

Preliminary Review of B5 zoning Isles Industrial Estate

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**Undertaken for
Coffs Harbour
City Council**



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Thanks

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Purpose:

The aim of this report is to review the B5 Business Development zoning on lands in the Isles Industrial Estate in North Boambee Valley.

This Review has been undertaken by reviewing existing material.

Background

Under the Coffs Harbour Local Environmental Plan 2000 (LEP 2000) the Isles Industrial Estate was zoned 4A Industrial.

The Coffs Harbour Local Environmental Plan 2013 (LEP 2013) was made on 27 September 2013. LEP 2013 repealed LEP 2000.

LEP 2013 adopted the NSW Government's mandated Standard Instrument Local Environmental Plan Order (2006) which aimed to achieve greater consistency with LEPs in use by Councils across the State.

One impact of the Standard Instrument is that Councils have reduced ability to tailor LEPs to their unique circumstances because of the need to conform to a standard "template" of zones and other development controls.

As part of the preparation for LEP 2013 Coffs Harbour City Council (CHCC) undertook a number of studies to inform the land use zones that should apply across the City. One such study of particular relevance to this Report is the Coffs Harbour Industrial Lands Strategy that was undertaken in 2009.

Since LEP 2000 was made there have been changes in land use demand. Of particular relevance to this Report is the growth of bulky goods retailing. The growth of bulky goods retailing is a national phenomena and many bulky goods outlets have established in or near light industrial areas to take advantage of the low land costs and the large sites available in these locations.

As a result of the Coffs Harbour Industrial Lands Strategy and Council's knowledge of bulky retailing trends, in LEP 2013 land at the Isles Industrial Estate was partly zoned IN1 General Industrial (the closest equivalent to the former 4A Industrial Zone), and partly zoned B5 Business Development (in order to accommodate some light industrial uses as well as bulky goods retailing, amongst other uses).

A number of local businesses and property owners have written to CHCC raising concerns with the extent of the B5 Business Development zoning, and requesting that an "industrial" zone be restored to their land.

These representations led to Council commissioning a review of the B5 Business Development zone at the Isles Industrial Estate.

Location:

The Isles Industrial Estate (subject land) is located approximately 3 km south of the Coffs Harbour City Centre. The subject land provides a southern gateway to the “urban area” of Coffs Harbour. Figure 1 shows the location of the Isles Industrial Estate. It is located on the western side of the Pacific Highway.

Figure 1: Location of subject land



Surrounding Land Uses

Figure 2 shows the zoning of the Isles Industrial Estate (subject land) and the surrounding land.

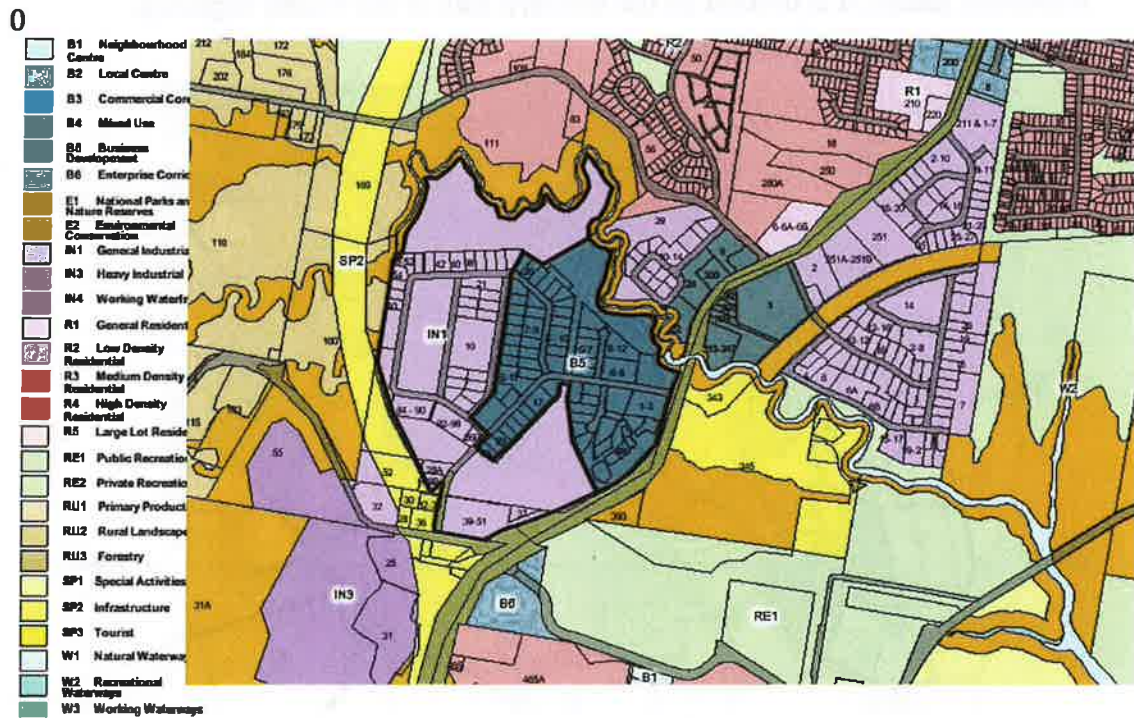
To the east of the subject land is the Pacific Highway. The junction of the proposed Pacific Highway bypass (SP2 Infrastructure zone) of Coffs Harbour is just south of the subject land, and the bypass will be located just to the west of the subject land. The Coffs Coast Resource Recovery Park (IN3 Heavy Industrial zone) is located on Englands Road to the southwest of the proposed junction of the existing Pacific Highway and the proposed Pacific Highway bypass.

