

Planning Services

Gateway Determination Report

LGA	Clarence Valley Council
RPA	Clarence Valley Council
NAME	Palmers Island Marine Based Industry Precinct (Yamba Welding and Engineering) – 122 Jobs
NUMBER	PP_2017_CLARE_007_00
LEP TO BE AMENDED	Clarence Valley LEP 2011
ADDRESS	School Road, Palmers Island
DESCRIPTION	Lot 2, DP 598769
RECEIVED	20 July 2017
FILE NO.	16/15472
QA NUMBER	qA416556
POLITICAL DONATIONS	No donations or gifts have been disclosed as part of this application.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to rezone part of Lot 2 DP 598769, School Road, Palmers Island, to enable the land to be developed as a marine based industry.

It is proposed that part of the subject land will be rezoned from RU1 Primary Production to IN4 Working Waterfront and W3 Working Waterways to facilitate the development of the marine based industry, incorporating a wet dock facility (slipway), boat building, marine servicing and other associated industries.

The business plan estimates the employment of up to 122 staff, and proposes to operate from 6am to 6pm, generally 5 days, but up to 7 days as required.

Site Description

The subject site is located on the Clarence River, approximately 5.5km north east of the Pacific Highway at the Harwood Bridge and 7.5km north west of the township of Yamba (9.2km by road). It has an area of 21.2ha which includes approximately 1.1ha of the Clarence River which has encroached onto the property because of long term erosion of the riverbank. The site has frontage to School Road and frontage of approximately 300m of the Clarence River (6m deep plus tide). The existing bank of the river is within the boundaries of the property and has been rock armoured by Clarence Valley Council to provide low level protection against wave action. The site is generally flat. The land has previously been used to farm sugar cane and is currently owned by Yamba Welding & Engineering Pty Ltd.

Surrounding Area

The property is in the vicinity of agricultural land (sugar cane farming), residential dwellings to the north, a bed and breakfast accommodation, 2 tourist parks (2kms north-east and 1.5kms south of the subject site), aquaculture industries, Palmers Island Village and the Palmers Island Public School at the School Road/Yamba Road intersection. A map showing the surrounding land uses is at **Attachment E**.

Another marine based industry is located at Harwood, approximately 2.5km upstream of the subject land. In 2014, land adjoining that site was rezoned for marine based industry uses. This land remains vacant and available for development.

Land Use Controls

The subject land is zoned RU1 Primary Production under the Clarence Valley LEP 2011. It has a minimum lot size provision of 40ha and no height of building restrictions. The minimum lot size and height of building provisions are not proposed to be altered. The land is flood prone and is affected by acid sulfate soils. Extracts from the Clarence Valley LEP 2011 map series are shown in **Attachment G**.

Summary of Recommendation

It is recommended that this Planning Proposal not be supported because the site is not considered appropriate for the development of a marine based industry due to its proximity to existing residential development and other surrounding sensitive land uses, such as tourism and a primary school. Although the Planning Proposal indicates that noise generated from the site may be sufficiently attenuated to comply with the NSW Industrial Noise Policy, the attenuation methods including an 8m tall, 300m long wall would produce a significant visual impact on the area. The traffic generated by this proposal will also have a significant impact on the students attending the nearby school and on the amenity of the land adjacent to the traffic routes.

Further reasons for not supporting the proposal include inconsistency with the strategic planning framework, including the North Coast Regional Plan 2036, the Marine Based Industry Policy – Far North Coast and Mid North Coast NSW nor the Clarence Valley Industrial Lands policy. These policies encourage clustering of marine enterprises to maximise efficiencies in infrastructure and skilled workers, and limiting the environmental and social impacts of scattered proposals.

PROPOSAL

Objectives or Intended Outcomes

The Objective of the Planning Proposal is to rezone the subject land to enable it to be developed for marine based industry purposes. The statement of objectives adequately describes the intention of the planning proposal.

Explanation of Provisions

The Planning Proposal seeks to achieve the intended outcomes by rezoning 10.6ha of the subject property to IN4 Working Waterfront and 1.1ha of river frontage to W3 Working Waterways. The remaining 9.5ha of the property is to remain zoned as RU1 Primary Production. The Planning Proposal does not intend to amend the building height or lot size provisions affecting the land. The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal.

Mapping

The planning proposal includes maps which show the subject land, proposed zoning and concept site layout for the development.

NEED FOR THE PLANNING PROPOSAL

This proposal has been initiated by an established boat building business. This business is seeking to expand and has identified this land as suitable for accommodating this expansion.

An existing marine precinct is located at Harwood, approximately 2.5km upstream of the subject land. In 2014, 17ha of land adjoining that site was rezoned for marine based industry uses. This land is currently vacant.

The proponent has obtained advice from a welding certification company that aluminium and steel fabrication operations must be adequately separated due to the risk of cross contamination when sandblasting is undertaken in close proximity to aluminium fabrication. This was a primary reason underpinning the need to be located away from the Harwood Marine development. This argument has been submitted despite established aluminium and steel boat production businesses being located at this Harwood location.

