changed the permissibility of uses in various zones to assist with the revitalisation of the CBD.

The DCP placed specific controls on building design, car parking, access and building heights.

Feedback from developers, and Council's own experience in considering development, has raised questions as to whether the CBD DCP is allowing the achievement of appropriate development. The general feedback is that the DCP is too restrictive.

A brief was issued, in late 2005, to attract consultants to carry out a review of the CBD DCP and the Woolgoolga Business Lands. When this process failed to attract suitable responses from consultants the brief was reissued in early 2006. Consultants were appointed to prepare two reports, one on the Woolgoolga Business Lands Review and the other on the CBD DCP. In accordance with Council's resolution of 2 November 2006, the Woolgoolga document was put on public exhibition from December 2006 until 31 January 2007. A report on this subject progressed to Council's 10 May 2007 meeting.

The CBD DCP review process involved a workshop/presentation of the consultant's findings to the Councillors in November 2006.

Description of Item:

In order to facilitate the development of an overall planning strategy for the CBD, a review of key issues contained within the DCP is required to assess specific matters in the locality and provide recommendations that will enable appropriate urban form, amenity and business opportunities to be developed over time.

Cont'd

Peer Review:

After the Councillor's briefing in November, Council requested a peer review and a critical analysis of the draft CBD documents. In particular, Council sought a peer review and assessment of:

- the proposed eight storey height limit;
- mandatory consolidation of allotments to achieve densities;
- allowing only 20% of site to be the high rise component; i.e. three (3) storey podium and then setback and five storey; and
- Two storey below ground car parking.

A new Consultant was engaged to undertake the peer review.

Sustainability Assessment:

The aims and objectives of the LEP are categorised under economic, social and environmental sustainability principles. The Review of City Centre DCP has addressed the following points regarding sustainability:

- **Environment**

The review seeks to explore opportunities for more appropriate planning provisions and development controls to encourage both orderly and sustainable use of existing business zoned land in the CBD, without encouraging further fragmentation of commercial uses to other non-commercial zoned land in the locality.

- **Social**

Social sustainability will be addressed by improving retail competition and greater accessibility to commercial services for residents and visitors, particularly lower income households in the Local Government Area. Enabling future commercial/retail development in the CBD will have positive employment outcomes during their construction and long-term operation.

- **Economic**

The implementation of timely amendments to the City Centre DCP will assist in achieving economic sustainability through consolidated business centre infrastructure and energy savings.

Broader Economic Implications

- Promoting the timely redevelopment of existing serviced land with good access to infrastructure and services;
- Enhancing the function of the City Centre as the primary commercial centre in the hierarchy of urban settlements within Coffs Harbour and within the Region;
- Maximising the capability of the locality to provide a range of commercial and retail services for residents and visitors;
- Improving area amenity to promote economic growth by increasing community activities, facilities and investment; and
- Generating of employment opportunities through construction and the ongoing provision of services and facilities.

Cont'd

Management Plan Implications

The planning review of the City Centre DCP is included in Council's current Management Plan and the adopted Land Use Planning Program 2006-2007.

Consultation:

The consultants have held discussions with Councillors and planning staff and stakeholder groups. To ensure additional feedback is achieved, it is the recommendation of this report to place the associated amended DCPs and Contributions Plan on public exhibition and liaise with the relevant stakeholder groups (Chamber of Commerce, UDIA etc)

Related Policy and / or Precedents:

It is appropriate that Council review its prevailing DCPs on a regular (5 yearly) basis. As a component of the Standard Template LEP process an across the board review of all DCPS is to be achieved by March 2011.

Statutory Requirements:

The Draft DCP's have been prepared in accordance with the Environmental Planning and Assessment Act 1979 (and Regulations) and is required to be consistent with relevant State Environmental Planning Policies, the North Coast Regional Environmental Plan 1988, Ministerial Directions and the New South Wales Coastal Policy.

The Department of Planning's recently exhibited Draft Mid North Coast Regional Strategy also needs to be considered when preparing a draft DCP.

Issues:

- **Height**

The existing height restrictions of three stories within the town centre and six stories on the western side of Pacific Highway are perceived as limiting growth/investment and prohibiting intensification of land use and encouraging development on the fringe.

There is a 'general agreement' from stakeholders that lifting height restrictions and introducing more flexible parking conditions would provide greater incentives for re-development.

The existing mid-rise tower buildings are the primary features distinguishing the CBD for adjoining residential areas. The four eight storey towers generally match in height with adjoining Eucalyptus stands, as they are in scale with the setting, suggesting an appropriate scale threshold for future development.

- **Initial Feedback from Consultant**

The original DCP consultants considered that a maximum building height of eight stories is reasonable as the existing four, eight storey 'tower' buildings provide precedent in this regard, and this overall CBD height would sit comfortably within and be integrated into the overall coastal setting.

Cont'd

The initial review stated that building heights should generally rise towards the centre of the CBD to establish a legible city form, and to allow the edges of the CBD to grow organically out of, and be in scale with, adjacent one and two storey residential precincts and open space reserves.

The eight-storey height envelope should focus along two axes; the West High Street/ Harbour Drive Axis and the Gordon Street Axis. The West High Street/Harbour Drive Axis reinforces the existing centre of the CBD and straddles the Pacific Highway, helping to unite the east and west sectors of the CBD. Properties along the Gordon Street Axis are seen as having development potential, with good access and larger lot sizes, relatively unconstrained by current low scale development.

The consultants proposed a three-storey height, built to street frontage and then a step back to a maximum of eight storeys.

The consultants went on to advise that, if supported by the community, taller tower development could be considered at the centre of the CBD to establish the Coffs Harbour CBD as a landmark on the coastal plan. The quality of architectural expression, wind effects and overshadowing issues would need to be carefully considered.

The existing low scale development in Albany Street has been protected as a successful streetscape of professional and medical suite uses, suited to a Small Office Home Office (SOHO) or Shop Top Housing approach.

- **Peer Review Feedback**

The Peer Review suggests that Council allow taller development on a higher-level merit based assessment.

The consultant's suggestion of stepped development, e.g. three-storey height, built to street frontage and then a step back to a maximum of eight storeys, was not accepted.

Merit based development could involve the formation of a design review panel. Such a panel would likely to comprise of architects, urban designers, etc. The cost of which is likely to be in the order of \$10,000 to \$20,000 per merit based assessment. Though this would of course depend on the nature and scale of the proposed development. These additional costs could be met from increased development application income received as a result of higher density development. The merits of this approach require further consideration, however in the interim it is suggested that in house assessment be carried out on any proposals received.

- **Car Parking**

It is generally acknowledged that car parking will become an issue over time in association with major redevelopment of sites within the CBD.

Car parking requirements are perceived as being too restrictive, requiring developers to purchase extra land for car parking purposes.

Cont'd

- **Consultant Feedback**

The DCP Review adopts the assumptions made in “Our Living City” Settlement Strategy relating to shop-top housing.

The assumption in the “Our Living City” Settlement Strategy: Higher Density Housing around and within the City Centre will promote urban consolidation and revitalise the City Centre.

The initial CBD DCP review document suggests the following strategies:

- (i) To promote underground car parking, especially in the central CBD where higher numbers of stories are permitted and active retail frontages are required.
- (ii) To allow new commercial, retail and residential development in the CBD to continue to pay a Car Parking Contribution to Council up to a maximum of 50% of the overall demand.
- (iii) For commercial and retail development in the CBD, with greater than two levels of basement parking required, if developers pay the full cost of providing the spaces the additional spaces may be provided by Council off-site.