Rural zoned land (RU2 Rural Landscape zone) is located to the west of the proposed bypass route.

Newports Creek is located to the north of the subject land (E2 Environmental Conservation zone) and partially developed residential zoned land and Bishop Druit College (R2 zone) further north.

To the east of the Pacific Highway lies the Coffs Harbour Health Services Campus (SP2 zone). To the northeast (and north of Newports Creek) lies more IN1 and B5 zoned land on either side of the Pacific Highway.

Figure 2: Land Use Zoning



Zoning History

The Isles Industrial Estate was zoned 4A Industrial under LEP 2000. Under LEP 2013 the Estate was zoned part B5 Business Development and part General Industrial IN1 (a close equivalent of the former 4A).

Appendix 1 shows the permissible land uses within the B5 and IN1 zones under LEP 2013.

Purpose of each zone

Department of Planning Practice Note PN 11-02 describes the general nature of the zones as follows.

B5 Business Development

This zone is to provide for business, warehouse and bulky goods retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres. This zone provides for employment generating uses such as 'warehouses or distribution centres,' 'bulky goods premises,' 'hardware and building supplies,' 'landscaping material supplies' and 'garden centres.' The zone supports the initiatives set out in the Metropolitan Plan for Sydney 2036 (2010) and other regional strategies.

The zone may be applied to areas that are located close to existing or proposed centres, and which will support (and not detract from) the viability of those centres.

IN1 General Industrial

This zone is generally intended to accommodate a wide range of industrial and warehouse uses and includes 'general industry,' 'high technology industries,' 'industrial training facilities' and 'depots.' This zone would be suitable where a council wishes to have a range of industrial land uses and other compatible land uses generally catered for in an industrial zone. In 2011, a new objective was added to highlight that the purpose of industrial zones is to support and protect industrial land for industrial uses.

IN2 Light Industrial

This zone is for land that provides a range of 'light industry,' 'warehouse or distribution centres' and 'depots.' Vehicle trade and other service industries may also be considered appropriate. The types of uses need to be 'light' in nature, meaning they will not cause nuisance or adversely affect the surrounding amenity for example by way of noise or emissions.

It is important that bulky goods retailing occurs in a business zone and not in an industrial zone. Such an outcome would ease pressure on employment lands. In 2011, a new objective was added to highlight that the purpose of industrial zones is to support and protect industrial land for industrial uses.

Extent of each zone

The area in Coffs Harbour LGA zoned IN1 and B5 is as follows:

B5

North Boambee Valley	33.00 ha
Coffs Harbour	18.19 ha

B5 Subtotal	51.19 ha
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The land zoned B5 is usually located adjacent to the Pacific Highway.

IN1

Toormina	50.88 ha
Boambee East	28.43 ha
Boambee	18.90 ha
North Boambee Valley	55.91 ha
Coffs Harbour	94.05 ha
Woolgoolga	34.22 ha

IN1 subtotal	282.39ha
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The subject land is located within the North Boambee Valley and has the following areas zoned:

B5	29 ha
IN1	46.4 ha

Reasons for the Zoning Change

The change in land use zone as a result of LEP 2013 was primarily triggered by two events:

The first trigger was a requirement of the State Government that local Councils replace their existing Local Environmental Plans with an LEP derived from the "Standard Instrument". This change necessitated a new suite of zones that complied with the requirements of the Standard Instrument, and which were less flexible at the local level than previously was the case.

For each zone, the Standard Instrument (SI) sets out 'core' objectives for development, and certain mandated permitted or prohibited land uses. Councils can include additional local objectives to supplement core objectives where appropriate.

The Land Use Table in the Standard Instrument mandates certain permitted and prohibited land uses in certain zones. In addition to the mandated uses, Councils can modify the land use table to permit (with or without consent) or prohibit the other land uses.

The second trigger was the outcomes of the Coffs Harbour Industrial Lands Strategy (ILS) 2009.