Objectors to the proposal have provided alternative information from both the owner of the Harwood Marine site, and another aluminium boat fabricator that co-location is possible, and in fact is common practice within the industry.

Should the proponent not wish to be located within the established Harwood precinct, the 17ha of vacant land provides opportunities for a purpose-built building, with separation distances greater than 500m possible from any other industrial development.

While expansion of the marine industry in the Lower Clarence is supported by local and regional planning documents, considering the availability of other zoned waterfront land within 3km of subject site, and the lack of clear justification for a geographically separate location, there is no demonstrated need for further industrial land in this locality.

The use of the IN4 Working Waterfront and W3 Working Waterways zones are an appropriate means of achieving the intent of the Planning Proposal. The land uses permitted in the IN4 and W3 zones relate to maritime purposes and do not permit broader industrial developments.

STRATEGIC ASSESSMENT

State Environmental Planning Policies

The planning proposal identifies SEPP (Rural Lands) 2008 and SEPP 71- Coastal Protection as being relevant to the planning proposal.

SEPP (Rural Lands) 2008

The planning proposal identifies an inconsistency with the objectives of SEPP (Rural Lands) 2008. The SEPP aims to protect the agricultural production value of rural land while the proposal seeks to use agricultural land for industrial purposes. The SEPP also recognises the need to balance the economic interests of the community by including Rural

Planning Principles contained in clause 7 of the SEPP. The subject land is mapped as regionally significant farmland in the Mid North Coast Farmland Mapping Project 2008 (MNCFMP). The MNCFMP does, however, allow the rezoning of regionally significant farmland where there is a need to zone land for marine based industries that depend on access to navigable waterways.

SEPP 71 - Coastal Protection

The Planning Proposal includes a partial assessment of the matters for consideration listed in clause 8 of SEPP 71 - Coastal Protection. The proposal only addresses the aims of the policy and not other matters for consideration listed in clause 8. It is considered that the proposal is inconsistent with clause 2(k) of the SEPP which seeks to ensure that the type, bulk, scale and size of development is appropriate for the location, and protects and improves the natural scenic quality of the surrounding area. The Planning Proposal identifies that *'the proposed buildings will be out of scale with other structures in the locality but a substantial portion of the site will not be developed which may allow visual screen through plantings. This can be addressed at the Development Application stage'*. The concept design includes building with a height of 8m. They are proposed to be built on flood mounds that may be between 1.05m and 2.5m high. Therefore, structure on the site may vary in height from 9.05m to 10.5m. This is significantly higher than other buildings in the vicinity.

While detailed design matters can generally be deferred to a development application stage, these structures are a necessity in this case to shield the surrounding environment from intrusive noise. As they are a prerequisite for development of this site for these purposes their acceptability needs to be considered at an early stage. The visual impacts of these structures may be partially diminished by setbacks and screening, however due to the flat rural landscape the view corridor is large and impacts will occur.

The impact of the structures is inconsistent with clause 8(d) of the matters for consideration which addresses the suitability of development given its type, location and design and its relationship with the surrounding area. The Planning Proposal has not addressed this matter.

It is considered the Planning Proposal is inconsistent with the provisions of SEPP 71 - Coastal Protection.

North Coast Regional Plan 2036

The North Coast Regional Plan aims to develop successful centres of employment. It promotes clusters of related activities led by local strategies. Clarence Valley Council has adopted the Clarence Valley Industrial Lands Strategy to lead employment centre development within its LGA.

The Industrial Lands Strategy specifically realises the opportunities available should a marine cluster be facilitated in the Lower Clarence. It identifies one of the factors limiting the business opportunities of producers as the fragmentation of the industry resulting in inefficiencies and resource shortages.

Since adoption of the Industrial Lands Strategy in 2007 the Harwood industrial area has been expanded from 0.67ha to around 18ha. This area is an obvious location for expansion of a cluster of marine precincts.

The development of this Palmers Island site for a marine based industry is not consistent with the Clarence Valley Industrial Lands Strategy as it fragments the marine industry in the Lower Clarence, it is also inconsistent with the North Coast Regional Plan 2036 which also supports clusters of economic activity, and promotes development in accordance with the local strategy.

Marine-Based Industry Policy

The Marine-Based Industry Policy – Far North Coast & Mid North Coast NSW (the Policy) was developed to facilitate job creation and economic growth by providing opportunities for marine-based industries, while protecting sensitive areas. The policy includes criteria to assist in identifying appropriate places on North Coast rivers and estuaries (outside of the identified urban growth areas) where marine industry precincts may occur.

The implementation of the Policy seeks to ensure that:

- greater certainty is provided for investment in marine-based industry within the region;
- industry is appropriately located;
- biodiversity, Aboriginal and non-Aboriginal cultural heritage, commercial fisheries and recreational fisheries are protected; and
- hazards associated with flooding, bank erosion, climate change and acid sulfate soils are taken into account.