- **Council’s Car Parking Committee**

Council’s Car Parking Committee has considered the options to provide additional parking including an additional multi level parking station around the periphery of the CBD. A proposed multi level car parking station in Moonee Street will assist in providing convenient public car parking west of the Pacific Highway to facilitate redevelopment of the CBD.

Allowing more cars to be parked in the periphery of the CBD would reduce traffic congestion and assist in Council becoming a healthier city by encouraging people to walk.

The distances from the existing and proposed multi level car parking stations mean that public car parking will be available within 400 metres of all parts of the CBD.

- **Peer Review**

The Peer Review endorsed the proposal of additional car parking including an additional multi-level car parking station around the periphery of the CBD.

- **On-site/Off-site Car Parking**

The question of the ratio of on-site versus off-site car parking has been considered with input from the Committee, the consultants and the Peer Review team. The proposed situation incorporated into the Draft DCP’s is:

- (i) All car parking associated with residential development is to be provided on site.
- (ii) No pro rata provision to pay for a percentage of car spaces, via the Draft Contributions Plan, to facilitate commercial or retail development is proposed, i.e. the provision rates established in the Car Parking DCP must be met via on-site; off-site (and payment of appropriate contributions) or a combination of the two. This means the current 50% on site policy will be removed.

Cont’d

(iii) The boundary of the City Centre precinct has been adjusted to agree with the area subject to the special business rate, and the draft City Centre Car Parking Developer Contributions Plan.

- **Leasing of Car Parking Spaces on a Permanent Basis**

It has been suggested that leasing of car parking spaces may be a way of generating income. Spaces within buildings that are totally secure rent for between \$80 and \$90 per month.

Making a section of an existing multi storey car park totally secure can be an expensive exercise. For example if the 56 spaces in the multi storey car park presently leased to the Ex Services Club were to be secured for leasing purposes, it would cost approximately \$50,000. Assuming a rental of \$85 pcm and a 60% occupancy the nett return would be about \$12,000 per annum (four years to recover the capital outlay). This assumes annual operating costs of \$22,000.

If a section of a new multi storey car park was specifically designed for private letting, security costs would be less, but nett return on outlay would be about 2% at 100% occupancy.

The demand for a large amount of exclusive car parking is unknown. Therefore if Council was to contemplate the private leasing of spaces, it is recommended that only a small number be trialled (say 10 to 20), and that lockup/lockdown steel parking access barriers be installed at the front of the spaces, at a cost of about \$600 each. Such devices do not provide total security as persons can still access vehicles. At a rental of \$50 per month the capital cost would be recouped in one year. If the demand warranted, numbers could easily be increased.

- **Urban Design**

The Peer Review Team consider the best approach is to put in place a “vision” for the CBD and then assess each proposal on its merits.

The vision for the CBD would be undertaken as part of a review of the CBD Masterplan as a component for the Standard LEP template.

- **Consolidation**

The Peer Review Team suggest this is a process to be determined by the market.

Section 94 Developer Contributions Plan

In order to facilitate appropriate multi level public car parking stations located on the periphery of the CBD, a revised Section 94 Developer Contributions Plan has been prepared.

The Contributions Plan is based on some important principles being enacted:

- (i) The sale of 218 Harbour Drive. This is required to assist with the funding of the community component of the plan (i.e. the money Council must put in for existing parking spaces). This site needs to be sold for the Contributions Plan to work.
- (ii) The sale of this land would be offset by the development of car parking within the boundary of Brelsford Park and Harbour Drive.

Cont'd

**LUHD27 Coffs Harbour Central Business District Development Control Plan Review
...(Cont'd)**

- (iii) The area, the subject of the contribution plan is the area subject to the special business rate applied. This area is shown on the following diagram.



- (iv) The Contributions Plan has a duration of 15 years.
- (v) A recent survey of existing car parking spaces available, within the nominated CBD area, reveals that the current supply meets the current demand.

The draft Contributions Plan is attached and establishes a contribution of \$23,570 per car space.

Cont'd

LUHD27 Coffs Harbour Central Business District Development Control Plan Review ...(Cont'd)

Outcomes:

Several meetings with the Peer Review Team have progressed and the direction from these meetings has been that Council:

1. Only make minimal changes to DCP related to height to clarify interpretation of existing height controls. Back up these changes with a change in procedure to assessment i.e. facilitate a higher level merit based assessment, design review panel who can make assessment against well defined urban design principles, Council could consider a 3D model that they could test proposals in.
2. Utilise DCP review work a starting point to develop real actions to grow the town centre in what ever way is considered appropriate in light of needs and aspirations i.e. a well considered vision.
3. A democratic and transparent development control plan doesn't need to result in all buildings being the same height and size. Council needs to shift to a merit based system of assessment based on designs which are responsive to the specifics of the place and time.

The peer review also determined that the City Centre review needed to be more holistic and consider the future of the CBD in regard to Council's overall strategic direction. This would involve a review of the CBD Masterplan prepared as part of the Mall reopening process.

Proposed Changes to the City Centre DCP:

Area	Control	Existing DCP	Proposed DCP
Precinct 1	Height	<ul style="list-style-type: none"> • 3 storeys 	Max. 8 storey –an eight-storey focus along Harbour Drive and western side of Gordon Street can develop lower development typically of two or three storey height will front the Little Street area.
	Building Setbacks	<ul style="list-style-type: none"> • 0 metre setbacks 	Retain setbacks
	Building Design	<ul style="list-style-type: none"> • Provision of awnings/ extension of awnings 	Retain Building Design
Precinct 2	Height	<ul style="list-style-type: none"> • 3 storeys 	Max. 8 storey – Taller development will adjoin Vernon Street from Grafton to Gordon Streets. The northern edge, Coff Street, will step down to the park. The Duke Street Bridge will be typically two to three storeys in height.
	Building Setbacks	<ul style="list-style-type: none"> • Duke Street – 4m • Gordon Street – 4m • Vernon Street – 0m • Coff Street – 4m • Castle Street – 6m • Riding Lane – 0m • Little Street – 0.3m 	Retain
	Building Design	<ul style="list-style-type: none"> • Provide awnings • Buildings to have 10% landscaping in Gordon, Duke, Coff and Castle Streets 	Retain

Cont'd

**LUHD27 Coffs Harbour Central Business District Development Control Plan Review
...(Cont'd)**

Area	Control	Existing DCP	Proposed DCP
Precinct 3	Height	<ul style="list-style-type: none"> • 2 and 3 storeys 	<p>Areas adjacent Earl Street to be two to three storeys.</p> <p>Adjacent Gordon Street up to eight storeys.</p>
	Building Setbacks	<ul style="list-style-type: none"> • 0 metre setbacks 	Retain
	Building Design	<ul style="list-style-type: none"> • Provision of awnings • Buildings to have 10% landscaping 	Retain
Precinct 4	Height	<ul style="list-style-type: none"> • 2 and 3 storeys 	Max. 8 storey – Redevelopment is to provide a transition from the adjoining residential area to the heart of the CBD. Albany Street and Earl Street to be typically two to three storeys stepping up to Park Avenue.
	Building Setbacks	<p><i>Front Building Setbacks</i></p> <ul style="list-style-type: none"> • Albany Street – 6m • Park Avenue – 0m • Earl Street – 4m • Gordon Street – 4m <p><i>Side Building Setbacks</i></p> <ul style="list-style-type: none"> • Albany Street – 1m 	Retain
	Building Design	<ul style="list-style-type: none"> • Residential in character • Domestic elements • Avoid flat roofs • Provide awnings 	Retain
Precinct 5	Height	<ul style="list-style-type: none"> • 3 storeys – West High, Scarba and Moonee Street areas • 6 storeys – Moonee Street, east side Elbow Street • 3 storeys Grafton Street 	Max. 8 storey – The Murdock Street area is to generally be a transition from residential to business. Typically redevelopment here would be two to three storeys in height. The eastern (Grafton Street), Southern and Northern points of this precinct will achieve taller development up to eight storeys in height.
	Building Setbacks	<ul style="list-style-type: none"> • Pacific Highway – 4m (between Coff Street and Creek) • Pacific Highway – 0m (between High and Elbow Streets) • Scarba Street – 4m • Murdock Street – 4m • West High Street – 0m (between Pacific Highway and Moonee Street) • West High Street – 4m (between Moonee and Murdock Streets) • Elbow Street – 4m 	Retain
	Building Design	<ul style="list-style-type: none"> • Provision of awnings • Avoid flat roofs 	Retain