Industrial Lands Strategy 2009

The Coffs Harbour Industrial Lands Strategy was undertaken for Council in 2009.

The main objectives of the Strategy were to:

- Assist Council in preparing its new LEP in accordance with the Standard Instrument;
- Establish the existing supply of, and future demand for industrial lands;
- Provide a strategic framework for the provision of future industrial lands;
- Provide a recommended zoning scheme for existing and future industrial lands; and
- Assess the current and future employment opportunities and economic impacts of industrial lands within the LGA.

The ILS attempted to establish a hierarchy of industrial areas, which amongst other matters sought to limit bulky goods retailing to specific areas. It also sought to separate incompatible land uses.

The ILS states: "the dominant industry is service or light industry, predominantly bulky goods, and automotive uses. There are also a number of light manufacturing uses that exist within the estate. The estate also contains a church, and a service centre containing a petrol station and several fast food takeaway facilities. The estate is relatively new, and is continuing to expand at a consistent rate. The major focus for the area appears to be the continuation of light/ service industry with a particular focus on bulky goods".

The SGS Employment Lands Study (ELS), which provided background data for the ILS undertook a land use study found that at the Isles Industrial Estate 27% of floorspace area was occupied by bulky goods retailing, in comparison to 37% occupied by local light industrial and urban support uses, 12% for freight and logistics and 11% for light manufacturing.

Of particular interest is Section 10.3.4. of the ILS that outlines suggested industry targets for Coffs Harbour to progress its economic development. These include:

- Encouraging distributions operations that serve the area between Sydney and Brisbane, and
- Providing suitable land for light and high technology or advanced manufacturing

The location of the Isles Industrial Estate has advantages for both of the above, namely:

- At the southern extremity of the Coffs Harbour urban area allowing heavy transport movements 24 hours a day without disturbing the amenity of nearby residences,
- Adjacent to the connection to the proposed highway bypass which will increase the value of the above, and

- Adjacent to the Coffs Harbour Health Campus, which could act as a trigger with the development of health related industrial and service enterprises.

This indicates that the Isles Industrial Estate is of strategic importance for transport oriented business, including logistics, warehousing and distribution.

The ELS took a cautious approach to bulky goods retailing, stating that the presence of out-of-centre retailing, particularly in the form of Big Box Retail and Bulky Goods Retail could potentially impact the viability of businesses and industry in town centres. In addition, the spatial distribution of different retailing formats could contribute to unsustainable travel patterns and negative land-use conflicts. This not only impacts on the local community, but it also impacts on the competitiveness of local business and industry...

The ELS noted the importance of the Isles Estate, stating: "The precinct is strategically positioned with respect to the highway, is able to offer large lots and occupies a premium position in the local industrial land market... The precinct should be preserved as a strategic industrial area. Care should be taken to recognise the role and function of the Isles precinct in the local industrial land market place and zoned accordingly."

The ILS took a more permissible approach to bulky goods development. It identified that there was increasing bulky goods retail development in the Isles Industrial Estate in response to local demand. Accordingly, the ILS recommended that the Isles Industrial Estate should be zoned partly IN1 and part B5 under LEP 2013 on the basis of existing demand, broad demand trends, supply analysis and land suitability. The zoning recommendations of the ILS are shown in Figure 3.

It should be noted that since the ILS was undertaken there has been a considerable amount of development in the Isles Industrial Estate, including the development of a new section to the west of Engineering Drive. Many of the lots marked as vacant in the ILS report (Illustration 7.7) are now occupied.

Figure 3: ILS zoning recommendations



LEGEND

- ▨ IN1-General Industrial Zone
- ▨ B5-Business Development Zone
- ▨ IN3-Heavy Industrial Zone
- ▨ Area subject to potential ecological constraint - subject to further investigation
- ▨ Area subject to deed of agreement (to be rezoned Environmental Protection)

Review of the Coffs Harbour Business Centres Hierarchy (RBCH)

This Review was undertaken in 2011. It reviewed previous studies and undertook site inspections to identify whether the existing hierarchy that protects the Coffs Harbour City Centre as the primary retail and commercial centre of the LGA, is appropriate for the future growth of Coffs Harbour as a regional city.

In reference to the B5 zone it concluded: *Localities where the B5 Business Development Zone is appropriate are in the south of the City along parts of Isles, Mansbridge and Cook Drives, and in the north at Homebase. The allocation of land to this zone is potentially in excess of what would normally occur without impacting excessively on other centres; however it recognises that bulky goods retailing is already widespread in these areas. The expansion of the spatial area zoned B5 beyond these allocations is very undesirable.*

The RBCH adopted a cautious approach to the B5 zone, and bulky goods developments.

The RBCH was focused on business zones and did not investigate industrial zoned land related issues.