The Policy identifies environmentally sensitive areas where such industries should not occur. The subject site does not fall into any of the listed categories.

The Policy identifies further criteria which if achieved means the proposal may be found to meet the intent and definition of the policy. Below is an assessment of the site and project against the criteria.

Criteria	Comment
1. The industry is dependent on access to a navigable waterway.	<i>Criteria Satisfied</i>
2. The maximum draught of the vessel, or products proposed to be built allows it/them to pass safely through the waterway and the waterway's entrance to the sea.	<i>Criteria Satisfied</i>
3. The size or bulk of the vessels or products proposed to be built requires transport by water	<i>Criteria Satisfied</i>

Having satisfied the three criteria above, the proposed marine-based industry needs to be assessed against the following site criteria. The criteria can be taken as being met if the issue can be sustainably managed, ameliorated or off-set:

Criteria	Comment
4. Any new dredging required for site access would not adversely affect estuarine habitats, marine vegetation, fishery resources and water quality.	<i>No dredging is required as part of this proposal.</i>
5. The site is not located where its development would be likely to adversely affect water quality for other users or impact on water quality or tidal regimes for estuaries, wetlands, marine parks, aquatic reserves or other high conservation value	<i>It is likely that this could be sustainably managed or ameliorated.</i>

habitats.	
6. Development of the site would not have an adverse effect on oyster aquaculture development or Priority Oyster Aquaculture Areas (POAA) and/or commercial and recreational fishing activities.	<i>It is unlikely the proposal will impact POAAs and it is likely that this could be sustainably managed or ameliorated.</i>
7. The site is not located in a high flood risk precinct or high flood area.	<i>The site is flood prone with a flood level of up to 2.63m AHD in a 100 year ARI event. Further discussion is included in the following Site Assessment section.</i>
8. Water-based access to the site would be practicable given river currents and tidal movements in the locality.	<i>It is likely that this could be sustainably managed or ameliorated.</i>
9. The site does not contain high-risk acid sulfate soils which could be disturbed, exposed or drained.	<i>The site is mapped with class 2 and 3 Acid Sulfate soils. It is possible that this could be sustainably managed or ameliorated, however, no specific information is provided.</i>
10. The main industrial complex (excluding the slipway/s), could be set back to avoid bank erosion issues.	<i>The concept plan shows the main buildings being set back from the riverbank, as per this criteria, the boat ramp/ slip way is not considered as this is essential for a marina.</i>
11. Native vegetation (including riparian vegetation and other trees, shrubs, grasses, etc) would not be disturbed.	<i>The site is generally clear of native vegetation. It has been used as a cane farm for over 100 years.</i>
12. The proposed development of the site would not conflict with neighbouring land uses (such as residential and recreational/tourism pursuits).	<i>The proposed development will conflict with neighbouring land uses. This matter is discussed in detail the Site Assessment section.</i>
13. Services and infrastructure could be practicably provided.	<i>Services are available to the site.</i>

The Marine-Based Industry Policy encouraged councils to strategically plan for opportunities for marine-based industry. It states the work should use the locational criteria and apply them strategically with a view to identifying sites or precincts which are most suited to marine-based industry. The Policy also states that if more than one enterprise is likely to be established, they should be clustered into a precinct rather than scattered along the waterway's edge. This encourages maximising efficiency of infrastructure and minimising environmental impacts. This is supported by the outcomes of the Clarence Valley Industrial Lands Policy.

The subject site does not meet the two specific criteria of the Marine Based Industry Policy; it is affected by acid sulfate soils, and if the proposal is approved, will lead to land use conflict. The policy also encourages 'clustering' of marine precincts rather than individual developments being scattered along the water's edge.

Local Strategic Planning

Clarence Valley Council has undertaken a number of strategies to reinforce its current marine based industries and promote the area for further development. These include:

- the Clarence Marine Precinct;
- the Clarence River Way Masterplan 2008; and
- the Clarence Valley Industrial Lands Strategy 2007.

These documents are very broad and do not provide site specific comments. The proposed marine based industry precinct is generally consistent with these broad strategies, except for the proximity to existing industries provision in the Industrial Lands Strategy.

The Clarence Marine Precinct

This document (primarily an investment guidance tool) supports a 'clustered' marine precinct that extends from Yamba to Grafton and is generally inconsistent with the Marine-Based Industry Policy which seeks that establishments are clustered rather than scattered along the waterway's edge. The Planning Proposal relies on this document as it acknowledges that multiple sites may be appropriate for marine industrial development and supports a dispersed cluster arrangement.

The Clarence River Way Masterplan 2008

This document supports the promotion and development of port facilities as part of a regional harbour network and maintenance of the Port of Yamba as a deep-water anchorage and working port. The Masterplan also advocates the expansion of shipbuilding and repair facilities and the development of a marine based industry cluster. This masterplan is also a broad approach and does not specifically address the issue of the appropriate location for marine based industries. The Planning Proposal relies on the broad nature of this document and discusses issues with co-locating at the Harwood marine industry precinct.

