



New South Wales

# **Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (GRA6323881/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2008 No 173

Clause 1 Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)

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# Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)*.

### 2 Aims of plan

This plan aims to amend *Coffs Harbour City Local Environmental Plan 2000* so as:

- (a) to rezone certain land for rural residential purposes, and
- (b) to rezone certain land for environmental protection purposes, and
- (c) to rezone certain land for medium density residential development purposes, and
- (d) to rezone certain land for medium-high density residential development purposes, and
- (e) to rezone certain land for high density residential development purposes, and
- (f) to rezone land for public open space purposes, and
- (g) to make minor revisions to the objectives of that plan, and
- (h) to make other minor revisions to zoning under that plan, and
- (i) to make minor revisions to the zoning controls of that plan, and
- (j) to make additions to clause 10 (Exempt and complying development) of that plan, and
- (k) to make minor additions to clause 12 (Koala habitat) of that plan, and
- (l) to make minor revisions to clause 23 (Environmental hazards) of that plan, and
- (m) to insert a new clause 23A (Development on flood prone land) into that plan, and
- (n) to insert additional items in Schedule 2 (Exempt development) to that plan, and

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- (o) to insert additional items in Schedule 4 (Classification and reclassification of public land as operational land) to that plan, and
  - (p) to revise the street names of certain items in Schedule 5 (Heritage items) to that plan, and
  - (q) to make minor amendments to the Dictionary to that plan.

**3 Land to which plan applies**

This plan applies to all land within the City of Coffs Harbour to which *Coffs Harbour City Local Environmental Plan 2000* applies.

**4 Amendment of Coffs Harbour City Local Environmental Plan 2000**

*Coffs Harbour City Local Environmental Plan 2000* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

**[1] Clause 2 What are the aims and objectives of this Plan?**

Insert at the end of clause 2 (2) (d):

, and

- (e) to minimise the risk to human life and damage to property caused by natural hazards such as bush fire, land instability and flooding.

**[2] Clause 9 How does the development control table work?**

Omit “housing for aged or disabled persons;” wherever occurring in item 3 of the matter relating to each of Zones 2A–2E, 3A–3G and 6C.

Insert in alphabetical order in each of those items “seniors housing;”.

**[3] Clause 9, Table**

Insert “advertisements;” in alphabetical order in item 3 of the matter relating to each of Zones 2E and 4A.

**[4] Clause 10 Exempt and complying development**

Omit clause 10 (1). Insert instead:

- (1) The following development is complying development, but only if it complies with the development standards set out in this Plan and in the development control plan entitled *Complying Development* (as adopted by the Council on 11 November 1999):
  - (a) development on land within Zone 2A for the purposes of a dwelling-house,
  - (b) development for the purposes of an internal fit-out of a building on land within Zone 3A, 3B, 3C, 3D, 3E, 3F, 3G or 4A,
  - (c) development for the purposes of an internal fit-out of a building on land within any zone if the use of the building is an existing use.

**[5] Clause 12 Koala habitat**

Insert at the end of the clause:

- (2) This provision does not apply to Coffs Harbour Airport land (that is, land within Zone 5A (Aerodrome)).

**[6] Clause 21 Heritage**

Omit “National Parks and Wildlife Service” wherever occurring in clause 21 (7) and the note to that subclause.

Insert instead “Department of Environment and Climate Change”.

**[7] Clause 23 Environmental hazards**

Omit “Department of Land and Water Conservation” from clause 23 (4) (c).

Insert instead “Department of Water and Energy”.

**[8] Clause 23 (9)**

Omit the subclause and its heading.

**[9] Clause 23A**

Insert after clause 23:

**23A Development on flood prone land**

- (1) The objectives of this clause are:
  - (a) to maintain the existing flood regime and flow conveyance capacity, and
  - (b) to enable safe occupation of flood prone land, and
  - (c) to avoid significant adverse impacts on flood behaviour, and
  - (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, saltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
  - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to land shown as flood prone land on the Flood Prone Land Map.
- (3) Development consent is required for the following development:
  - (a) subdivision of land,
  - (b) filling and earthworks,
  - (c) the erection of a building,
  - (d) the carrying out of a work,
  - (e) flood mitigation works,on land to which this clause applies.

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- (4) Consent required by subclause (3) must not be granted unless the consent authority is satisfied that the development:
- (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and
  - (c) will enable safe occupation of the flood prone land,
  - (d) will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, saltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
  - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
  - (f) is compatible with the flow conveyance function of the floodway, and
  - (g) is compatible with the flood hazard within the floodway.
- (5) In this clause, ***Flood Prone Land Map*** means the map marked “Coffs Harbour City Local Environmental Plan—Flood Prone Land Map”.

### [10] Schedule 2 Exempt development

Insert after the last dot point in the matter relating to each of “FENCES (MASONRY OR BRICK)”, “FENCES (NON-BRICK)” and “RETAINING WALLS”:

- Does not restrict access to a water meter on the property.