2014 Land Use Survey

In late 2014, Council officers undertook a review of the development occupying each site within the Isles Industrial Estate. This Review identified the nature of each development and assessed whether the occupying land use was permissible under a B5 and/or IN1 zone.

Almost all developments were found to be permissible within the IN1 zone, with very few permissible only within the B5 zone (such as bulky goods retailers).

Many developments are not permissible in a B5 zone, such as freight transport facilities, depots, and vehicle repair stations. Several premises that might superficially appear to be bulky goods retailers, which are permissible in the B5 zone, more precisely conform to the definition of hardware and building supplies, which is permissible within the B5 and IN1 zone.

Those developments permissible only within the B5 zone are not clustered, and are scattered within the Industrial Estate.

The exception to the above is the cluster of food and drink premises around the Pacific Highway. If these premises are regarded as take away food outlets they are permissible in the B5 and IN1 zone, if they are regarded as restaurants (i.e. catering for a sit down trade) they are only permissible in the B5 zone.

Existing Uses

An 'existing use' is a use that was lawfully being carried out before it became prohibited by a newer planning instrument (such as a new LEP). Existing use rights can be very important if there is a change in land use zone, such as at the Isles Estate when LEP 2013 replaced the former 4A zone under LEP 2000 with the IN1 and B5 zones.

Development that is not permissible in a specific land use zone but which was approved under the provisions of another zone that previously applied to the land can continue to operate under "existing use rights".

For example, bulky goods retailers that were approved under the previous 4A zone, but which are now located in the IN1 zone, can continue under existing use rights even though bulky goods retailing is not permissible in the IN1 zone.

The Environmental Planning and Assessment Regulation makes provision for the continuing operation and change of development under existing use rights.

Under the Regulation, an existing use may,

- a) be enlarged, expanded or intensified, or
- b) be altered or extended, or
- c) be rebuilt, or
- d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or
- e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or
- f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).

An existing use must not be changed under (1) (e) or (f) above unless that change:

- a) involves only alterations or additions that are minor in nature, and
- b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and
- c) does not involve the rebuilding of the premises associated with the existing use, and
- d) does not involve a significant intensification of that existing use.

Land Holder Submissions

Since LEP 2013 came into force Council has received at least 20 submissions from land owners and/or businesses based in the Isles industrial Estate stating that a B5 zoning on their land/tenancy is inappropriate and that an industrial zoning such as IN1 is more appropriate. It should be noted that these submissions were received after LEP 2013 came into force. A summary of the submissions (with personal details removed) is at Appendix 2.

The properties referred to in the submissions are spatially well distributed within the B5 zoned area, although there is a greater concentration of properties to the north and north west of Isles Drive. The spatial distribution of submissions indicates widespread concern by property owners/businesses. The submissions raise three main issues:

- A B5 zoning has devalued their land because it has made it either:
 - Difficult to sell
 - Difficult to tenant
 - Difficult to expand an existing enterprise;
- Bulky goods retailing and light industrial activities experience land use conflict, and
- Lack of consultation by Council in undertaking the rezoning of the land from 4A to B5.

The last dot point is not within the brief of this Review. However, during the conduct of the Review nothing has indicated that Council has not acted consistent with its consultation obligations under the Environmental Planning and Assessment Act 1979.

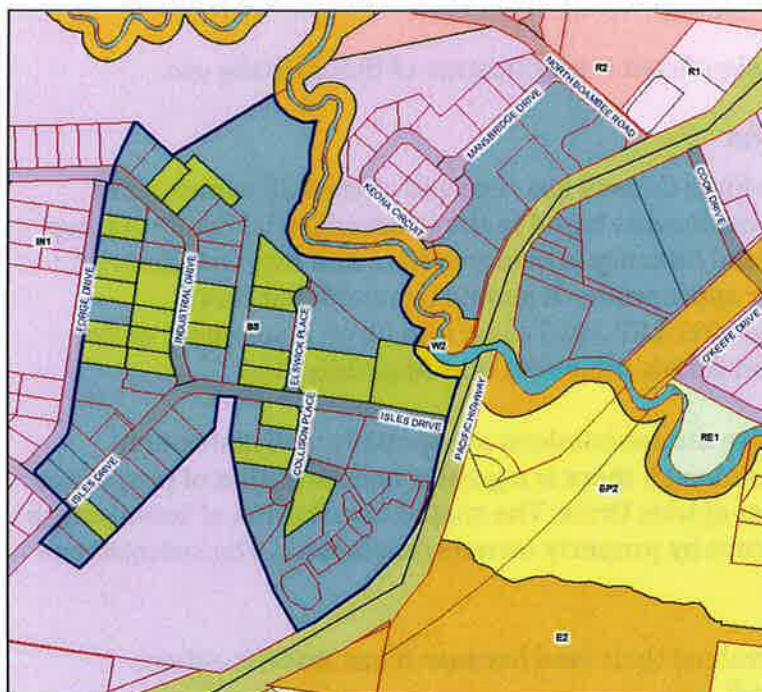
Figure 4 shows the location of the businesses/premises that made submissions.