The Clarence Valley Industrial Lands Strategy 2007

This document supports the expansion and clustering of marine businesses and notes the preferred area for marine industry development would be in the Lower Clarence close to existing industry, skilled labour force and with access to the Clarence River. It identified the potential for a marine industry cluster which would involve a geographically concentrated marine industry precinct to facilitate greater interaction between businesses and facilitate import replacement and efficiency advantages. It identifies the economic benefits of clustering development through the attraction of other marine businesses to the region as a result of the clustering. The Planning Proposal does not address consistency with this Strategy.

Section 117(2) Ministerial Directions

The proposal is considered to be consistent with all applicable s117 Directions except in relation to the following:

1.2 Rural Zones

Direction 1.2 Rural Zones states that a planning proposal shall not rezone land from a rural zone to a residential, business or industrial zone. The planning proposal aims to rezone the

subject land from RU1 Primary Production to IN4 Working Waterfront and W3 Working Waterway.

A planning proposal may be inconsistent with the Direction if the inconsistency is justified by a strategy, a study, or is of minor significance. The North Coast Regional Plan 2036 identifies the potential need for marine based industry precincts to be located in rural locations and provides for the development of criteria for their consideration through the Marine-Based Industry Policy. The proposal to rezone the subject land is considered to be inconsistent with the criteria contained in the Marine Based Industry Policy. It is therefore considered that the inconsistency with the Direction is not justified.

3.4 Integrating Land Use and Transport

Direction 3.4 Integrating Land Use and Transport states that a planning proposal must locate zones for urban purposes (which includes industrial zoned land) and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

A planning proposal may be inconsistent with the Direction if the inconsistency is of minor significance. As these policy documents primarily deal with retail development, and marine precincts are best located away from other development and on a river and as such will usually be reliant on private transport, it is considered that this inconsistency is of minor significance.

4.1 Acid Sulfate Soils

Direction 4.1 Acid Sulfate Soils provides that a draft plan shall not permit the intensification of land containing acid sulfate soils unless a study of the land assessing its suitability has been conducted.

The land is mapped as containing class 2 and 3 acid sulfate soils. The proposal may be inconsistent with the Direction if it is justified by a study or is of minor significance. The planning proposal's concept site layout indicates that the proposed industrial sheds and workshops will be located on mounds to ensure they are flood free. It is unlikely extensive excavation will be required for the majority of the construction work. The active waterfront interface area (wet dock canal) will need further detailed geotechnical assessment to confirm soil characteristics and identify appropriate treatments. For this reason, a decision regarding the consistency of this Direction cannot be made. Further site specific investigations would be required to show the impacts could be managed prior to the consistency with this Direction being determined.

4.3 Flood Prone Land

Direction 4.3 Flood Prone Land provides that a draft plan must not rezone land within a flood planning area to an industrial zone. The Planning Proposal seeks to rezone land below the 100 year ARI flood event level to enable development of the marine based industry. The Direction states that the proposal may be inconsistent if the proposal is consistent with a floodplain management plan or if the inconsistencies are of minor significance.

The Planning Proposal states that in 2014 a 'Palmers Island Marine Precinct Assessment' was undertaken addressing flooding on the subject property. However, this assessment is not included with the Proposal. The proponent states the assessment identified that:

- the property is at risk of flooding from the Clarence River for the 100 year ARI event;
- peak flood levels vary between 2.48m AHD in the east of the site to 2.63m AHD in the west;
- flood velocities are generally low across the site (less than 0.25m/s); and
- proposed finished floor levels of 3.25m AHD are sufficient to be above the 1 in 100 year ARI event.

Advice provided by the proponent's flood consultant shows the impact of the whole site being filled above the 1 in 100 year AEP level increases inundation of a section of farmland immediately to the south by between 0.03m to 0.10m. Filling of the entire 21.2ha site is not considered practical however, significant concern has been raised from neighbouring land owners and concerned residents about the increased level of flooding as even minor flood increases in this flat landscape can lead to inundation where buildings have been designed to accommodate the existing flood levels.

The proposal also states that a 2.9ha section of the site upon which the Marine Industry Precinct will be located will be filled and all buildings will have a minimum floor level of 3.25 AHD. With current land levels ranging from 0.75m AHD to 2.2m AHD the fill required may be between 2.5m and 1.05m in height.

A more detailed assessment of flooding and its potential impacts on all surrounding land uses would need to be undertaken before a determination of the consistency with this Direction could be made.

SITE SPECIFIC ASSESSMENT

Social

The proposal has the potential to conflict with surrounding land uses due to the impact of noise and the visual impact of the development.

Noise

The operation of the industry will generate numerous noise sources that will affect the surrounding land uses, particularly the residents on surrounding properties, the closest being 200m away but also potentially the two tourist parks, 1km and 2km removed, and the village of Palmers Island approximately 1.5km removed. The most intrusive source of noise accounted for is a proposed marine travel lift that transports boats within the site to the launching and recovery basin/ wet dock.

