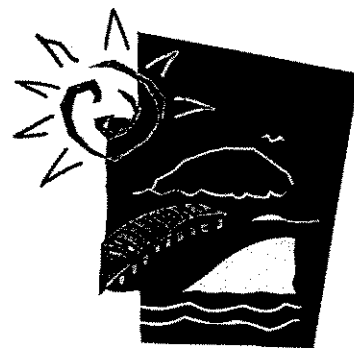


COFFS HARBOUR CITY COUNCIL



Our ref: 1343808

11 May 2006

Mr D Hogendijk
Development Manager
Thakral Holdings Ltd
Level 12, Thakral House
301 George Street
SYDNEY NSW 2000

Dear Mr Hogendijk

**Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34)
Lands In West Korora and Mastracolas Road Area**

The purpose of this letter is to advise you on the current status of the above plan.

Council, at its meeting held on 20 April 2006, resolved as follows with respect to the subject plans:

1. Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands identified as investigation areas North Coffs on Attachment 1 as an amendment to Coffs Harbour City Local Environmental Plan 2000.
2. The Department of Planning be advised that Council considers that a Local Environmental Study is necessary.
3. Council seek authority from the s.54 Planning Review Panel to permit issue, under delegation, a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow the Draft Local Environmental Plan to be exhibited.
4. The Draft Local Environmental Plan 2000 (Amendment No. 34) be exhibited in accordance with the provisions of the Act and Regulations.
5. All persons directly affected by the Draft Plan be advised of Council's decision."

A copy of the Council report and minute are enclosed for your information.

For further information please contact me on 6648 4650.

Yours faithfully

Clyde Treadwell
Manager, Strategic Planner

• Communications to: The General Manager, Locked Bag 155, Coffs Harbour 2450 • Administration Building,
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• Email: coffs.council@chcc.nsw.gov.au
• Website: www.coffsharbour.nsw.gov.au

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COFFS HARBOUR SHIRE 1956 - 1988
COFFS HARBOUR CITY COUNCIL 1988 - 2006



**COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE)
20 APRIL 2006**

Adopted by Minute No: 53
Minutes confirmed at Council meeting: 4 May 2006
To view Report, double-click on Agenda Report link below

Agenda Report

**PED16 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 -
AMENDMENT TO PROGRESS REZONING OF LANDS IN THE WEST
KORORA AND MASTRACOLAS ROAD AREA (NORTH COFFS)**

The purpose of this report is to formally commence the preparation of an amendment to the Coffs Harbour Local Environmental Plan (LEP) 2000 for the North Coffs area, in accordance with Department of Planning (DoP) requirements.

The report recommends that Council formally resolve to undertake preparation of this plan to enable the commencement of statutory processes including Local Environmental Study preparation, notification and consultation.