Cont'd

**LUHD27 Coffs Harbour Central Business District Development Control Plan Review
...(Cont'd)**

Area	Control	Existing DCP	Proposed DCP
Precinct 6	Height	<ul style="list-style-type: none"> • 2 storeys – Lyster Street (western side) • 2-6 storey – Lyster to Moonee Street • 3-6 storey – Grafton/Moonee Streets 	Max. 8 storey – Where this precinct adjoins residentially zoned land it will create transition from residential use to business use. Typically the residential edge would be two to three storeys stepping up to taller development adjacent West High and Grafton Streets.
	Building Setbacks	<ul style="list-style-type: none"> • Moonee Street – 1m • Pacific Highway – 0m • Lyster Street – 4m • West High Street – 0m (between Moonee and Lyster Streets) • West High Street – 4m (west of Lyster Street) 	Retain
	Building Design	<ul style="list-style-type: none"> • Provide transition between residential and business • Avoid flat roofs 	Retain
All Precincts	Car Parking	<ul style="list-style-type: none"> • 50% on site • 50% off site allowed 	<p>i. All car parking associated with residential development is to be provided on site.</p> <p>ii. No pro rata provision to pay for a percentage of car spaces, via the Draft Contributions Plan, to facilitate commercial or retail development is proposed, i.e. the provision rates established in the Car Parking DCP must be met via on-site; off-site (and payment of appropriate contributions) or a combination of the two. This means the current 50% on site policy will be removed.</p>
All Precincts	Densities/FSR <i>Note: These are established in the Business Lands DCP)</i>	None apply to 3A zone	No change

Implementation Date / Priority:

The Draft Coffs Harbour City Centre Development Control Plan is to be exhibited as soon as practicable.

Cont'd

Implications/Impacts:

The proposed changes to the CBD DCP (and associated DCPs and Contributions Plan) will enable a more flexible approach to consideration of proposed development within the CBD.

It is anticipated that changes will allow development to occur that has previously been discouraged by a more prescriptive DCP.

Recommendation:

- 1. That Council note the findings of the Review of the Coffs Harbour City Centre Development Control Plan.**
- 2. That Council adopt the Draft Coffs Harbour City Centre Development Control Plan, Off Street Car Parking Development Control Plan and the Draft Coffs Harbour City Centre Car Parking Developer Contributions Plan 2007.**
- 3. That Council, in accordance with the Environmental Planning and Assessment Act 1979, publicly exhibit the Draft Coffs Harbour City Centre Development Control Plan, Off Street Car Parking Development Control Plan and Draft Coffs Harbour City Centre Car Parking Developer Contributions Plan 2007 for a period of 28 days.**
- 4. That whilst the Draft Plans are on public exhibition, CHCC staff liaise with landowners, the Coffs Harbour Chamber of Commerce and the UDIA.**
- 5. That Council note the proposed Contributions Plan is dependent upon the sale of 218 Harbour Drive and that \$900,000 from that sale be allocated to the proposed works in the Developer Contributions Plan.**

Purpose:

To provide a complete review of the Coffs Harbour City Off-Street Car Parking Development Control Plan (DCP) with particular emphasis on car parking requirements for residential development less than 100m² Gross Floor Area (GFA) and car parking provisions for medical centres.

Background:

At the City Services Committee meeting of 17 February 2005, Council resolved as follows:

“That a report be prepared on the feasibility of Council requiring all DCP’s in existence to show that residential accommodation less than 100m² require two parking spaces.”

Prior to LEP 2000 and supporting DCPs for residential projects, the following off-street car parking requirements applied to developments:

- **Dwellings, including dual occupancies**

“One space per dwelling, behind the building line plus one stacked space per dwelling.”

- **Townhouses, units, villas, apartments**

“One space per unit and one visitor space per four units.”

Controls for multi unit housing were amended following the gazettal of LEP 2000 to:

- ≤ 100m² GFA – one space
- > 100m² GFA – two spaces
- no on-site requirement for visitor car parking.

The change to controls for multi unit housing car parking emanated from numerous applications for large units proposed with only one car space per unit (plus the 1:4 visitor space) leading to an under supply of the on-site spaces for the larger units. Secondly, visitor spaces were often located remote from the street entry and often used by residents as “make up” spaces. The change was responsive in that car space requirements were triggered to the floor area of multi unit housing, hence to occupancy levels and thus to vehicle demands.

At the Land Use, Health and Development Committee meeting of 14 December 2006, Council resolved as follows with respect to this matter:

“That a report be brought back to Council taking into consideration the concerns raised in the meeting and the concerns addressed in more detail by July 2007.”

However, subsequent to the above resolution, Council at the Land Use, Health and Development Committee of 10 May 2007, resolved as follows with respect to the Off-Street Car Parking DCP:

“Council receive for the meeting of 5 July 2007, instead of a review of the residential component of the Coffs Harbour City Council Off-Street Car Parking DCP, a complete review of the Coffs Harbour City Council Off-Street Car Parking DCP.”

Cont’d

Description of Item:

Over the past six months, issues related to the Off-Street Car Parking DCP can be summarized into the following categories:

- car parking requirements for dwellings less than 100m² GFA;
- car parking requirements for medical practitioners/professional consulting rooms;
- the incorporation of Jetty Area Car Parking requirements into the Off-Street Car Parking DCP;
- minor changes to the Off-Street Car Parking DCP in order to standardise it with Council's other DCPs and ultimately make it more user friendly; and
- minor amendment to the car parking provision in the High Density Housing DCP.

Each of the matters listed above will be addressed in detail in the "Issues" section of this report.

Sustainability Assessment:

- **Environment**

One of the adverse environmental impacts of requiring more car spaces is that it may encourage an increase in car ownership which will in turn impact on the levels of air and noise pollution in a particular area. This statement is supported by the Australian Bureau of Statistics (ABS) data on trends in car ownership. There was a 9.1% increase in car ownership from the 1996 to 2001 Census periods (from 21,679 in 1996 to 23,655 in 2001).

Another adverse impact of providing more car spaces in development proposals is increased levels of site disturbance and possibly more hard surfaces.

No other detrimental environmental impacts are envisaged as a result of amending the Off-Street Car Parking DCP.

- **Social**

In recent years, Council has endeavoured to encourage affordable housing projects in the Local Government Area (LGA) to provide another option for housing choice for its residents. To require two parking spaces for each residential unit less than 100m² in GFA may result in a reduction in the number of smaller units constructed and therefore, a reduction in the supply of housing available to those in lower socio-economic brackets within the community. This lack of supply may then lead to an artificial increase in the price of smaller units and render them unaffordable to that part of the community for which they were designed.