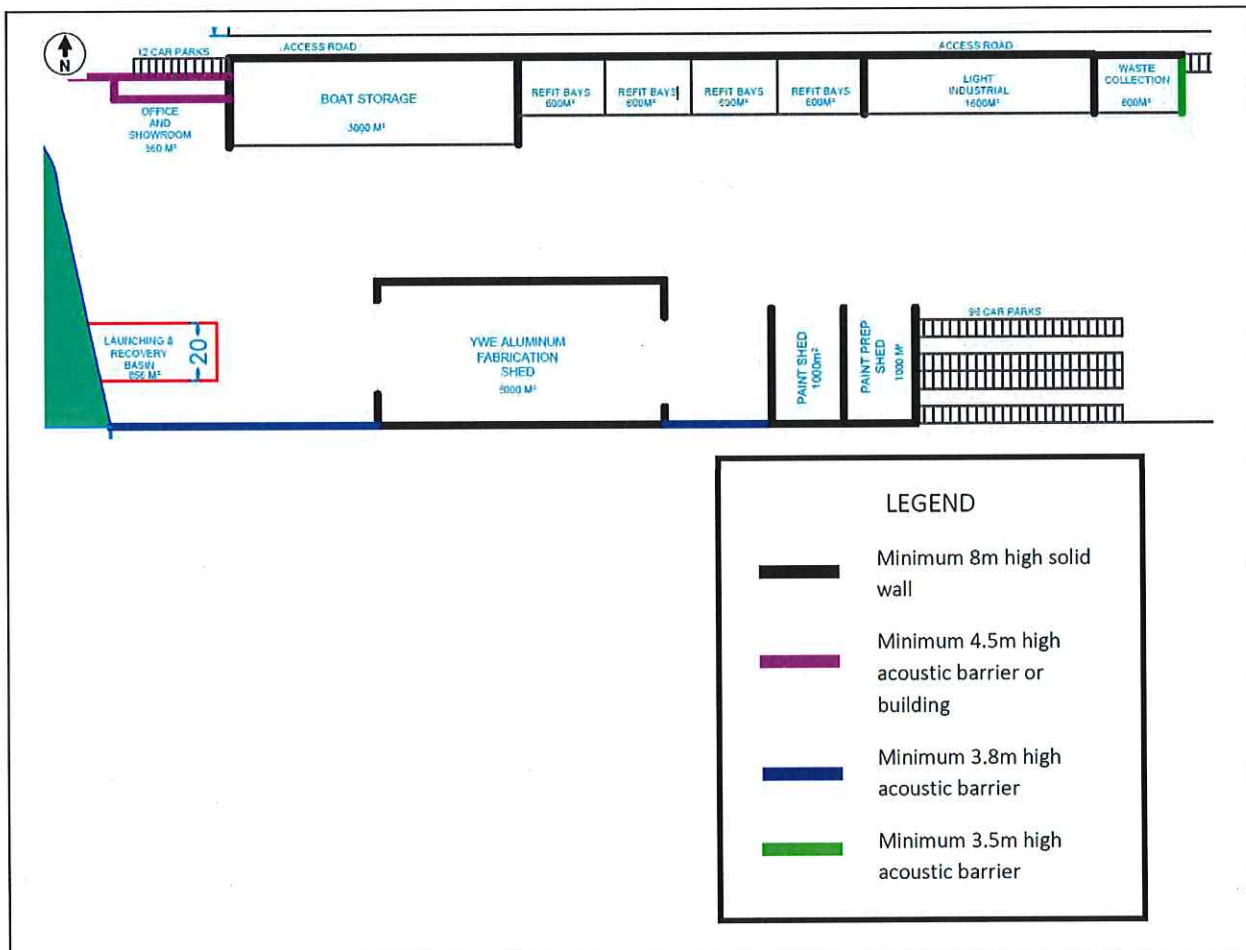
The Environmental Noise Assessment report by TTM dated 20 March 2017 concludes that various attenuation measures are required to limit the noise generated at the development to the levels required within the *NSW Industrial Noise Policy* when assessed at the nearest residential receivers.

To ameliorate these impacts the concept plan includes the use of acoustic walls up to 8m high along the length of the north wall of the building and along part of the southern wall as shown on the concept plan below.

Some of the other attenuation measures required for the development to comply with noise guidelines include limits on the hours of operation both for the development and particular machines, retrofitting of hospital grade mufflers, and onsite testing for noise levels when new machines are purchased.

The Industrial Noise Policy includes the following statement:

'Responsibility for applying this policy lies with the land use planner... through taking account of likely impacts at an early stage in the planning process so that incompatible development are appropriately located; also in recognising the importance of maintaining separation distances between industry and residents. In locating potentially noisy developments, it is essential to recognise that mitigation of the effects of noisy activities once these are established will be limited by cost and design factors.'