T12 RECOMMENDED (Hogbin/Ovens) that

1. Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands identified as investigation areas North Coffs on Attachment 1 as an amendment to Coffs Harbour City Local Environmental Plan 2000.
2. The Department of Planning be advised that Council considers that a Local Environmental Study is necessary.
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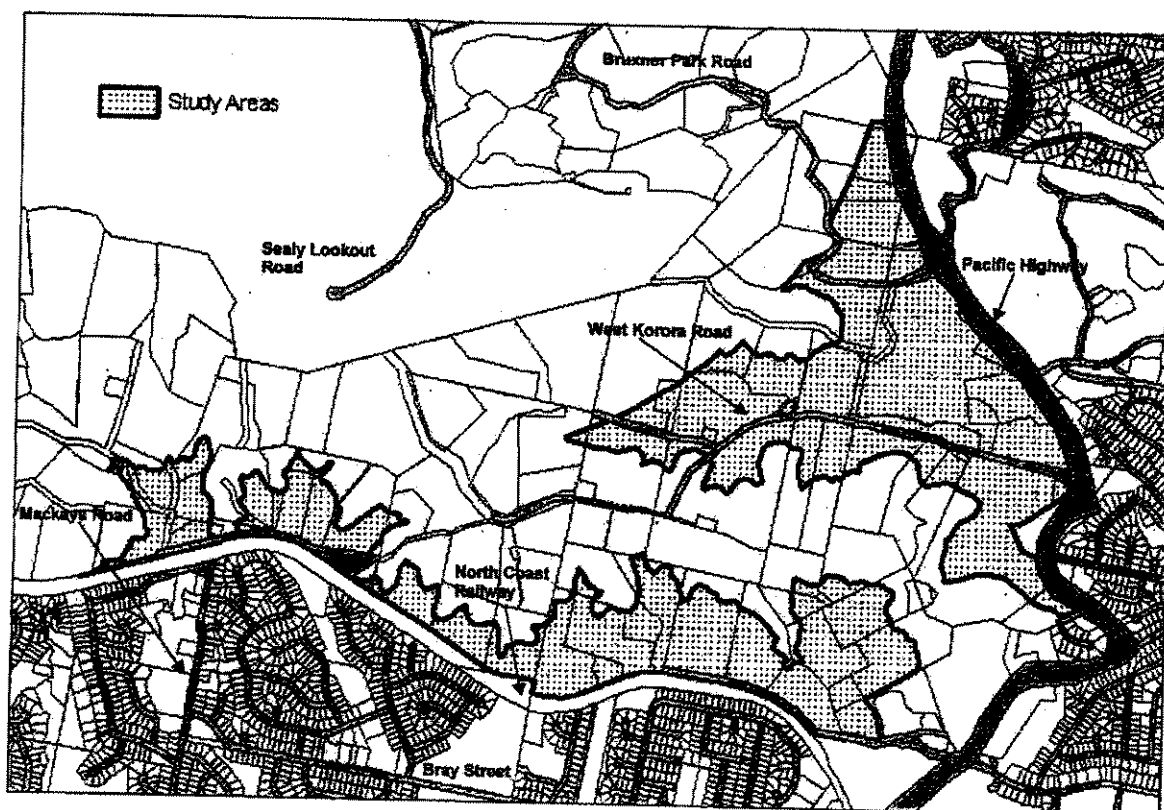
COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 - AMENDMENT TO PROGRESS REZONING OF LANDS IN THE WEST KORORA AND MASTRACOLAS ROAD AREA (NORTH COFFS)

Purpose:

The purpose of this report is to formally commence the preparation of an amendment to the Coffs Harbour Local Environmental Plan (LEP) 2000 for the North Coffs area, in accordance with Department of Planning (DoP) requirements.

The report recommends that Council formally resolve to undertake preparation of this plan to enable the commencement of statutory processes including Local Environmental Study preparation, notification and consultation.

The report recommends Council prepare a LES and draft LEP for the land shown on the map below.



Description of Item:

In 1996, the Coffs Harbour Urban Development Strategy was adopted by Council and endorsed by the State Government.

The area west of the current Pacific Highway, from the railway line in the south to The Mountain Way in the north, was identified as a Special Investigation area.

In 1999, Council adopted its Rural Residential Strategy. This document identified an area west of the existing Highway, from West Korora Road in the south to The Mountain Way, in the north as the Korora Investigation area.

Council progressed LEP Amendment No. 3 to LEP 2000; this LEP initially covered an area from West Korora Road, in the south, to The Mountain Way in the north. Thus the subject lands were initially included in the amendment, which aimed to rezone the lands to a rural residential zoning allowing for one and two hectare subdivision.

Amendment No. 3 progressed towards gazettal and in 2002 the then PlanningNSW (DoP) requested Council to defer areas of the draft. The deferred areas included some minor strip sections along the current Pacific Highway alignment as well as the entire West Korora Area south of Bruxner Park Road.

The DoP has subsequently urged Council to review its 1996 Urban Development Strategy. This process was initiated as a priority project on Council's Strategic Planning program in early 2004.

This review, "Our Living City" Settlement Strategy, has again endorsed lands in the West Korora area for urban investigation. Once the RTA announced the preferred Highway option this confirmed the area to be subject to urban investigation.

A further Amendment to the LEP, No. 22, was foreshadowed by Council but it was not formally initiated as a decision was required to be made by the RTA, as to a preferred route option. Once the RTA announced the preferred route in December 2004, Council was not well placed to progress the matter due to resource short falls. Thus the LEP amendment was not automatically commenced.

In early 2005 Council were approached by a developer seeking to commence an upgrade of the Big Banana site. Council, in August 2005, resolved to progress an amending LEP for the land, subject to any cost of studies being met by the landowner/developer.

Council's Settlement Strategy direction was also confirmed at the August 2005 meeting. Landowners in the West Korora area subsequently have approached Council to initiate the formal LEP amendment process.

The study process necessary is to be jointly funded by Council and landowners.