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Figure 4: Location of submissions received by Council (landowner submissions in green)



The content of the submissions indicates substantial concern amongst landowners that their property/business prospects have been impeded or devalued as a result of the change of zoning from 4A Industrial to B5 Business Development.

While no independent property valuation evidence is available, and no independent analysis of the relative demand for industrial and bulky goods retail land has been undertaken, a local real estate agent has made a submission to the effect that the establishment or development of certain businesses has been impeded by the extent of B5 zoned land.

The real estate agent's submission states that relative demand for industrial land uses is greater than for bulky goods retail, and provides details of certain buildings, proposed developments and leases that have not proceeded due to the B5 zoning that has been applied to the land. Specific examples are provided in their submission.

The real estate agent's submission also states that the reduced ability to utilise or lease sites has reduced rental and capital values of properties, reducing the equity of their owners and their ability to borrow funds for business purposes.

The other submissions are consistent with the real estate agents submission in relation to demand, as well as capital and rental valuation issues.

Analysis

The ILS was undertaken in the context of the Isles Industrial Estate already being zoned 4A under LEP 2000.

LEP 2000 contained a single industrial zone, namely 4A, and bulky goods salesrooms were listed as a permissible land use with consent. As a result, bulky goods retailing had developed in a number of locations zoned 4A in the LGA, principally along the Pacific Highway strip.

The new LEP provided an opportunity to address the scattered nature of bulky goods development and to contain it to a limited number of localities. This was important because bulky goods retailing outside of existing centres has the ability to weaken the viability of existing centres. Furthermore, the presence of bulky goods retailing can limit the opportunities for industrial uses in the area because of land use conflict, such as that due to traffic conflict or amenity impacts.

The use of the B5 zone to provide for bulky goods uses has benefits for:

- Bulky goods uses, by providing an environment suited to their needs;
- Industrial uses by ensuring they are not impeded due to their inherent impacts on bulky goods land uses, and
- Commercial centres, by containing bulky goods uses to limited specific localities and reducing the impact of out of centre bulky goods retailers on the viability of exiting centres.

Because the Isles Industrial Estate was in existence during the currency of LEP 2000 and due to its location on the Pacific Highway offering high exposure and transport accessibility, it attracted both bulky goods retailers and industrial users.

The ILS sought to accommodate both users by recommending that land closest to the Pacific Highway be zoned B5, and that land further away from the Highway, IN1.

However, bulky goods and industrial uses are scattered throughout the Estate, albeit with a concentration on bulky goods uses closer to the Highway and on high profile roads.

A number of changes have occurred since the ILS was produced:

- The growth of household retail consumption has reduced due to the global financial crisis and the consequent propensity of households to increase savings and reduce debt;
- A more cautious approach by financial institutions to lend money for developments, including retail and bulky goods developments whose viability is often dependent on securing future tenants, and
- The impact of the internet on retailing. While this impact is still relatively low, it is increasing. Households are ordering goods direct via the internet, using “click and collect” for purchases, and using the internet for price comparison. This is having an impact on the nature of retailing, increasing competition and reducing retail margins. It is not yet clear what the eventual impact on retailing patterns will be, however it is likely to place downward pressure on the demand for retail floorspace per capita.

These changes have had the effect of reducing the per capita demand for retail floorspace. The extent of this reduction is difficult to determine because of market volatility and rerating of investment risk. Households and businesses are still experiencing the impacts of the global financial crisis, such as in the form of more demanding tests for access to finance by the banks and continuing uncertainty in investment returns. However, it seems likely the future savings patterns of households will more closely resemble those evident prior to the “boom” years of the 1980’s-2000’s than those immediately prior to the global financial crisis.

Notwithstanding the above, the pressure on retail profit margins will continue to favour lower rent bulky goods formats relative to more conventional commercial centres. This will lead to a continuing demand for bulky goods floorspace, although probably not at the growth level experienced in the past. Consumers appear to favour one stop bulky goods centres or clusters which provide variety and comparison shopping similar to Homebase at Park Beach. The exception is freestanding major destination stores such as Bunnings and Masters. However, even these stores are increasingly developed with other complementary bulky goods outlets on the same, or adjacent, sites.

As a result, complexes or clusters of bulky good retailers appear to be the currently favoured option for new bulky goods retail development.

Anecdotal evidence suggests that relative to the demand for bulky goods premises, there is a higher demand for general industrial land uses in the Isles Industrial Estate. Care needs to be taken in assessing this evidence because it has not been independently verified and also may not reflect long term land use demand.