Other relevant statements in the policy include:

- the criteria in the policy were designed to protect 90% of the population from the adverse impacts of noise at least 90% of the time;
- if the criteria are achieved it is considered unlikely that most people would consider the resultant noise levels 'excessive'; and
- the policy does not take into consideration the impacts of vehicles on the path of travel to the development.

The acoustic report submitted describes the existing acoustic environment as typical of a rural area with noise sources being birds chirping, wind in vegetation, natural river sounds, commercial and recreational boats and local traffic noise.

The surrounding locality includes tourism parks and rural dwellings. Along with the primary impacts on surrounding residents, the development is likely to have an impact on the viability of impacted tourism parks. Tourism is the Clarence Valleys fourth biggest

employer, generating \$260 million in 2015-16. While the anticipated noise may not be 'excessive' in terms of the Industrial Noise Policy Standards, it will be discernible from the otherwise natural surrounds, potentially discouraging tourists from returning to these parks or shortening length of stays.

The proposed acoustic environment will be altered with the business operating up to 7 days, from 6am to 6pm. The anticipated most intrusive noises are the operation of rattle guns, compressors, hoists, and the operation of the marine travel lift. The report predicts with mitigation measures, the impact on background noise may meet the Industrial Noise Policy requirement. This requirement is for an increase of less than 5dBa within the lounge room of the closest residential receptor. At 5dba most people can hear the noise.

The mitigation measures proposed are both costly to construct and require ongoing resources for maintenance and monitoring of machinery noise attenuation. From a compliance point of view, this could create ongoing unresolvable disputes, as neighbours are affected by noise which they thought they should be protected from, and the business operators are faced with ongoing expenses associated with compliance. The ongoing compliance measures include frequent noise testing and retrofitting of all new machines with additional mufflers or other noise reducing technology.

The report was also unable to assess plant selections and suggests Council require that an acoustic consultant measure noise once selections are finalised and equipment installed to determine compliance.

While the proposal predicts an ability to achieve compliance with the noise policy, based on the sensitivity of the residential and tourism receptors and primarily the potential loss of patronage at the tourism parks, the ongoing cost of mitigation measures and compliance, and the broader impact from the traffic on the locality, it is considered that noise remains a significant issue with this proposal.

Visual Impacts

To comply with noise criteria the design requires buildings with wall heights up to 8m. The northern wall of the building must be unbroken and over 300m long. When built on the proposed elevated flood mounds the buildings would vary in height from 9.05m to 10.5m above current ground levels.

There are no buildings within 200m of the proposed development. The closest buildings comprise single storey dwellings constructed flat on the ground. There are five dwellings within 500m. Approximately 1.2km to the south is the village of Palmers Island.

The proposed building will be 4 or more metres higher than any building in the vicinity. The bulk, scale and size of development is not considered to be in keeping with or appropriate for this location.

The Planning Proposal states that *'the potential to screen the Marine Park through the use of extensive plantings will be addressed in future Development Applications'*. No visual assessment has been undertaken by the proponent or Council to determine the impacts on the surrounding area.

The visual impacts of these structures may be partially diminished by setbacks and screening, however, due to the flat rural landscape these impacts will effect the scenic amenity of the locality.

It is considered that the visual impacts of this proposal will be significant.

Traffic

A public school is located 1.5km from the site at the intersection of School Road and Yamba Road. The additional traffic generated by the development will have an impact on the capacity of the intersection to deal with traffic movements in peak times. The Planning Proposal concludes that left and right turn lanes on Yamba Road are initially required and potentially an upgrade to a roundabout in the future as a result of ongoing growth of Yamba.

The development proposed is estimated to generate 445 daily vehicle trips. Council undertook monitoring during June 2016 which indicated existing traffic of 566 daily vehicle trips on weekdays and 298 on weekends. On week days, the proposed development will almost double the existing traffic. When operating on weekends, it will more than triple it. This traffic will have a significant impact on the safety of the students attending the school and on the amenity of the land adjacent to the traffic routes. This cannot be mitigated.

Co-location at Harwood Marine Based Industry Precinct

Another marine based industry is located at Harwood, approximately 2.5km upstream of the subject land. In 2014, 17ha of land adjoining the existing Harwood site was rezoned for marine based industry uses. It is presently vacant. The existing businesses at the Harwood site undertake both aluminium and steel boat fabrication.

Despite the existing businesses on site manufacturing both aluminium and steel boats, the proposal states the co-location on the Harwood site is not possible due to the steel fabrication on that site which leads to a risk of the potential contamination of the aluminium welds. This is supported by a letter from a welding inspection service which states that there should be no fabrication of other metal objects in the vicinity of the aluminium vessels.

The letter does not go on to define what 'in the vicinity of' means, or what level of separation is required. During the course of assessment of this application alternative information has been provided from both an objector who is also a boat builder, and an independent marine industry operator, that it is common practice within the marine industry for both aluminium and steel fabrication to occur within the one premises (**Attachment F**).

To inform the assessment of this issue a number of independent organisations were contacted to obtain advice on the level of separation required. The responses are shown in the table below.