A community survey was undertaken of 10 sites within the LGA (this included blocks of units of varying bedroom numbers in the Jetty Area, Park Beach, Woolgoolga and Sawtell) to ascertain whether residents considered that adequate on-site car parking had been provided within the development and whether these parking spaces were being utilized. Although only a 23% response rate was achieved, the survey revealed that all on-site car parking spaces were used by the owners/occupiers of the unit/townhouse or their visitors on a daily basis and the respondent considered this to be adequate.

The proposed amendment to the medical practitioners provision in the subject DCP can be considered as a positive response to facilitating improved health services for the City.

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- **Economic**

Additional car parking requirements will result in higher development costs which may have adverse economic impacts on this part of the development industry.

Consultation with developers and real estate agents has indicated that requiring residential developments of 100m² GFA or less to provide two car parking spaces will result in higher costs per unit (\$50,000 - \$60,000 per unit); less dwellings per site; reduced private open space; reductions in profit margins to developers will result in less incentive to invest in the Coffs Harbour LGA; lower building approvals resulting in higher rental prices; and ultimately less Council contributions collected.

By including the same provisions in the Car Parking DCP for medical practitioners as other professional service providers, this will improve economic equity for this section of the workforce.

Broader Economic Implications

Broader economic sustainability is addressed by:

- Improved amenity and the availability of suitable parking within the area which will ultimately promote economic growth by increasing community activities/facilities and maintaining residential rental prices at affordable levels; and
- Employment opportunities are likely to be created as commercial opportunities increase in the City Centre and the Jetty Area.

Management Plan Implications

There are no implications to Council's Management Plan.

Consultation:

A Project Team comprising of members from the three Departments within Council has been overseeing the progression and direction of the subject review. In addition, members of Council's Technical Liaison Committee have reviewed the entire Off-Street Car Parking DCP and have recommended changes that are deemed appropriate for the relevant users of the document. In accordance with statutory requirements, any proposed amendments to the Off Street Car Parking DCP will need to be publicly exhibited for at least 28 days.

Related Policy and / or Precedents:

This review is being undertaken in accordance with Council's resolutions of 17 February 2005, 7 September 2006, 14 December 2006 and 10 May 2007.

Statutory Requirements:

Any proposed amendments to Council's Off-Street Car Parking DCP or any other DCP will need to be prepared in accordance with the provisions outlined in the Environmental Planning and Assessment Act, 1979 and associated Regulations.

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Issues:

• **Car Parking Requirements for Dwellings**

Providing car parking for new housing development that meets appropriate criteria for good design can be a challenge for landowners and/or developers. There is often the requirement for the provision of on-site parking for visitors, as there may be limited frontage to a public street where on-street parking might be available. There is also a widespread perception that any impact of a proposed development should be contained within the site and that residential streets be kept free of parked cars.

There are three main aspects associated with the provision of car parking:

- **Quantity of Parking**
 - Visitor
 - Resident
- **Location of Parking**
 - Accessibility
 - Covered/uncovered
 - Security
- **Design Factors**
 - Dimensions
 - Screening
 - Visual appearance of structures.

In addition, different land uses have different car parking requirements. For example, residential developments require on-site parking whereas commercial developments usually require both staff and visitor car parking on-site.

Council's Off-Street Car Parking DCP contains the following provisions for car parking:

- Small ($\leq 100\text{m}^2$ GFA) – two bedrooms : one space (behind building line)
- Large ($> 100\text{m}^2$ GFA) – three bedrooms : two spaces (at least one space behind building line).

The GFA is the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level excluding verandahs, all parking areas, storage sheds, etc.

Car parking rates vary from Council to Council and are based on factors such as the number of bedrooms, size of dwelling, site area or simply numbers of dwellings. Attachment 1 provides a comparison of car parking requirements for residential development in other LGAs. As can be seen from Attachment 1, some LGAs make provision for visitor car parking e.g. Nambucca, Hastings and Ballina Shire Councils whereas other don't e.g. Coffs Harbour City and Greater Taree.

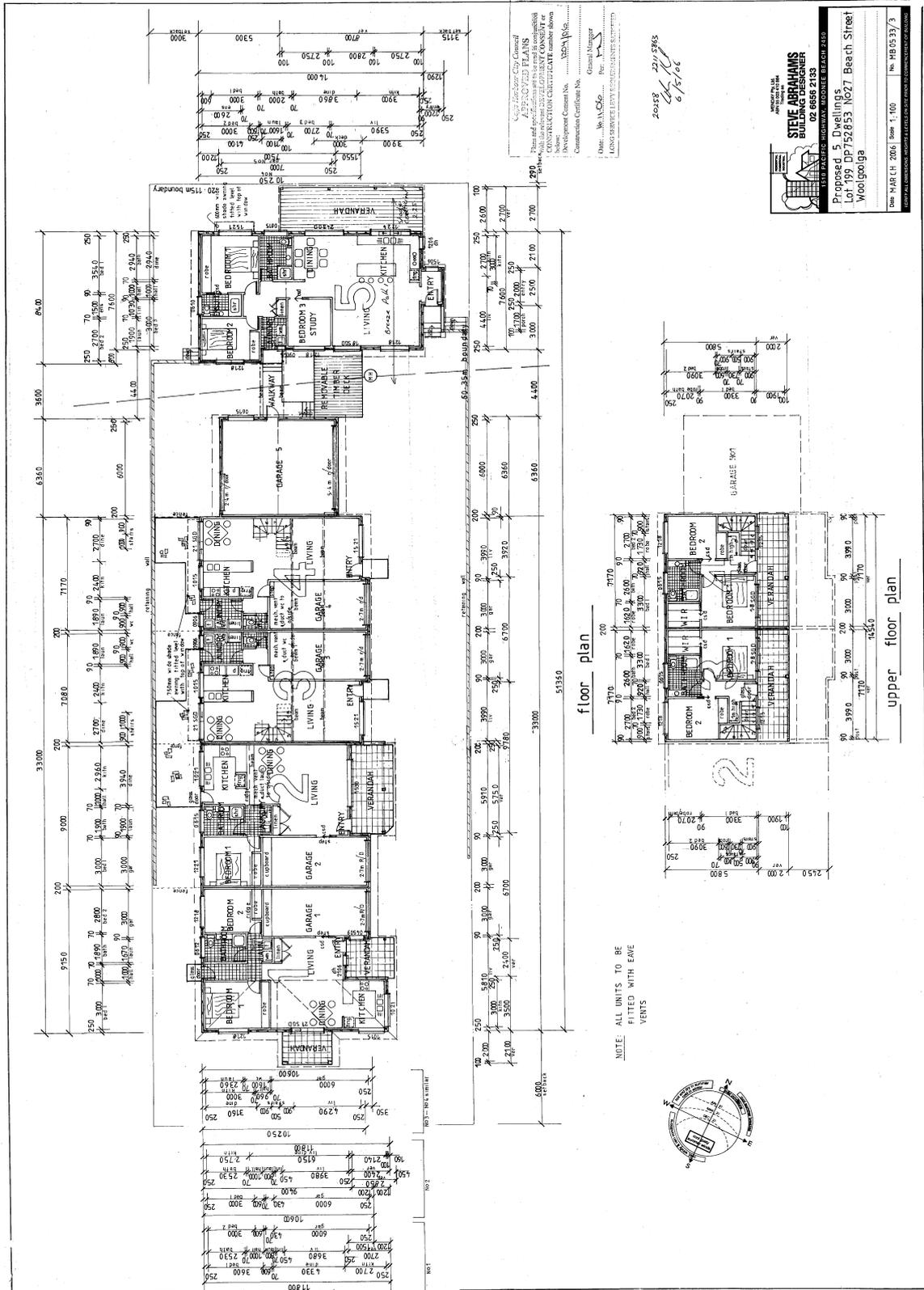
An Example: Development Application 1204/06 (Multi-Unit Housing (five units) and Strata Subdivision) at Lot 199, DP752853, 27 Beach Street, Woolgoolga.