In relation to the land uses permissible within the B5 zone, it is difficult to provide a recommendation within the scope of this Review. It is because the B5 zone affects several localities within the Coffs Harbour LGA and that

amendments to the land use table that are appropriate for Isles Drive may not be appropriate for other locations, such as Home Base.

Nonetheless, the land use table should recognise technological change. For example, contemporary vehicle repair stations (as distinct from vehicle body repair workshops) do not have the amenity and negative visual impacts of the past and often coexist with commercial centres and should be permitted in the B5 zone.

Conclusion

This Review has identified a number of issues relating to the coexistence of the B5 and 1N1 zones at the Isles Industrial Estate. Because of past history where bulky goods retailing was permissible in the 4A zone that applied to the Estate under LEP 2000, there is mix of “bulky goods” and “industrial” land uses through the Estate.

There is not a simple solution to this land use zoning dilemma that will satisfy all parties. Any solution is likely to involve a compromise.

Several options are possible:

- Option 1. Continue with the existing land use zoning pattern. This option will continue the existing land use conflict that has been described in this Report.
- Option 2. Reduce the area zoned B5 to high profile locations. Industrial uses could then occupy the lower profile locations while still taking advantage of high transport accessibility and strategic location of the Estate.
- Option 3. Recognise the strategic nature of the Isles Industrial Estate and zone the entire Estate 1N1. The disadvantage of this option is that opportunities for the expansion of bulky goods retailing in the Estate would be severely curtailed and that existing bulky goods operations that have established in good faith under the B5 and 4A zonings could only continue under “existing use rights”. It should be noted that this situation already exists for certain industrial uses within the B5 zone that operate under existing use rights since LEP 2013 was made.
- Option 4. Amend the land uses permissible in the 1N1 and B5 zones. While this option may impose restrictions on businesses operating under existing use rights, it does not address land use conflict.

The foregoing analysis, previous studies and submissions received from businesses/property owners indicates there is merit in consolidating the spatial area within the Isles Industrial Estate zoned B5.

Option 2 offers the greatest benefits and least disadvantages of the options. It enables bulky goods retailing to continue to develop but provides greater scope

for the continued operation and expansion of industrial uses in a strategic location.

Option 2 has two sub options:

- i. The northern side of Isles Drive as far west as Industrial Drive could be zoned 1N1 under this option, and provide high profile locations for industrial enterprises.
- ii. Retain the B5 zone on lots facing the Pacific Highway but to the south of Isles Drive, with the balance of the Industrial Estate zoned IN1. This option would retain the highest profile land in a B5 zone.

Sub option (ii) of Option 2 appears to offer the best outcome of maintaining the integrity of the industrial area while providing opportunities for B5 zone development in the highest visibility location. Sub option (i) has the disadvantage of eroding the integrity and strategic benefits of the industrial area.

The location of the Isles Industrial Estate just north of the connection to the proposed highway bypass is of strategic importance to the LGA. It provides an opportunity for transport and logistics/distribution related industries and those industries reliant on flexible transport options to establish and grow while minimising their impact on other urban areas.

This strategic advantage should not be squandered. Option 2 (ii) provides enhanced scope for this strategic advantage to be capitalised upon for the long term benefit of the Coffs Harbour LGA.

Appendix 1

Coffs Harbour Local Environmental Plan
2013

Land Use Matrix

Legend

- o permitted without consent [mandated under the SI].
- o permitted without consent.
- c permitted with consent [mandated under the SI].
- c permitted with consent.
- x prohibited [mandated under the SI].
- x prohibited.
- A permitted under SEPP (Affordable Rental Housing) 2009.
- I permitted under SEPP (Infrastructure) 2007.
- fill colours in green or red mandated under the SI.
- fill colour in purple public infrastructure permitted under a SEPP.

	B5 Business Development	IN1 General Industrial
(LAND USE terms WITHIN agriculture group term)		
agriculture	x	x
aquaculture	x	x
extensive agriculture[eg. grazing of livestock, etc.]	x	x
bee keeping	x	x
dairy (pasture-based)	x	x
intensive livestock agriculture [eg. poultry farms, etc.]	x	x
feedlots	x	x
dairies (restricted)	x	x
intensive plant agriculture[e.g.. cultivation of irrigated crops]	x	x
horticulture	x	x
turf farming	x	x
viticulture	x	x
(LAND USE terms OUTSIDE agriculture group term)		
animal boarding or training establishments	x	c
farm buildings	x	x
forestry	x	x
(LAND USE terms WITHIN residential accommodation group term)		
residential accommodation	x	x
attached dwellings	x	x
boarding houses	x	x
dual occupancies	x	x
dual occupancies (attached)	x	x
dual occupancies (detached)	x	x
dwelling houses	c	c*
group homes	x	x
group homes (permanent)	x	x
group homes (transitional)	x	x
hostels	x	x
multi dwelling housing	x	x
residential flat buildings	x	x
rural worker's dwellings	x	x
secondary dwellings	x	x
semi-detached dwellings	x	x
seniors housing	x	x
residential care facilities	x	x
shop top housing	x	x

