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SEPP (Rural Lands) 2008	SEPP protects rural land. 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.	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 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	Re: clause 8(a).	It is considered that the other relevant matters listed in clause 8 have also been satisfactorily addressed in the planning proposal.	Re: clause 8 It is considered that the proposal is inconsistent with the clause 2(k) of the SEPP which seeks to ensure that the type, bulk, scale and size of the	The proposal only addresses the aims of the policy and not other matters for consideration listed in clause 8. 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

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			<p>development is appropriate for the location, and protects and improves the natural scenic quality of the surrounding area. The Planning Proposal identifies that <i>'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 DA stage'</i>.</p>	<p>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 DA 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 form consideration which addresses the suitability of development given its type, location and</p>

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				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.
Mid North Coast Regional Strategy (MNCRS)	The subject land is not located within an agreed growth area identified in the MNCRS, nor does the Strategy specifically identify the land as future employment lands. Despite this, the strategy states: "In the case of some marine-based industries that depend upon access to navigable waterways, additional opportunities for industry establishment may be provided outside the growth areas."	The Department will work with other relevant State agencies on suitable locational criteria to assist in guiding any future development opportunities. A Draft Marine Based Industry Policy has been prepared.		
Draft Marine Based Industry Policy – Far North Coast and Mid North Coast NSW	The draft sets locational criteria for consideration of where marine industry land uses could be considered outside of the growth areas. These criteria exclude marine based industry on certain land and identifies a variety of	It is considered that the subject land is consistent with the criteria. An issue of concern for the proposal is the potential for land use conflict with the neighbouring residential uses. The size and orientation of the site		

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	side criterial that must be met or can be sustainably managed, ameliorated or off-set.	offers some opportunities for land use conflicts to be minimised via design considerations and onsite buffering of the development. It is recommended that a noise and potential land use conflict study for the use of the site as a marine based industry precinct be prepared prior to exhibition to address this issue in greater detail. While the Policy identifies that marine based enterprises should be clustered where possible, the new "greenfield" location is considered appropriate due to the lack of existing alternatives in the location AND the ability for clustering of associated enterprises to occur on the site in the future.		
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	

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			<p>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</p> <ul style="list-style-type: none"> • 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. <p>The Policy identifies environmentally sensitive areas where such</p>	<p>The subject site does not fall into any of the listed categories.</p>

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			<p>industries should not occur.</p> <p>The Policy identifies further criteria which if achieved means the proposal may be found to meet the intent and definition of the policy.</p> <p>Criteria</p> <p>1 The industry is dependent on access to a navigable waterway.</p> <p>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.</p> <p>3 The size or bulk of the vessels or products proposed to be built requires transport by water</p> <p>Having satisfied the three criteria above, the</p>	<p><i>Criteria Satisfied</i></p> <p><i>Criteria Satisfied</i></p> <p><i>Criteria Satisfied</i></p>

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			<p>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:</p> <p>Criteria</p> <p>4. Any new dredging required for site access would not adversely affect estuarine habitats, marine vegetation, fishery resources and water quality.</p> <p>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 habitats.</p>	<p><i>No dredging is required as part of this proposal</i></p> <p><i>It is likely that this could be sustainably managed or ameliorated.</i></p> <p><i>It is unlikely the proposal will impact POAAs and it is</i></p>

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			<p>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.</p> <p>7. The site is not located in a high flood risk precinct or high flood area.</p> <p>8. Water-based access to the site would be practicable given river currents and tidal movements in the locality.</p> <p>9. The site does not contain high-risk acid sulfate soils which could be disturbed, exposed or drained.</p> <p>10. The main industrial complex (excluding the</p>	<p><i>likely that this could be sustainably managed or ameliorated.</i></p> <p><i>The site is flood prone with a flood level of up to 2.63m AHO in a 100 year ARI event. Further discussion is included in the following Site Assessment section.</i></p> <p><i>It is likely that this could be sustainably managed or ameliorated.</i></p> <p><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></p> <p><i>The concept plan shows the main buildings being set back from the riverbank, as per</i></p>

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			<p>slipway/s), could be set back to avoid bank erosion issues.</p> <p>11. Native vegetation (including riparian vegetation and other trees, shrubs, grasses, etc) would not be disturbed.</p> <p>12. The proposed development of the site would not conflict with neighbouring land uses (such as residential and recreational/tourism pursuits).</p> <p>13. Services and infrastructure could be practicably provided.</p> <p>The Marine-Based Industry Policy encouraged councils to strategically plan for opportunities for marine-based industry. It states the</p>	<p><i>this criteria, the boat ramp/ slip way is not considered as this is essential for a marina.</i></p> <p><i>The site is generally clear of native vegetation. It has been used as a cane farm for over 100 years.</i></p> <p><i>The proposed development will conflict with neighbouring land uses. This matter is discussed in detail the Site Assessment section.</i></p> <p><i>Services are available to the site.</i></p> <p>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</p>

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			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.	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.
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.	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.