This approved development is for four small dwellings providing one car parking space each and one large dwelling making provision for two car parking spaces. The proposal complies with Council's Off-Street Car Parking DCP with easy access to the garages and good manoeuvrability within the development itself. Ease of use of car parking spaces on-site ensures that they are actually used by the residents as opposed to parking on the street.

Cont'd

LUHD28 Review of Off-Street Car Parking Development Control Plan...(Cont'd)

The small dwellings comprise one and two bedrooms and the one large dwelling comprises three bedrooms. The following diagram shows the floor area of the subject development.



Cont'd

The provisions of the Off-Street Car Parking DCP are generally derived from Section 5 of the RTA's "*Guide to Traffic Generating Developments*". The Guide outlines similar land use categories to those described in the DCP. With regard to multi-dwelling residential developments, the Guide requires a certain number of parking spaces per dwelling.

The DCP has refined these guidelines and parking requirements are based on the size of the dwellings concerned. In multi-unit housing developments, there is now no specific requirement for visitor allocated car parking, as it is considered that visitor parking has historically been underutilised (visitors tend to park on-street) and visitor parking areas can become so called 'storage' areas for permanent residents of the building. For large dwellings (> 100m² in area), two car parking spaces per dwelling are required. It should be noted that on-street parking is acceptable in circumstances where a street width allows for such parking.

In most areas where unit development is permissible, visitor parking is available on the street frontage and generally this is adequate. It is recognized that a problem exists where no visitor parking is available on the street frontage, such as in Jarrett Street in the Jetty Area and Brunswick Avenue in north Coffs Harbour. This analogy is further supported by the results of extensive discussions with Council staff, the community (see Attachment 3 for complete results of Community Survey), developers and real estate agents. In these instances, additional visitor parking should be required within the development.

Action

The following provision is considered to be appropriate and relevant for residential developments in the Coffs Harbour LGA:

- 1 visitor space per three units for all residential development.

• **Car Parking Requirements for Medical Practitioners**

Over the past five months, concern has been expressed by representatives of the medical fraternity that current car parking requirements under Council's Off-Street Car Parking DCP are excessive and inappropriate. This would appear to be the case if a comparison is made to other LGAs on the North Coast (see Attachment 2).

The current car parking requirements for professional consulting rooms are one space per practitioner plus one space per staff member plus one space per 40m² GFA.

By including medical centres in the Commercial and Retail Section of the DCP will produce some degree of equity between a number of professional service providers such as accountants, mediators, lawyers, financial planners and health practitioners. It will also provide a simpler arrangement for health practitioners to change their place of work as car parking for a commercial premise will now cover a doctor's surgery where there is no change to floor area in commercial zones.

Action

The following amendment to the Off-Street Car Parking DCP is recommended for medical centres:

- 1 space per 40m² GFA.

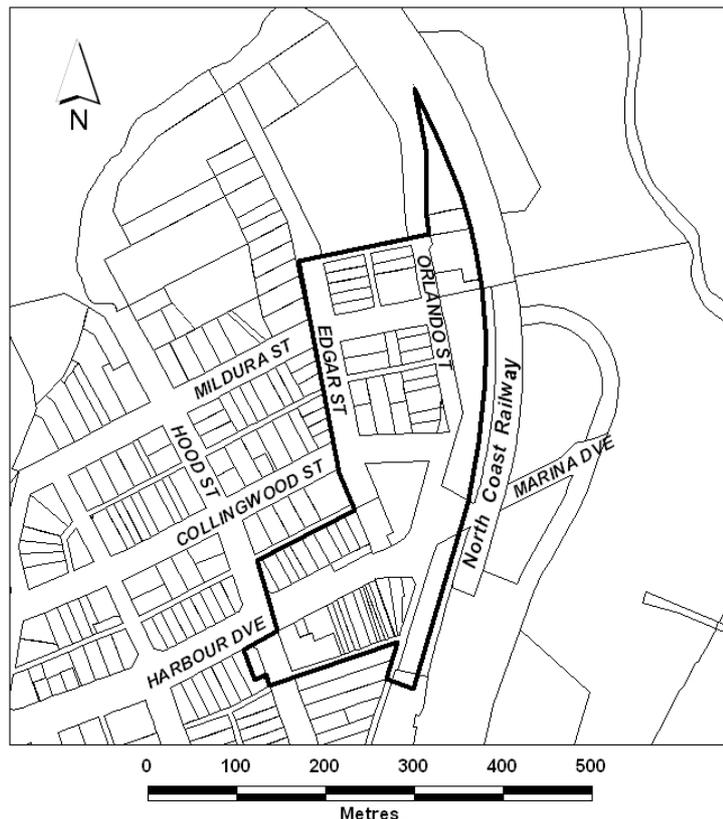
Cont'd

- **Incorporation of Jetty Area Car Parking Requirements into the Off-Street Car Parking DCP**

Council's Jetty Area DCP came into force on 23 July 2001. Since then, Council has received and approved several major developments which have created demands for on-street and on-site parking. There have been circumstances where development proposals for commercial uses have been unable to provide the required parking on-site. As a result, there have been two instances of Council entering into planning agreements with applicants to fund on-street parking in the Jetty Area. Council recently prepared a revised Jetty Area DCP and Contribution Plan which indicate future parking opportunities, clarify the requirements relevant to particular sites and remove any ambiguity for applicants regarding parking requirements for their proposals.

Action

It is appropriate to include the following map at the end of the revised Off-Street Car Parking DCP to ensure that relevant users of the DCP are aware that the car parking provisions apply to the Jetty Area too.



- **Proposed Minor Amendments to the Off-Street Car Parking DCP**

There are a number of housekeeping amendments that need to be made to the Off-Street Car Parking DCP to ensure consistency with Council's other DCPs and provide additional clarity to the vast array of users of the document.

Cont'd

Action

The following amendments to the Off-Street Car Parking DCP are recommended:

- Page 1: Inclusion of a clause that allows applicants/developers the opportunity to provide an alternative solution if they can't comply with the controls in the DCP.
- Page 1: The inclusion of a clause that allows stacked car parking only in conjunction with single dwelling houses and dual occupancies.
- Page 1: The inclusion of the Jetty Area into the business areas where Council will accept contributions in lieu of car parking.
- Page 2: Up-to-date diagrams that better describe Council's requirements with respect to the different types of car parking spaces and safer access arrangements.
- Page 2: Provision be made for the installation of bicycle parking for large scale development throughout the LGA.
- Page 2: Diagram to include notes on provision of motorcycle parking spaces.
- Page 4: The inclusion of Medical Centres in the Commercial and Retail section of Schedule A with a car parking requirement of 1 space per 40m² GFA..
- Page 4: Replace the words "Commercial Premises" with "Business Premises" and "Office Premises" in the land use categories of Schedule A – Parking Requirements.
- Page 4: Delete the requirement for a parking study for bulky goods retail stores and replace it with "1 space per 50m² GFA".
- Page 4: In the motor showroom definition, after 1 space per 135m² site area, add the words "of car display areas".
- Page 4: The inclusion of "GLFA – Gross Leaseable Floor Area – see glossary for definition" to the Note on this page.
- Page 6: Delete "Professional Consulting Rooms" and it's associated parking requirements from the Health and Community Services section of Schedule A.
- Page 6: Insert "Places of Worship" with the requirement for a Parking Study in the section titled "Other" of Schedule A.
- Page 6, 7 and 8: In the Notes to Schedule A and B include point 5 which states, "*Where developments are subject to a parking study, it must be prepared by a suitably qualified professional*".