(LAND USE terms OUTSIDE residential accommodation group term)		
home-based child care	O	C
home business	O	C
home occupations	O	O
home occupation (sex services)	X	C
(LAND USE terms WITHIN tourist and visitor accommodation group term)		
tourist and visitor accommodation	X	X
backpackers' accommodation	C	X
bed & breakfast accommodation	X	X
farm stay accommodation	X	X
hotel or motel accommodation	C	X
serviced apartments	C	X
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)		
camping grounds	X	X
caravan parks	X	X
eco-tourist facilities	X	X
(LAND USE terms WITHIN commercial premises group term)		
commercial premises	C	X
business premises[eg.banks, postoffices, hairdressers, etc.]	C	X
funeral homes	X	C
office premises	X	X
retail premises	X	X
bulky goods premises	C	X
cellar door premises	X	X
food & drink premises	X	X
pubs	X	X
restaurants or cafes	X	X
take-away food & drink premises	C	C
garden centres	C	X
hardware & building supplies	C	C
kiosks	C	C
landscaping material supplies	C	C
markets	X	X
plant nurseries	C	X
roadside stalls	X	X
rural supplies	C	C
shops	X	X
neighbourhood shops	X	C
timber yards	C	C
vehicle sales or hire premises	C	C
(LAND USE terms OUTSIDE commercial premises group term)		
amusement centres	X	X
entertainment facilities	X	C
function centres	X	C
highway service centres	X	X
industrial retail outlets	C	C
registered clubs	X	X
restricted premises	X	X
service stations	C	C
sex services premises	X	C
veterinary hospitals	C	C
wholesale supplies	C	C

(LAND USE terms WITHIN rural industry group term)		
rural industries[eg. use of composting facilities and works]	X	X
agricultural produce industries	X	C
livestock processing industries	X	X
sawmill or log processing industries	X	X
stock & sale yards	X	X
(LAND USE terms WITHIN industry group term)		
industries	X	C
heavy industries	X	X
hazardous industry	X	X
offensive industry	X	X
light industries	C	C
high technology industries	C	C
home industry	C	C
general industries	X	C
(LAND USE terms OUTSIDE industry group term)		
boat building and repair facilities	X	C
vehicle body repair workshops	X	C
vehicle repair stations	X	C
(LAND USE terms WITHIN heavy industrial storage establishment group term)		
heavy industrial storage establishments	X	X
hazardous storage establishments	X	X
liquid fuel depots	X	C
offensive storage establishments	X	X
(LAND USE terms WITHIN storage premises group term)		
storage premises	C	C
self storage units	C	C
(LAND USE terms OUTSIDE storage premises group term)		
depots	X	C
warehouse or distribution centres	C	C
(LAND USE terms WITHIN sewerage system group term)		
sewerage systems	X	I
biosolids treatment facilities	X	I
sewage reticulation systems	I	I
sewage treatment plants	X	I
water recycling facilities	X	I
(LAND USE terms WITHIN waste or resource management facility group term)		
waste or resource management facilities	X	I
resource recovery facilities	X	I
waste disposal facilities	X	I
waste or resource transfer stations	I	I
(LAND USE terms WITHIN water supply system group term)		
water supply systems	X	C
water reticulation systems	C	C
water storage facilities	C	C
water treatment facilities	X	C
(LAND USE terms WITHIN air transport facility group term)		
air transport facilities	X	X
airport	X	X
heliport	X	X
(LAND USE terms OUTSIDE air transport facility group term)		
airstrip	X	X
helipad	C	C

(Other LAND USE terms relating to infrastructure)		
car parks	C	X
electricity generating works	X	I
freight transport facilities	X	C
passenger transport facilities	C	C
port facilities	X	X
roads	C	C
transport depots	X	C
truck depots	X	C
wharf or boating facilities	X	X
(LAND USE terms WITHIN educational establishment group term)		
educational establishments[eg. TAFE establishment, etc.]	I	X
schools	I	X
(LAND USE terms WITHIN health services facility group term)		
health services facilities	I	X
hospitals	I	X
medical centres	I	X
health consulting rooms	I	X
(Other LAND USE terms relating to community infrastructure)		
child care centres	C	X
community facilities	C	C
correctional centres	X	X
emergency services facilities	I	I
industrial training facilities	C	C
information and education facilities	C	X
places of public worship	C	C
public administration building	C	C
research stations	C	C
respite day care centres	C	X
(LAND USE terms WITHIN signage group term)		
signage	C	C
advertising structure	C	C
building identification sign	O	O
business identification sign	C	C
C		
boat launching ramps	X	X
boat sheds	X	X
charter & tourism boating facilities	X	X
environmental facilities	C	C
jetties	X	X
marinas	X	X
mooring	X	X
mooring pens	X	X
recreation areas	C	C
recreation facilities (indoor)	C	C
recreation facilities (major)	X	X
recreation facilities (outdoor)	C	C
water recreation structures	X	X
(Other miscellaneous LAND USE terms)		
cemetery	X	X
crematorium	X	C
environmental protection works	C	C
exhibition homes	X	X
exhibition villages	X	X
extractive industries	M	M

flood mitigation works
 mortuaries
 open cut mining

	C		C
	C		C
	M		M

(OTHER LAND USES)

development which cannot be characterised into any land uses defined in the SI

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Note 1. Zone B8 Metropolitan Centre is not included in the matrix given this zone may only be used in two nominated LGAs.

Zone E1 National Parks and Nature Reserves is not included given there is no need to add any additional uses to the zone.

Zones SP1 Special Activities and SP2 Infrastructure are not included given the primary uses in these zones should be annotated on the Land Zoning Map.

Note 2. A type of development referred to in the matrix is a reference to that type of development only to the extent it is not regulated by an applicable State Environmental Planning Policy (SEPP).

The following SEPPs in particular may be relevant to development on land covered by this Plan:

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Affordable Rental Housing) 2009

SEPP No. 33—Hazardous and Offensive Development

SEPP No. 50—Canal Estate Development

SEPP No. 62—Sustainable Aquaculture

SEPP No. 64—Advertising and Signage

Important note

This information does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary.

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

Appendix 2

Submission No.	Issues
1.	Economic impact of B5, lack of consultations
2.	Reduced property value including impacts such as equity for borrowing, concern re. consultation
3.	Impact of B5 on potential expansion and saleability, lack of consultation
4.	Impact of B5 future uses
5.	Impact of B5 on property value and usability, lack of consultation
6.	Impact of B5 on usability of land, economic impact, impact on economic development, lack of consultation
7.	Impact of B5 on business potential, economic impact
8.	Impact of B5 on existing uses and potential resale, lack of consultation
9.	Impact of B5 on business, lack of consultation
10.	Impact on B5 on property value. Lack of consultation.
11.	Impact of B5 on buildings built for industrial purposes, lack of consultation
12.	Sale of property aborted due to B5 rezoning, no demand for B5 zoned land, lack of consultation
13.	Impact of B5 on buildings built to suit industrial purposes, impact on economic value, lack of consultation
14.	Impact of B5 in building and infrastructure built to suit industrial purposes (heavy machinery), impact on property value, lack of consultation
15.	Impact of B5 on potential tenancy and uses, lack of consultation
16.	Impact of B5 on property value, and rental opportunities, restriction of uses, lack of consultation
17.	Wish industrial zoning restored, lack of consultation
18.	Impact of B5 on existing business and tenancies, impact on property value, lack of consultation
19.	Impact of B5 on potential uses, resale and tenancy, impact on property value
20.	East of Forge Drive heavy industrial uses will be in conflict with bulky goods retailing, In Elswick Place a concrete batching plant and adjacent lot are zoned B5. Truck Depot unable to establish on Highway in B5 zone. 370 Pacific Highway should be rezoned B5. Impact of a proposed unit development at 16-20 Industrial Drive due to the B5 zone. Demand for bulky goods retailing land in Coffs Harbour is low. Property and rental values have been negatively affected by the B5 zoning.

Appendix 3

Permitted in B5 Business Development zone and Prohibited in IN1 General Industrial zone

Commercial premises:

- **business premises** means a building or place at or on which:
 - a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
 - b) a service is provided directly to members of the public on a regular basis,
 and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Retail premises:

- **bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:
 - a) a large area for handling, display or storage, and
 - b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,
 and including goods such as floor and window supplies, furniture, house hold electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.
- **garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:
 - a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
 - b) pets and pet supplies,
 - c) fresh produce.
- **plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Permitted in IN1 General Industrial zone and Prohibited in B5 Business Development zone

Agriculture:

- **animal boarding or training** establishments means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

Business premises:

- **home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than two permanent residents of the dwelling and that does not involve:
 - a) the employment of persons other than those residents, or
 - b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
 - c) the exhibition of any signage, or
 - d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.
- **funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Retail premises:

- **entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.
- **function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.
- **neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.
- **sex services premises** means a brothel, but does not include home occupation (sex services).

Rural Industries:

- **agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Industries:

- **boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.
- **general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.
- **vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.
- **vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

Heavy industrial storage establishments:

- **liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Storage premises:

- **depots** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.