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			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.	
Local Strategic Planning			<p>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:</p> <ul style="list-style-type: none"> • the Clarence Marine Precinct; • the Clarence River Way Masterplan 2008; and • the Clarence Valley Industrial Lands Strategy 2007. <p>The Clarence Marine Precinct</p>	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.

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			<p>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</p> <p>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</p>	<p>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.</p> <p>The Planning Proposal relies on the broad nature of this document and discusses issues with co-locating at the Harwood marine industry precinct.</p>

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			<p>not specifically address the issue of the appropriate location for marine based industries.</p> <p>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</p>	<p>The Planning Proposal does not address consistency with this Strategy.</p>

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			attraction of other marine businesses to the region as a result of the clustering.	
Section 117 Directions	The proposal is considered to be consistent with all applicable S117 Directions except in relations to the following:		The proposal is considered to be consistent with all applicable s117 Directions except in relation to the following:	
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 MNCRS identifies the need for marine based industry precincts in rural locations and provides for the development of criteria for their consideration.	The proposal to rezone the subject land is considered to be consistent with the criteria contained in the Draft Marine Based Industry Policy. It is therefore considered that the inconsistency with the Direction is justified.	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 MNCRS identifies the need for marine based industry precincts in rural locations and provides for the development of criteria for their consideration.	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.

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3.4 Integrating Land Use and Transport	<p>States that a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> a) Improving Transport Choice – Guidelines for planning and development and b) The Right Place for Business and Services – Planning Policy <p>A planning proposal may be inconsistent with the Direction if the inconsistency is justified by a strategy, a study, is in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department which gives consideration to the objective of this direction, or is of minor significance.</p>	<p>The planning proposal is considered to be consistent with the Mid North Coast Regional Strategy and the inconsistency is justified.</p>	<p>States that a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> a) Improving Transport Choice – Guidelines for planning and development and b) The Right Place for Business and Services – Planning Policy <p>A planning proposal may be inconsistent with the Direction if the inconsistency is of minor significance.</p>	<p>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.</p>
4.1 Acid Sulfate Soils	<p>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.</p>	<p>The planning proposals concept site layout indicates that the proposed industrial sheds and workshops will be located on mounds to ensure they are flood free. At development application</p>	<p>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.</p>	<p>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</p>

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	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 on minor significance.	stage, the active waterfront interface area (ie the wet dock canal) will also need further detailed geotechnical assessment to confirm soil characteristics and identify appropriate treatments. The inconsistency of the proposal with the Direction is considered to be of minor significance as management of acid sulfate soils can be adequately addressed and controlled through the development application process. It is recommended however that the assessment of the impact of the wet dock to be prepared prior to exhibition also address the issue of acid sulfate soils.	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 on minor significance.	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	Provides that a draft plan must not rezone land within a flood planning area to an industrial zone. The draft plan proposes to rezone the land below the 1 in 100 year flood level. The Direction states that the proposal may be inconsistent if the proposal is consistent with the floodplain management plan or if the inconsistencies are of minor significance.	The planning proposal includes a flood risk assessment which concludes that the filling of the site to create building pads and raise internal road levels will enable development to occur without being restricted by flooding and also without having any notable hydraulic peak level impact (as a result of filling the site to the extent shown in the concept layout	Provides that a draft plan must not rezone land within a flood planning area to an industrial zone. The draft plan proposes to rezone the land below the 1 in 100 year flood level. The Direction states that the proposal may be inconsistent if the proposal is consistent with the floodplain management plan or if the	The Planning Proposal states that in 2014 a 'Palmer's 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

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		plan). Councils engineers have also reviewed the flood risk assessment and concluded that it is acceptable. The inconsistency of the proposal with the Direction is therefore considered to be justified.	inconsistencies are of minor significance.	<p>River for the 100 year ARI event;</p> <ul style="list-style-type: none"> - peak flood levels vary between 2.48m AHO in the east of the site to 2.63m AHO in the west; flood velocities are generally low across the site (less than 0.25m/s); and - proposed finished floor levels of 3.25m AHO are sufficient to be above the 1 in 100 year ARI event. <p>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</p>