• **Proposed Minor Amendment to the High Density Housing DCP**

It would be fair to state that all residential units whether they are one bedroom, two bedroom or more all require at least one on-site car parking space. The current car parking requirements in the High Density Housing DCP are as follows:

- 0.4 spaces per one bedroom
- 0.7 spaces per two bedroom unit
- 1.2 spaces per three bedroom unit.

These are deemed to be insufficient particularly for one and two bedroom units and need to be revised.

Action

The car parking arrangements in the High Density DCP (page 5) should be amended as follows:

- Car parking is to be provided as one space per unit.

Implementation Date / Priority:

Should Council adopt the amended Off-Street Car Parking DCP and amended High Density Housing DCP, it will need to be exhibited for a minimum of 28 days.

Recommendation:

1. **That Council exhibit the draft Off-Street Car Parking Development Control Plan and draft High Density Housing Development Control Plan (provided as separate documents to Councillors) for at least 28 days in accordance with the provisions of Division 2, clause 18 of the Environmental Planning and Assessment Regulations 2000.**
2. **If no submissions are received during the exhibition period then the Development Control Plan will come into force after completion of the exhibition process. The Development Control Plan will become effective from the date of formal notification in the local paper.**

Attachments:

Attachment 1

**CAR PARKING REQUIREMENTS FOR DWELLINGS IN
OTHER LOCAL GOVERNMENT AREAS**

Coffs Harbour City Council

Dwellings

- Small ($\leq 100\text{m}^2$ GFA) – one space (behind building line)
- Large ($> 100\text{m}^2$ GFA) – two spaces (at least one space behind building line)

Hastings Shire Council

- $< 125\text{m}^2$ GFA : one per dwelling and one visitor space per four dwellings or part thereof
- $> 125\text{m}^2$ GFA : 1.5 per dwelling and one visitor space per four dwellings or part thereof

Nambucca Shire Council

Dwelling-House two per dwelling

Dual Occupancy

- $< 125\text{m}^2$ GFA one per dwelling
- $> 125\text{m}^2$ GFA two per dwelling

Medium Density Housing and Multi-Unit Housing	Resident/employee spaces	Visitor/Customer spaces
$< 85\text{m}^2$ GFA	One per dwelling	One per five dwellings
$85\text{-}125\text{m}^2$ GFA	1.5 per dwelling	One per five dwellings
$> 125\text{m}^2$ GFA	Two per dwelling	One per five dwellings

Greater Taree City Council

Dwellings

- One off-street parking space behind the Council's specified building line

Residential Flat Building

- One space per flat or unit plus one space per four units for visitor parking

Tweed Shire Council

Single Dwelling

- One space per dwelling plus provision for driveway parking of another vehicle

Dual Occupancy

- One car parking space per dwelling ($< 125\text{m}^2$ GFA)
- Two car parking spaces per dwelling ($> 125\text{m}^2$ GFA)

Flats/Residential Flat Building

- One car parking space per each one-bedroom unit plus two for each larger unit
- 25% of spaces must be accessible for visitors

Ballina Shire Council

Residential

Dwelling House

- One per dwelling

Dual Occupancy

- One space per dwelling unit plus an additional car parking space for each dwelling unit greater than 125m² in gross floor area (excludes garages provided as required car parking spaces)

Duplex

- Two car parking spaces per dwelling unit

Residential Flat Building or Group Dwelling Development

- One per one bedroom unit
- 1.2 spaces per two-bedroom unit
- 1.5 spaces per three or four bedroom units plus one additional space per five units for visitor parking

**CAR PARKING RATES FOR MEDICAL CENTRES IN
OTHER LOCAL GOVERNMENT AREAS**

COUNCIL	PROVISION RATE
Coffs Harbour City Council	Professional Consulting rooms – 1 space per practitioner and 1 space per staff and 1 space per 40m ² GFA
Ballina	3 spaces per surgery or consulting room
Port Macquarie Hastings	3 spaces per consultant and 1 space per employee and any dwelling requirement
Bellingen	Professional Consulting Rooms 1 space per 30m ² GFA
Nambucca	3 spaces per consultant and 1 space per 2 employees and any dwelling requirement

RESULTS OF COMMUNITY SURVEY IN RESIDENTIAL AREAS

Q1. How many bedrooms are there in your unit/ townhouse?	1	2	3	More
Survey Responses		4	16	1
Q2. How many people live in the unit/ townhouse?	1	2	3	More
Survey Responses		16	4	1
Q3. How many cars, if any, do you own?	1	2	3	More
Survey Responses	8	12	0	1
Q4. How many car parking spaces are provided on-site?	1	2	3	More
Survey Responses	19	6	1	
Q5. Do you use these spaces for	Self	Visitors	No Answer	
Survey Responses	2	19	0	0
Q6. How often do you use the space(s)	Daily	Weekends	3 times/week	Never
Survey Responses	19	-	-	1
Q7. Do you, or does anyone living in your unit/ townhouse own a bike?	Yes	No	Inconclusive	
Survey Responses	4	15	2	
Q8. If bike racks were available in your complex, would you use them?	Yes	No	Not Applicable	Inconclusive
Survey Responses	3	13	4	1
Q9. What might encourage you to use a bike as opposed to a car?	Nothing	Other e.g. work related, safer bikeways	No Answer	Already Use
Survey Responses	8	7	5	1
Comments	No on-site visitor parking	Other	No response	
Survey Responses	1	4	16	
TOTAL RESPONSES RECEIVED		20		

Purpose:

The report outlines the legislative requirements for the review of the Coffs Harbour City Local Environmental Plan (LEP) 2000 in accordance with the Standard LEP Orders gazetted 31 March 2006 (distributed to Councillors under separate cover). It is proposed that the review translate the current LEP to the Standard Template in addition to incorporating outcomes from various current and forthcoming strategies, policies and projects. The recommendations ensure this process complies with the legal requirements enabling Council to formally commence making a new principle LEP in accordance with the Department of Planning's prescribed timeframe for completion (March 2011).

This report informs Council of the Department of Planning advice regarding minor amendments to LEPs and outlines the proposed process for the comprehensive review of the Coffs Harbour City LEP 2000.

Description of Item:

This report outlines a proposed staged process for the comprehensive review of the Coffs Harbour City LEP 2000.

Council has been given five years from the date of gazettal of the standard LEP orders (31 March 2006) to complete the comprehensive review of the LEP in accordance with the new NSW Standard LEP Template. This process will involve reviewing the entire zone and planning controls that currently apply. Council will also be required to consolidate all Development Controls Plans (DCP) into a single City wide DCP.

Council has previously committed to undertaking a number of strategic planning projects, the outcomes of which will inform the review of the Standard LEP.

This report also outlines the Department of Planning advice regarding minor amendments to LEPs.

NSW Planning Reforms

In September 2004 the Minister for Planning announced new Planning Reforms to create a more modern planning system. The new LEPs are required to be consistent with State and regional directions and strategies in addition to delivering all mandatory development controls. The General Manager's Report to Council on 6 October 2005 (Item 22) provides further information in relation to the Planning Reforms.