Knox Engineering	Undertake both aluminium and steel fabrication within the same building. Hold ISO 9001:2008 certification. Have simple procedures to mitigate risk.
Australian Aluminium Council Ltd	Tony Gramlick, Technical Advisor, who advised both aluminium and steel fabrication could be undertaken in same building, provided precautions were taken, and should these activities be undertaken in separate buildings no separation would be required.
Sussex Materials Solutions	Written advice that co-location is

	possible (Attachment G).
Bureau Veritas (identified by the planning proposal as the certification authority for the landowner)	Written comments confirming suitability of co-location with precautions (Attachment G).

While each industry source acknowledged there was a risk of contamination of the aluminium if steel fabrication was carried out in proximity without precaution, each source acknowledged this risk was low, was for a limited time period, and could be mitigated even within the same building.

Based on this independent advice on co-location the need for separation from other steel fabrication businesses is not adequate justification for not considering alternative sites.

Environmental

Flooding

Flooding is an unavoidable constraint in the lower reaches of the Clarence River. The Planning Proposal states the subject land is at an elevation of 2.2m AHD near the river and 0.75m AHD in the east near School Road. This is below the 100 year ARI flood event level. As advised in the Planning Proposal, peak flood levels vary between 2.63m AHD near the river and 2.48m AHD near School Road. Therefore, the land will be inundated by between 0.43m and 1.73m of water during a 100 year ARI flood event.

The proposal states that a 2.9ha section of the site upon which the Marine Industry Park will be located will be filled and all buildings will have a minimum floor level of 3.25 AHD. With current land levels ranging from 0.75m AHD to 2.2m AHD the fill required to reach the 3.25m AHD will be between 2.5m and 1.05m in height.

An accurate assessment on the effect on flood waters and the impacts on surrounding land uses as a result of the proposed filling on the floodplain has not been undertaken.

River bank erosion

The riverbank located within the property is currently protected by rock armouring constructed by Clarence Valley Council to provide low level erosion prevention on the site. The concept plan identifies a 20m wide basin that will be required to be cut into the rock armouring wall and the Planning Proposal discusses a 14m wide boat ramp. The boat ramp is not shown on the concept plan. The Planning Proposal states that *'the provision of sophisticated riverbank works to protect high-value assets within the Marine Park is critical'* and that the owner will be responsible for the design, construction and maintenance of all bank protection structures which will eliminate the need for any Council responsibility, particularly in respect of maintenance.

The development site is also within 900m of land identified by Council as being a Riverbank Erosion Area. If a gateway determination is issued an engineering assessment should be undertaken prior to the making of the plan to determine the bank stability at this site and any required mitigation measures.

Acid Sulfate Soils

The land is mapped as containing class 2 and 3 acid sulfate soils. The environmental impact of the excavation of the active waterfront interface area (wet dock canal) on the acid sulfate soils has not been addressed in the Planning Proposal which suggests that an assessment will be provided at the development application stage. If this proposal was supported an Acid Sulfate Soils Management plan should be prepared to inform the final consideration of this proposal.

Economic

The proposal will provide significant economic inputs during the construction and operational stages of the development. Yamba Welding and Engineering currently employs 20 fabrication staff. It is not known how many administration or other ancillary staff are currently employed. The Planning Proposal indicates the development would likely be producing up to 25, 6m to 35m vessels annually with a value of up to \$26M per year.

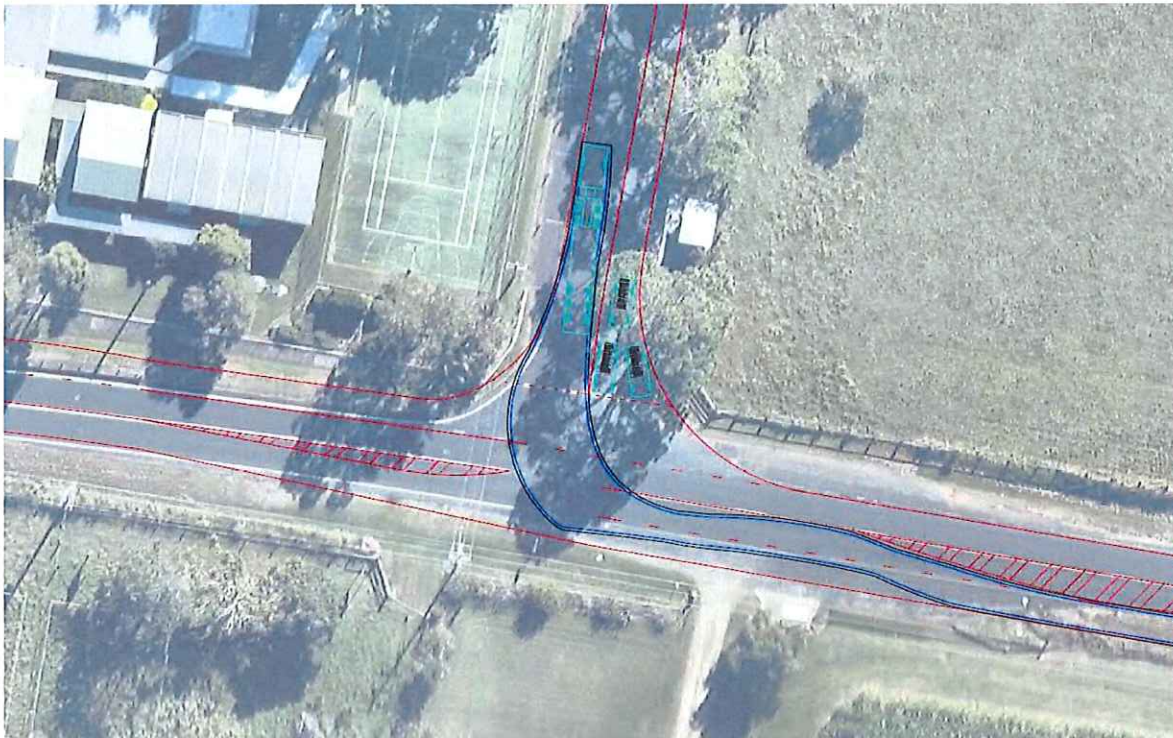
This is a significant increase in product value compared to the current operation that is stated as having an output value of \$5M annually. The Planning Proposal indicates that once fully developed the development could employ 122 people on site. This would result in a positive economic outcome.