**[11] Schedule 2**

Insert after the matter relating to “RETAINING WALLS”:

- ROADSIDE PRODUCE STALL (in Zone 1A or 1B only)
- Maximum floor space area of 10m<sup>2</sup>, and to be located within, or immediately adjacent to, the owner’s property.
  - To be secured to prevent danger in high wind situations.
  - Not to involve clearing of bushland within an environmental protection zone.
  - Not to be located within a heritage conservation area.
  - Not to be attached to a heritage item.
  - Not to involve food preparation.
  - Only primary products produced on the owner’s property to be sold.
  - Not to obstruct pedestrian or traffic movement.
  - Not to contravene requirements of the *Roads Act 1993*.
  - Not to be located on, or involve access from, a classified road within the meaning of the *Roads Act 1993*.
  - One sign, not exceeding 0.8m<sup>2</sup> in area, may be displayed, but only if attached to the stall.
  - Council to be notified of its erection.

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### [12] Schedule 2

Insert after the matter relating to “SOLAR WATER HEATERS”:

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| WASTE MANAGEMENT FACILITY (Roofed Bin Storage/Wash Area) | <ul style="list-style-type: none"><li>• Maximum area 10m<sup>2</sup>, and to be located behind any building set-back line established by a development control plan applying to the land.</li><li>• Roof water to be disposed of without causing nuisance to adjoining premises.</li><li>• Not to involve clearing of bushland within an environmental protection zone.</li><li>• Not to be located within a heritage conservation area.</li><li>• Not to be attached to a heritage item.</li><li>• Not to exceed one per property.</li><li>• Not to be located on vacant land.</li><li>• Not to discharge into the Council’s stormwater drainage system.</li><li>• Comply with Bin Storage/Wash Area Controls of the <i>Waste Management Development Control Plan</i> adopted by the Council on 20 April 2006.</li><li>• Not to be located on bush fire prone land.</li><li>• Council to be notified of its construction or installation.</li></ul> |
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### [13] Schedule 4 Classification and reclassification of public land as operational land

Insert in alphabetical order of street name under the heading “Boambee East” in Columns 1, 2 and 3, respectively:

Wombat Place	Lot 521, DP 807140— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
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**[14] Schedule 4**

Insert in alphabetical order of street name under the heading “**Coffs Harbour**” in Columns 1, 2 and 3, respectively:

Perry Drive, No 65	Lot 1, DP 810891— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Easements (DP 251258 and DP 260357) and lease (AC361509) as noted on Certificate of Title Folio Identifier 1/810891.
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**[15] Schedule 4**

Insert in alphabetical order of locality in Columns 1, 2 and 3, respectively:

**Corindi Beach**

Jabiru Way	Lot 58, DP 1059403— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S929113) and right of carriageway (P1059403) as noted on Certificate of Title Folio Identifier 58/1059403.
Kangaroo Trail Road, No 49	Lot 4, DP 806515— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (R51207) as noted on Certificate of Title Folio Identifier 4/806515.
Pacific Street	Lot 371, DP 1026829— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
Red Rock Road	Lot 1, DP 1021768— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.

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### Toormina

Belbowrie Road	So much of Lot 3, DP 595755 that includes water reservoirs, communications infrastructure and existing access to those facilities— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Right of carriageway (DP 595755), easement (AA737119) and lease (AC187642) as noted on Certificate of Title Folio Identifier 3/595755.
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### Upper Corindi

Sherwood Creek Road, No 564	Lot 3, DP 571626— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Nil.
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### Woolgoolga

Turon Parade, No 71	Lot 6841, DP 810637— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S224747), easements (DP 617943 and DP 1107658) and lease (AC449283) as noted on Certificate of Title Folio Identifier 6841/810637.
Turon Parade, No 73	Lot 682, DP 618948— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S224747), right of carriageway (DP 617943), lease (E480697) and easements (DP 1107658) as noted on Certificate of Title Folio Identifier 682/618948.
	Lot 683, DP 703342— <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No 30)</i>	Covenant (S224747) and lease (E480697) as noted on Certificate of Title Folio Identifier 683/703342.

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**[16] Schedule 5 Heritage items**

Omit “High Street” wherever occurring in the Table to the Schedule.

Insert instead “Harbour Drive”.

**[17] Dictionary**

Omit the definition of *housing for aged or disabled persons*.

Insert in alphabetical order:

*seniors* means any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider (within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*).

*seniors housing* means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

**[18] Dictionary, definition of “permanent group home”**

Omit the definition. Insert instead:

*permanent group home* means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and

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- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies or a transitional group home.

### [19] Dictionary, definition of “the map”

Insert in appropriate order:

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### [20] Dictionary, definition of “transitional group home”

Omit the definition. Insert instead:

***transitional group home*** means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

BY AUTHORITY

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