Amendments to Local Environmental Plans

The Department of Planning advised that priority and effort needs to be directed to strategic planning and the preparation of the new LEP. The Department has also requested that Councils avoid proposing minor amendments to existing LEPs and that for amendments to proceed in the transition period, it should be by exception in which case Council will need to demonstrate a compelling case which meets given exceptions. As instances arise, Councils may be able to justify preparing a draft amending LEP in advance of the new instrument being prepared. Examples of such exceptions include:

- the amendment is to facilitate an employment generating activity;

Cont'd

- existing provisions in the LEP jeopardise or undermine State Government policy;
- the amendment implements agreed strategic direction for development in the area, including land release or preservation of strategic corridors; or
- where Council has completed strategic work and delays in implementing recommendations would be unreasonable and inefficient.

The Department of Planning has elsewhere reinforced their position in relation to minor LEP amendments, indicating that some of Council's proposed minor amendments to the LEP might not be able to be justified on the basis of the above criteria. The Department generally will take into account the circumstances surrounding each LEP and their importance and support strategies to combine a number of minor LEP amendments into a single LEP amendment.

The status of outstanding draft LEP amendments which are currently being prepared by Council officers will be the subject of a forthcoming report for the Land Use Planning Program 2007-2008.

As the comprehensive review of the LEP will be a large project which will take a substantial amount of time and staff and consultant resources, it is proposed that the process be undertaken internally using either a number of stages, working groups and consultancy expertise where required to identify the spatial extent, development controls, related map layers (e.g. hazards, minimum lot size) and specific provisions for:

- Rural and Environmental Zones – rural production, drinking water catchment, forestry, national parks and reserves;
- Residential Zones – including rural residential and future urban zones;
- Commercial Zones, Industrial Zones and Special / Infrastructure Zones – as employment generating land uses;
- Open Space Zones; and
- All other Zones and provisions – e.g. heritage items, exempt and complying.

Each stage, working group or specialist project will be coordinated to review all of the existing zones and planning controls which apply under the LEP and DCPs and how the new Standard LEP Template provisions will be customised to incorporate Council's policies and strategies. It is proposed that after each stage, working group outcome or specific project is completed that the proposed amendments to the LEP be work-shopped with the Councillors before seeking staged endorsement from the Department of Planning. This will enable the process to be undertaken sequentially for completion within the timeframe set by the Department and as resolved by Council.

It is proposed that the current projects be organised in accordance with the above groupings and outcomes from these projects be utilised to inform the progression of the relevant local provisions for each workgroup area.

The facilitation of the Draft "Our Living City" Settlement Strategy will identify some priority 1 areas suitable for the commencement of investigation concurrent with the finalisation of the Standard Coffs LEP.

Subsequent reports to Council on each of these projects will also be required to address the implications for the Comprehensive LEP review process in detail.

Cont'd

Sustainability Assessment:

- **Environment, Social and Economic**

The issues discussed in this report have no direct environmental impact. Any new City wide LEP will need to address the environmental and social sustainability criteria. Issues concerning economic sustainability will need to be considered in any replacement LEP.

Broader Economic Implications

Several rounds of Department of Planning funding assistance have already been made to NSW local government areas (LGA). Previous funding rounds were targeted to identified growth areas (primarily within the Metropolitan Strategy area) followed by Councils who had the shortest timeframe (two to three years) in which to replace existing LEPs. Coffs Harbour has successfully applied for funding to facilitate the incorporation of the amalgamated lands (Red Rock and Corindi localities). Further funding should be sought in the next round of Department of Planning funding to augment the funds nominated in Council's adopted Draft Management Plan 2007-2010. Opportunities for further funding may provide opportunities for specialist input on issues as diverse as mapping significant Aboriginal Cultural Landscapes across the LGA, and aerial photography interpretation for hazard mapping to inform the Standard LEP process.

Management Plan Implications

As part of the 'Enhance Coffs Harbour as a liveable city' objective, the review of the LEP comprises one of a number of planning studies identified for funding in Council's adopted Management Plan 2007-2010. Under the Plan \$205,000 has been allocated for 2007-2008. This project relates to the following matters identified in the Draft Management Plan 2007-2010:

- community liaison and community consultation;
- strategic/forward planning;
- planning instruments;
- policy;
- statutory control;
- environmental planning;
- developer contributions plans;
- environmental impact assessment;
- technical/policy development;
- traffic/transportation planning;
- infrastructure planning; and
- parks and recreation.

Consultation:

In mid-February 2007 the Department of Planning facilitated the first of a series of inter-agency meetings with planning staff from the Mid North Coast Councils and relevant natural resource agencies.

Cont'd

On 16 March 2007 staff confirmed to the Department of Planning Council's intention to commence preparation of a Standard LEP Instrument in accordance with the Department's current timetable for Coffs Harbour City Council (March 2011). The Department of Planning has requested a formal resolution of Council in accordance with section 54 of the Environmental Planning and Assessment Act 1979 and an undertaking to provide the North Coast Regional Office of details once that has occurred. The Department was also advised that Council is in the process of finalising a number of strategic land use strategies and policies that will assist in the preparation of the Standard LEP for Coffs Harbour City.

Related Policy and / or Precedents:

Council has previously resolved (City Business Units Committee 6 October 2005 Resolution 178) that:

1. *Council prepare a draft Local Environmental Plan to replace Coffs Harbour City Local Environmental Plan 2000.*
2. *The draft Local Environmental Plan be based upon the State-wide Standard Local Environmental Plan.*
3. *Council prepare draft Development Control Plans to support the draft Local Environmental Plan.*
4. *Completion of necessary Strategic Projects, including:*
 - *Settlement Strategy outcomes;*
 - *Gateway Strategy;*
 - *Biodiversity Review;*
 - *Cultural Precinct;*
 - *Pacific Highway By-pass Strategy;*
 - *Vegetation Strategy;*
 - *Harbourside Project;*
 - *Rural Lands Settlement Policy;**be expedited and progressed as part of the draft Local Environmental Plan process.*
5. *The Director-General of Planning be advised of Council's decision and apply for funding to implement the Replacement Local Environmental Plan.*
6. *Council consult with Department of Planning on current reviews being undertaken under Local Environmental Plan 2000.*

Council has since resolved to include in the Standard LEP review the following matters:

- Review of business zones in Woolgoolga arising from the Woolgoolga Business Lands Review (LUHD 15 – 10 May 2007);
- Based on timeliness of completion, the outcomes from the inter-agency project to identify coastal frost-free horticultural lands with a view to replacing the banana mapped lands;
- Pacific Highway – RTA announced preferred option bypass route;
- The provisions of the Gateway Strategy (i.e. consideration to rezone Marcia Street to Bray Street along the Pacific Highway).

Cont'd

LUHD29 Coffs Harbour City Standard Local Environmental Plan Review ...(Cont'd)

It is appropriate to progress the following matters/projects in the Standard Template process:

- Consideration to allowing Medical Practices in other than business zones;
- The special investigation areas outlined in the "Our Living City" Settlement Strategy;
- Updating and reviewing contribution plans.

As the Department of Planning has made some significant changes to the Template since they exhibited the draft LEP Template, it is appropriate that Council formally re-resolve to prepare the Standard LEP for Coffs Harbour City.

Statutory Requirements:

- The Department of Planning Standard LEP Template (gazetted March 2006, amended September 2006). Placed in Councillor's room for information.
- The draft Mid North Coast Regional Strategy (exhibited 17 January 2007 to 16 March 2007) – refer to Council Report LUHD18, 10 May 2007.
- Ministerial Direction No.30 - 'Implementation of Regional Strategies' (26 February 2007, published 4 April 2007).
- Ministerial Direction No. 15 – Flood Prone Land (31 January 2007).

The statutory processes under the Environmental Planning and Assessment Act 1979 and Regulations must be followed in the preparation of a Draft LEP and any associated DCPs and Contribution Plans.