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				<p>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.</p> <p>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.</p> <p>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.</p>
Environmental social economic impacts	The majority of the subject land is cleared rural land	However, given that it will involve a significant		

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	<p>having been used for sugar cane production. The planning proposal does not identify any remnant native vegetation on the subject site nor any potential critical habitats. The proposal includes the construction of a wet dock facility. This will essentially be a short canal incised into the riverbank to facilitate the transfer of vessels from the deep-water frontage to the workshops. Little detail is provided in the planning proposal as to what this wet dock area will entail.</p> <p>The development of the site will potentially have impacts on the surrounding properties in relation to noise, vibration, traffic and amenity. The concept layout of the development in the planning proposal shows a buffer of approximately 30m along the northern boundary of the property. This buffer includes an existing dwelling not associated with the proposed development. From the plans provided, this dwelling will be a maximum of 25m from the</p>	<p>excavation into the riverbank below existing ground and water levels it is considered prudent that further investigation into the potential impacts on fish habitat, marine vegetation and riverbank stability is provided prior to the proposal proceeding to exhibition.</p> <p>Due to the size and orientation of the site it is considered that buffering and mitigation measures are possible through the design process to address any issues. It is recommended that a noise and potential land use conflict study for the proposal be prepared prior to exhibition to address this matter in greater detail.</p>	<p>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</p>	<p>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.</p>

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	<p>nearest proposed workshop. Other nearby receptors are located approx. 40m, 60m, 160m, 230m, 360m and 450m from the site. It is expected that noise could have a significant impact on neighbouring properties unless mitigation methods are adopted. It is also noted that Council has resolved not to rezone any of the site that is within 100m of an exiting dwelling not located on the site.</p>		<p>marine travel lift that transports boats within the site to the launching and recovery basin/ wet dock.</p> <p>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.</p> <p>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.</p> <p>Some of the other attenuation measures required for the development to comply with</p>	

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			<p>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.</p> <p>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</p>	

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			<p>limited by cost and design factors.'</p> <p>Other relevant statements in the policy include:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>The surrounding locality includes tourism parks and</p>	

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			<p>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</p>	

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			<p>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.</p> <p>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.</p>	

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			<p>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.</p> <p><u>Visual Impacts</u> 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.</p>	<p>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.</p> <p>It is considered that the visual impacts of this proposal will be significant.</p>

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	<p><u>Traffic</u> The planning proposal is supported by a Traffic Impact Assessment of the proposed development. This assessment concludes that the development's impact on the external road network is minimal and the performance of the intersection of School Road and Yamba Road is operating at an acceptable level. No ameliorative works</p>	<p>Additional work into the impact of traffic from the development is therefore considered appropriate prior to the exhibition of the proposal to address these issues.</p>	<p>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.</p> <p><u>Traffic</u> 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</p>	<p>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.</p>

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	<p>are recommended by the assessment. However, Council in its assessment of the proposal identified the need for:</p> <ol style="list-style-type: none"> 1. The development site and the proposed entry/exit intersection with School Road will require engineering details, based on the design vehicles and traffic flows, for any future development application and construction certificate approval of the development. 2. The source of any traffic movement data used and the date/time when any traffic surveys were completed for this report should be provided to confirm its suitability. Council has traffic count data available at this location. 3. Comments and requirements from the Roads & Maritime Services are to be sought and provided as this is a Classified Road, managed by Council on behalf of the RMS. 4. The applicant should provide more information on the type of 'heavy vehicle' (5 x 2 = 10 trips per day) that is 		<p>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.</p>	<p>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.</p>

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	<p>envisaged for the development. The study may not adequately investigate the traffic management, operational efficiency and safety of School Road and the Yamba Road – School Road intersection given:</p> <ul style="list-style-type: none"> • A State Primary School is located at the intersection (in School Road); • A bus stop exists in Yamba Road (at the intersection) • Lot 1 DP652359 has an approved commercial use (not operating at present) with existing car-park entry/exit; • The proximity of the intersection of Yamba Road – Yamba Street intersection; and <p>Available sight distance due to existing horizontal geometry and physical environmental constraints (buildings, canfields etc.)</p>			