Infrastructure

It is expected the site can be adequately serviced. The Planning Proposal states that water, power and telecommunications are located immediately adjoining the property and will be extended/upgraded as required at the owner's expense.

School Road is a local road and may require upgrading to cater for increased traffic movements. In addition, the intersection of School Road and Yamba Road will require significant upgrading. The Traffic and Transport Assessment that supports the Planning Proposal concludes that left and right turn lanes on Yamba Road are initially required and potentially an upgrade to a roundabout in the future as a result of ongoing growth of Yamba.

Council's Development Engineer reviewed the information provided with the Planning Proposal and determined that the proposed intersection treatment would fail during the morning and afternoon peak once the site is fully developed and that a roundabout intersection treatment will function to an acceptable level of service. Council determined that a sensitivity analysis must be undertaken to determine when the intersection treatment would fail and determine when the roundabout would be required to be built. A roundabout at the intersection of School Road and Yamba Road would require land acquisition to occur. Below are extracts from the Planning Proposal showing the proposed intersection treatments. This matter can be addressed should this proposal progress to development application stage.



Proposed Auxiliary Left (AUL) and Channelised Right (CHR) treatment



Potential roundabout treatment

CONSULTATION

Community

The Planning Proposal does not stipulate an exhibition period for community consultation. Due to the nature of the development and contentious history within the community a minimum 28-day exhibition period would be necessary if the proposal is supported.

Agencies

The Planning Proposal identifies that consultation with the following agencies would be undertaken:

- Roads & Maritime Services;
- Fisheries;
- Office of Environment & Heritage; and
- Office of Water.

TIMEFRAME

It is recommended that this Planning Proposal not be supported. Therefore, no timeframe for its completion is recommended.

If this planning proposal was to be supported it is recommended a 12 month timeframe be required. No project timeframe was submitted with the proposal.

DELEGATION

Council has sought delegations to progress this Planning Proposal, however, it is recommended that this Planning Proposal not be supported. Therefore, no delegations will need to be issued.

If this proposal is supported it is recommended that delegations be issued to Clarence Valley Council as requested.

CONCLUSION

The Lower Clarence locality provides a suitable location for the expansion of marine based industries and that the proponent behind this proposal has established a strong business which can contribute to the ongoing growth of the local economy. The potential provision of 122 jobs would be beneficial to the regional economy.

However, both the local and Regional strategic planning documents support the clustering of a marine precinct to encourage a skilled workforce, reduce infrastructure demands and prevent industries scattered along the water's edge. In July 2015 additional land was zoned to provide for this expansion. Independent advice obtained indicates that there is no physical need for this development to be located away from the existing zoned land.

In addition, the site itself is mapped as regionally significant farmland, and is located within an established rural zone, within proximity to nature based tourism operators. The supporting studies have not demonstrated that the impacts of this proposal can be successfully mitigated.

Key issues arise from the assessment including potential ongoing impacts from noise and traffic. In addition, the visual impacts on the rural landscape are not adequately dealt with.

Considering the above it is recommended this proposal not be supported and the proponent be encouraged to consider the existing zoned land for this business expansion.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should not proceed because:

1. there is no demonstrated need for additional zoned land in this location;
2. it is inconsistent with:
 - a. the Clarence Valley Industrial Lands Policy, and as such the North Coast Regional Plan 2036; and
 - b. the Marine Based Industry Policy – Far North Coast and Mid North Coast NSW;
3. it is inconsistent with SEPP 71 – Coastal Protection, and section 117 Direction 1.2 Rural Zones; and
4. the potential noise and visual impacts on the amenity of the surrounding locality are considered unacceptable.



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