Issues:

It is intended that the new principle LEP will be based upon the State-wide standard LEP Template and will be informed by the outcomes of a number of current projects including the:

- "Our Living City" Settlement Strategy;
- Rural Lands Settlement Policy;
- Cultural Precinct;
- Pacific Highway By-Pass Strategy;
- Biodiversity Review;
- Vegetation Management Strategy; and
- Harbourside Project.

Implementation Date / Priority:

The Department of Planning has informed Council that it is required to complete its new principle LEP by 31 March 2011. Council can resolve to progress the LEP in a more timely fashion.

Cont'd

Recommendation:

- 1. That the information in this report be received and noted by Council.**
- 2. That Council endorse the staged process for the comprehensive review of the Coffs Harbour City Local Environmental Plan in accordance with the NSW Standard Local Environmental Plan Template (as amended) prepared by the Department of Planning.**
- 3. That Council, in accordance with Section 54 of the Environmental Planning and Assessment Act 1979, prepare a new principle Local Environmental Plan to replace Coffs Harbour City Local Environmental Plan 2000.**
- 4. That the Planning Review Panel be requested to issue Council delegations to issue a certificate under Section 65 of the Environmental Planning and Assessment Act 1979 to allow the new principle Draft Coffs Harbour City Local Environmental Plan to be exhibited.**
- 5. That Council seek agreement from the Department of Planning to the staged process for the comprehensive review of the Coffs Harbour City Local Environmental Plan.**

LUHD30 ACKNOWLEDGEMENT OF BIODIVERSITY ON ZONING CERTIFICATES UNDER SECTION 149 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Purpose:

This report puts forward an additional notation to be included in Zoning Certificates under Section 149 of the Environmental Planning and Assessment (EP&A) Act.

Description of Item:

The climate range and geographic variety of Coffs Harbour – where the mountain range is within one kilometre of the sea in some places – results in a wide range of flora and fauna, from warm temperature to sub-tropical habitats. These topographical features assist in creating a region of high biodiversity including all three aspects: genetic diversity; species diversity; and ecosystem diversity.

The East Australian current has a major influence on the marine area off the coast of Coffs Harbour. It carries a mixture of tropical and subtropical waters from the Coral Sea and Queensland Coast into the temperate area of the NSW Continental Shelf. Here the current overlaps the colder northward flowing inshore current resulting in a complex mix of marine species normally associated with habitats from Tasmania to the Great Barrier Reef.

The Coffs Harbour region contains a wide variety of natural areas that comprise a variety of habitat types. Each habitat type contains a diverse range of plant and animal species including numerous species of frogs, reptiles, mammals, birds, micro and macro invertebrates including insects, arachnids as well as marine and freshwater species.

The preservation of each type of habitat is vital to the overall preservation of our biodiversity.

Habitat types are usually classified according to the vegetation type because they are the dominant life forms within the community.

The broad vegetation types present within the Coffs Harbour local government area (LGA) include:

- Rainforest (sub-tropical, warm temperature, cool temperature and littoral)
- Riparian
- Open Forest
- Fore Dune Complex
- Dry and Wet Heathland/Shrubland
- Sedgeland/Rushland Complex
- Mangrove/Salt March Complex
- Headland Heath and Grassland.

There is also a range of aquatic habitats.

In Coffs Harbour 93 species of plants and animals are recognized as being either endangered or vulnerable. It is important to realize that these species are essential to the environment, and the loss of any of these species could have consequences down the track that are not yet recognized.

Cont'd

LUHD30 Acknowledgement of Biodiversity on Zoning Certificates Under Section 149 of the Environmental Planning and Assessment Act 1979 ...(Cont'd)

There are nine key threats to biodiversity within our region:

- Habitat Loss and Fragmentation
- Alien Species
- Poor Landscape Health
- Unhealthy Waters
- Climate Change
- Fire Management
- Ineffective Regional Coordination
- What We Don't Know.

In order to identify and communicate some of these matters to the broader community it is proposed to include a specific comment on 149 zoning certificates issued by Council. This will make land owners more aware of the potential biodiversity that may be on or adjacent their land.

Sustainability Assessment:

The primary goal of sustainability is to ensure an ongoing supply of fresh air, clean water, healthy soil and the protection of natural flora and fauna, that is, the ecological processes on which all life depends.

Sustainable social and economic development is dependent on maintaining biological diversity, maintaining the natural resource base, and avoiding degradation of biological and environmental dimensions.

Sustainability involves meeting present needs while also taking into account future costs, including costs to the environment and depletion of natural resources. It is a process of continually improving the way we live by considering current ecological, social and economic environments and managing these for ourselves and for future generations.

Within the concept of sustainability is a joint aspiration of material prosperity, ecological sustainability, human well-being and justice. One is not being sourced at the expense of the other.

Sustainability ensures the strength of the Coffs Harbour economy generally by maintaining:

- a broad base diversity for industry
- a balanced population structure
- a large and expanding tourism base
- appropriate land use according to capability.

A commitment to sustainability means following the guiding principles of ecological sustainable development (ESD) and creating objectives to sustainable practice that enhance the health of people and our natural environment, provide or support social justice and ultimately ensure prosperity.

The provision of a statement regarding biodiversity on Council's 149 Certificates ensures appropriate environmental, social and economic matters are able to be considered by people when they are considering purchasing land.

Broader Economic Implications

The inclusion of additional comments on Section 149 Certificates will have no direct economic impact on Coffs Harbour City Council.

Cont'd

LUHD30 Acknowledgement of Biodiversity on Zoning Certificates Under Section 149 of the Environmental Planning and Assessment Act 1979 ...(Cont'd)

Management Plan Implications

This matter is a routine administrative matter which does not have major implications on the Management Plan process.

Consultation:

The need for the extra statement has been considered and assessed as necessary by Council's Land Use, Health and Development and Legal and Governance branches.

The biodiversity statement is a method for Council to identify that specific threatened species of flora and fauna may be located on individual land parcels. The onus is then on the land owner or purchaser to undertake further investigations as to the potential impacts of these species on their land and any proposal works, development or improvement there upon.

Related Policy and / or Precedents:

The biodiversity statement should begin as soon as possible to ensure Council's duty of care for matters relating to biodiversity are covered.

Statutory Requirements:

The change to 149 Certificates as suggested, can only progress with resolution of Council in accordance with the provisions of the EP&A Act and Regulations.

Issues:

The proposed statement provides Council with a level of protection in that it identifies the necessity for a land purchaser to consider biodiversity matters as part of their process to acquire/purchase a property.

Implementation Date / Priority:

The biodiversity statement shown as Attachment A, be inserted all 149(2) zoning certificates as soon as practicable.

Recommendation:

- 1. That Council endorse Attachment A of this report as the Biodiversity Statement for issuing with all 149(2) Zoning Certificates.**
- 2. That the Biodiversity Statement be inserted into each 149(2) Certificate issued by Council as part of response "I".**

**Mark Salter
Director
Land Use, Health and Development**

Attachments:

Attachment A

BIODIVERSITY STATEMENT

Coffs Harbour has over 90 species of plants, animals or areas being recognised as being either endangered or vulnerable. These species may include, but not be limited to, rainforests (SEPP26), Wetlands (SEPP14), Ecologically Endangered Communities and Threatened Species, such as koalas, Grey-headed flying foxes, or their habitats. Some of these species may be found on this land or adjoining lands.

Any proposed works, development or improvement of land within the Coffs Harbour region will need to consider and address potential impacts on biodiversity. The onus of inquiries and/or further investigation as to biodiversity impact is on the landowner, occupier and/or purchaser.