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	<p><u>Economic Benefit</u> The planning proposal has given consideration to the economic benefits of the proposal. The proposal estimates that 100 jobs will be created in the long term which will have a positive multiplier effect on the local community. Council's local impact model suggests that the proposal, when fully developed, will potentially represent a direct and indirect annual increase of the Clarence Valley's gross regional product of about \$11 million to \$21 million p.a.</p>		<p><u>Economic Benefit</u> 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.</p>	

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			<p><u>River bank erosion</u> 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 the 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.</p>	<p>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.</p>

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			<p><u>Infrastructure</u> 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.</p> <p>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.</p> <p>Council's Development Engineer reviewed the information provided with the Planning</p>	<p>This matter can be addressed should this proposal progress to development application stage.</p>

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			<p>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.</p> <p><u>Community</u> The Planning Proposal does not stipulate an exhibition period for community consultation.</p>	<p>Due the nature of the development and contentious history within the community a minimum</p>

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		<p>It is recommended that;</p> <ol style="list-style-type: none"> 1. The planning proposal should proceed. 2. Prior to exhibition the planning proposal is to be amended as follows: <ol style="list-style-type: none"> a. land within 100m of an existing dwelling not located on the site shall be removed from the proposed IN4 Zone; b. a project timeline demonstrating that the proposal can be finalised within a 12 month period shall be included; and c. inclusion of the proposed marine based industry clause from the Departments Draft 	<p>The Planning Proposal identifies that consultation with the following agencies would be undertaken:</p> <ul style="list-style-type: none"> • Roads & Maritime Services; • Fisheries; • Office of Environment & Heritage; and • Office of Water. 	<p>28-day exhibition period would be necessary if the proposal is supported.</p> <p>It is recommended that this Planning Proposal not be supported. Therefore, no timeframe for its completion is recommended.</p> <p>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.</p> <p>Council has sought delegations to progress this Planning Proposal, however, it is recommended that this</p>

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		<p>Marine Based Industry Policy -Far North Coast and Mid North Coast NSW shall be included to ensure the site is utilised only by genuine marine based and associated industries.</p> <p>3. That the following studies are completed and included with the material to be placed on exhibition with the planning proposal;</p> <p>a. An assessment of the impact the 'wet dock' will have on the hydrology of the area, river bank stability, aquatic habitats and acid sulfate soils.</p> <p>b. Additional traffic assessment that considered business as well as employee traffic generation including a more detailed assessment of likely intersection requirements at School Road and Yamba Road.</p> <p>c. A noise and potential land use conflict study due to the location of nearby residential housing.</p> <p>The planning proposal is to be completed within 12 months.</p>		<p>Planning Proposal not be supported. Therefore, no delegations will need to be issued.</p> <p>If this proposal is supported it is recommended that delegations be issued to Clarence Valley Council as requested.</p> <p>CONCLUSION</p> <p>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.</p> <p>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</p>

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		<p>5. That a community consultation period of 28 days is necessary.</p> <p>6. That the RPA consult with the following State Agencies</p> <p>a. Roads and Maritime Services in relation to road access and maritime issues</p> <p>b. NSW Office of Environment and Heritage</p> <p>c. Department of Primary Industries - Fisheries and Aquaculture</p> <p>d. Department of Primary Industries – Agriculture</p> <p>7. It is recommended that a delegate of the Director General agree that the inconsistencies of the proposal with S117 Directions 1.2, 3.4, 4.1 and 4.3 are justified in accordance with the provisions of the Directions.</p> <p>The reasons for the recommendation are as follows;</p> <p>1. The development of a marine industry precinct on the Clarence River is supported by local and regional strategies and offers significant economic and</p>		<p>July 2015 additional land was zoned to provide for this expansion.</p> <p>Independent advice obtained indicates that there is no physical need for this development to be located away from the existing zoned land.</p> <p>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.</p> <p>The supporting studies have not demonstrated that the impacts of this proposal can be successfully mitigated.</p> <p>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.</p> <p>Considering the above it is recommended this proposal not be supported and the proponent be encouraged to consider the existing</p>

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		<p>employment opportunities for the area.</p> <p>2. The proposal is generally consistent with the broader strategic planning framework for the site subject to further investigation of specific site constraints and potential development impacts are necessary.</p>		<p>zoned land for this business expansion.</p> <p>RECOMMENDATION</p> <p>It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should not proceed because:</p> <ol style="list-style-type: none"> 1. there is no demonstrated need for additional zoned land in this location; 2. it is inconsistent with: <ol style="list-style-type: none"> 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.