Sustainability Assessment:

In order to identify an appropriate zone for the subject lands, it is necessary to undertake a complete assessment that addresses environmental, social and economic impacts for each land use zone possible. This is the role of the Local Environmental Study. Any resultant amendment to Coffs Harbour City LEP 2000 will have to address the environmental, social and economic sustainability criteria.

• Environment

The aim of Council, through LEP 2000, is to provide the City's development is carried out in an environmentally sustainable manner.

To do this the LES will:

- implement the comprehensive Koala Plan of Management and apply appropriate zoning provisions to protect Koala habitat;
- recognize, through zoning, appropriate riparian and catchment areas;

- apply the appropriate protection through identification and suggest zoning, of ecologically significant vegetation;
- identify any environmental hazards; and
- identify any heritage items or culturally significant places.

- **Social**

The LEP seeks to promote the equitable provision of social services and facilities for the community. Social and cultural sustainability can be incorporated in the LES by:

- encouraging residential, social and cultural uses to be located within existing urban centres; and
- clarifying and encouraging revitalization of community places within centres.

- **Economic**

Broader Economic Implications

The economic growth and development of the City is a primary aim of the LEP. The LES needs to identify appropriate areas for a variety of landuses and enable compatible development to prevail.

The LES needs to provide clear definition of business hierarchy leading to the enhancement of small centres; and

Management Plan Implications

The draft Management Plan 2006-2007 provides funding to carry out some of the specialist studies within the identified investigation area.

Several landowners have offered to pay for necessary studies on their lands - defraying some of the costs from Council.

Consultation:

The LES and draft LEP process provides the formal mechanism for consultation to occur with Government agencies and authorities as well as with the community.

The preparation of the LES and draft LEP will involve the relevant departments within Council through a project management group.

Related Policy and / or Precedents:

- **Strategy Development**

Coffs Harbour City Council has a legal obligation to the State Government to prepare appropriate Strategies relating to all land uses, but particularly for urban and rural residential land releases. Council cannot rezone major residential and rural residential release areas without completion of these strategies, i.e. the State Government will not support major land rezoning unless they comply with agreed strategies. The proposal accords with the 1996 Urban Development Strategy and the draft Settlement Strategy under preparation.

Other current projects and processes, which should guide the LES and LEP Amendment process, include:

- Coffs Harbour City LEP 2000;
- NSW Coastal Policy 1997;
- State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land;
- SEPP No. 71 - Coastal Protection;
- Environmental Planning and Assessment Act (EP&A) 1979;
- North Coast Regional Environmental Plan 1988;
- Coffs Harbour City Council - Koala Plan of Management;
- the Department of Planning's Mid North Coast Farmland Mapping Project;
- the proposed Model LEP template;
- Council's consultant's review of Rural Lands matters and development of a Rural Settlement Policy; and
- preparation of the "Our Living City" Settlement Strategy.

• **Environmental Studies**

These studies form part of the research necessary to prepare the draft plan.

Other components of the LES will include:

- geotechnical investigation;
- SEPP55 – soil/site contamination;
- fauna surveys;
- flora - broad-brush vegetation mapping and classification has already occurred, however specific ground truthing will be necessary.
- flooding;
- steep land assessment;
- stormwater and hydrological analysis;
- traffic analysis;
- bushfire;
- servicing;
- noise study – location of existing highway and proximity to proposed bypass; and
- cultural heritage and archaeological study.

Statutory Requirements:

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

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

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

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

Issues:

The immediate issues relating to this matter are:

- (i) The allocation of resources to cover any additional costs associated with funding for the preparation of the DCP and Contributions Plans (already established in the draft 2006/7 Management Plan);
- (ii) Council's future Strategic Planning Program will need to include the project;
- (iii) External funding and likely contribution to the LEP review by landowners; and
- (iv) The establishment of an internal working group to ensure delivery of a whole of Council approach to the preparation of this draft plan.

Implementation Date / Priority:

Council has identified the project in the Strategic Planning Program 2006-2007 by virtue of resolutions made in August 2005 and December 2005.

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

Recommendation:

1. That Council, in accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 prepare a Draft Local Environmental Plan to provide for planning provisions over the lands identified as investigation areas North Coffs on Attachment 1 as an amendment to Coffs Harbour City Local Environmental Plan 2000.
2. That the Department of Planning be advised that Council considers that a Local Environmental Study is necessary.
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Attachments:

