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Report: Revised Planning Proposal

Proposal: Rezoning of the land to IN1 General Industrial Zone

Property: No.2730 Pacific Highway, Tyndale
Lot 41, DP 1095984

Owner: Universal Cranes

Author: Bennell & Associates

Date: 30 October 2015



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Summary

Bennell and Associates has been engaged by Universal Cranes to prepare this Planning Proposal Report in support of the rezoning of the subject land from the RU2 Rural Landscape zone to the IN1 General Industrial zone.

The land has been used by ‘Tyndale Heritage Blocks’ for over 40 years for the manufacturing of split and smooth faced reconstituted sandstone blocks. This use ceased in 2008 and the land and buildings have remained unused since and the site is in a dilapidated condition.

This rezoning proposal is to for the use of the land as a sub-depot for ‘Universal Cranes’; a company that provides crane services for the construction of the Pacific Highway Upgrade and other road and bridge construction projects. The company has a fully equipped workshop and depot in Ballina and this site is to be used as a sub- depot to the main depot in Ballina. The use of the land as a ‘depot’ is a prohibited use in the RU2 Rural Landscape zone that currently applies to the land; the rezoning will enable the land to be used as a depot with Council’s consent. A development application for the use will follow should the rezoning be supported.

The subject land is located approximately 29 km north of the Grafton City Centre and approximately 23 km south of the Maclean Town Centre. The land is situated on the eastern side of the Pacific Highway within the village of Tyndale. The real property description is Lot 41, DP 1095984 and the address is No. 2730 Pacific Highway, Tyndale. The land supports 4 buildings, namely: a single storey, fibro clad caretakers cottage located at the front of the property; a 2 storey, concrete block building; a single storey storage shed constructed with a mix of concrete blocks and metal clad walls; and a single storey metal shed used for the storage of plant and machinery. A concrete silo is also located on the land next to the southernmost shed.

The land contains areas of hardstand, native regrowth areas and weed infested areas dominated by pine trees, lantana and grasses. The regrowth areas consist of paperbark trees and other shrub species. A small part of the land is mapped as being flood prone and the land is subject to a low hazard acid sulfate soil risk and part of the land is mapped as bushfire prone. All these risks are relatively minor and can be managed with appropriate controls; these risks represent constraints to the development of the land as opposed to factors that are prohibitive to the development or rezoning of the land. The land has access to reticulated water and approval to operate an on- site sewerage management facility was granted for the caretakers’ dwelling on the land.

The Pacific Highway defines the northern boundary of the land and the land to the south is occupied by a rural property and consists of mainly of forested lands and a cleared paddock. The land to the east consists of residential land and rural lands with the land to the immediate east fronting the Pacific Highway being occupied by a heritage listed guest house. The land to the west and south west is used for industrial purposes namely a produce warehouse and sawmill/timber yard that support a number of workshop sheds, storage yards and machinery.

The subject land presents an opportunity to have a transitional use between the industrial uses to the west and the sensitive residential uses to the east. The proposed depot is an ideal use that provides for a relatively quiet, low traffic generating industrial use and allows for adaptive re- use of some of the buildings. The use will also provide for improved landscaping and landscape buffers. The rezoning and development of the land for a depot is in keeping with principles for sustainable development.

This proposal provides support for the Woolgoolga to Ballina Pacific Highway Upgrade; the Upgrade project is the most significant infrastructure project within the Local Government Area. This proposal will help take advantage of the investment and employment opportunities provided by the Highway upgrade consistent with Council's Economic Development Strategic Plan. Given the location of the land near to the existing Highway and the future Highway when the upgrade is complete, it is likely that the land would attract uses such as freight transport facilities or a distribution centre should the use of the depot cease in the longer term.

This proposal is strategically positioned to take advantage of the road and bridge construction works and associated employment opportunities in an area with low labour force participation and high unemployment. The Economic Development Strategy recognises a lack of appropriately zoned land and the low labour force participation as major competitive disadvantages.

In keeping with Council's Community Plan, this Planning Proposal delivers employment and investment, avoids environmentally sensitive areas, and results in an improved aesthetic appearance for the land.

The proposed rezoning of the subject land to '1N1 General Industrial' provides for a more compatible land use strategy for the subject land than the current zoning which sterilises the development of the land because of the narrow range of permitted uses in the current 'RU2 Rural Landscape' zone. The unusual nature of the land and the buildings and structures existing upon it, has resulted in the land being vacated for a number of years. In the short term the rezoning will allow for an appropriate transitional use of the land as a depot for the storage of cranes and in the longer term, should this use cease, the land can be used for another transitional use permitted in the 1N1 zone.

In summary, the rezoning will provide an incentive for the land to be developed for a use that can deliver better outcomes and compatibility for the surrounding environment in terms of investment, employment, aesthetics and general amenity.



Development Concept Plan

Introduction

Bennell and Associates has been engaged by Universal Cranes to prepare this Planning Proposal Report in support of the rezoning of the subject land from the RU2 Rural Landscape zone to the IN1 General Industrial zone.

2.1 Background:

The land has been used by 'Tyndale Heritage Blocks' for over 40 years for the manufacturing of split and smooth faced reconstituted sandstone blocks. This use ceased in 2008 and the land and buildings have remained unused since.

The site is proposed to be used as a sub-depot for 'Universal Cranes'. Universal Cranes are involved in the provision of crane services for the construction of the Pacific Highway Upgrade and other road and construction projects and have a fully equipped workshop and depot in Ballina. The cranes assist with the construction of overhead bridges and the subject site is strategically located to service the Highway Upgrade from Woolgoolga to Ballina. The intent is to use the site for the storage of cranes and to utilise the existing caretaker's cottage on the land as a site office and caretakers residence; a caretaker is required to provide security for the cranes stored on the site. Approval was granted in 1997 (DA 1997/0049) for a caretakers residence, relocated silo and advertising structure and sign on the land.

A meeting was held with Council officers on 30 June 2015 to outline the proposal to use the land for the storage of cranes. It was determined at the meeting that the use of the land for this purpose constituted a 'depot' under Clarence Valley Local Environmental Plan (LEP) 2011; a 'depot' is a prohibited use in the RU2 Rural Landscape zone that currently applies to the land. It was agreed at the meeting that the most appropriate way forward would be to seek a rezoning of the land through a planning proposal to allow consideration of the use.

In a letter dated 23 July 2015 Council advised:

The proposed use of the site intended by your client would on the face of it have some merit from the perspective of the historic use of the land having been for an industrial type of use comprising a brick/block making enterprise. Unfortunately neither Council nor Council nor Council officers can at this stage commit to in-principle support of the proposal.

Council also advised in the letter that a planning proposal can be prepared to permit the intended use under the current zoning; rezone the subject land to IN1 General Industrial on its own or include the adjoining lands in a rezoning of the land. Council acknowledged that the adjoining lands to the west also have historic industrial uses.

2.1.1 Planning Proposal Process

A gateway determination is issued by the Minister for Planning (or delegate) and specifies whether a planning proposal is to proceed and, if so, in what circumstances (Environmental Planning and Assessment Act, 1979- Section 56).

The purpose of the gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. The gateway determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations.

Gateway Process: The gateway process has the following five steps:

- **Step 1 Planning proposal** – the relevant planning authority is responsible for the preparation of a planning proposal, which explains the effect of and justification for the plan. If initiated by the Minister (rather than the local council which is mostly the case) the Minister can appoint the Director-General or a joint regional planning panel to be the relevant planning authority.
- **Step 2 Gateway** – The Minister or delegate) determines whether the planning proposal is to proceed. This Gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
- **Step 3 Community consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
- **Step 4 Assessment** – The relevant planning authority considers public submissions and the proposal may be varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan – the legal instrument.
- **Step 5 Decision** – With the Minister's (or delegate's) approval the plan becomes law.



Figure 1: Locality (source: Clarence Valley Council GIS)

2.1.2 Scope of Report

This report provides for the information with respect to Step 1 and provides an outline of the proposal, a justification of the proposal and a response to the matters required to be addressed by Council in its letter dated 23 July 2015. The structure of the report is as follows:

The Land and Surrounding Environment

- Description of land
- Description of surrounding environment

Planning Proposal

- Objectives of proposal
- Intended outcomes of proposal
- Explanation of provisions and details of proposal
- Justification
- Maps
- Community consultation

Local Strategic Directions

- Clarence Valley Economic Development Strategic Plan
- Clarence Valley Industrial Lands Strategy
- Our Community Plan 2015-2024

State and Regional Policies and Ministerial Directions

- Mid North Coast Regional Strategy
- North Coast Regional Environmental Plan
- Relevant State Environmental Planning Policies
- Ministerial Directions

Key issues and Other Issues

- Land use compatibility
- Flood prone land; northern part of the land is between the 1 in 100 year flood level and the probable maximum flood level
- Vegetation and bushfire management; part of the land is mapped as bushfire prone land
- Traffic management and cultural heritage

The Land and Surrounding Environment

3.1 The Land:

The subject land is located approximately 29 km north of the Grafton City Centre and approximately 23 km south of the Maclean Town Centre. The land is situated on the eastern side of the Pacific Highway within the village of Tyndale. The real property description is Lot 41, DP 1095984 and the address is No. 2730 Pacific Highway, Tyndale.



Figure 2: Site Plan (source: Clarence Valley Council GIS)

A detailed survey plan is included in Appendix A.

The land is an irregular wedged shaped allotment with a frontage of 84.82m a depth of 318m and an area of 3.109 ha. The land supports 4 buildings, namely:

- a single storey, fibro clad caretakers cottage located at the front of the property;
- a 2 storey, concrete block building;
- a single storey storage shed constructed with a mix of concrete blocks and metal clad walls; and
- a single storey metal shed used for the storage of plant and machinery.

A small dam and a concrete silo are also located on the land next to the southernmost shed.

The land supports areas of hardstand, native regrowth areas and weed infested areas dominated by pine trees, lantana and grasses. The regrowth areas consist of paperbark trees and other shrub species.

The survey plan by Ian Evison and Partners attached as Appendix A provides details of the property.



Site Photos

The land is provided with a sealed roadway that provides access to the buildings on the site and the hardstand area towards the rear of the site. The land benefits from a 20m wide right of way that provides a connection with Coldstream Road and an 8.535m wide easement that provides alternative access towards the rear of the property.

The land is also affected by easements for the overhead electrical power lines located along the front of the property

The land is generally flat and has an elevation ranging from 4.6m Australian Height Datum (AHD) at the northern boundary to 9.6m AHD towards the southern boundary.

The land is mapped as being flood prone, subject to low hazard acid sulfate soil risk and partly bushfire prone.

The land has access to the reticulated water and approval to operate an on- site sewerage management facility was granted in 2012 and expires in 2017.

While the land is subject to a number of constraints that create some limitations for development, none of these constraints are considered prohibitive to the development of the cleared parts of the land.

3.2 The Surrounding Environment:

The land forms part of the South Arm Creek floodplain and is located approximately 500m from South Arm Creek; South Arm Creek is a major tributary of the Clarence River. The surrounding area is typical of such floodplain areas with the land rising gently from the waterway. The subject land itself rises gently with elevations ranging from 4.6m Australian Height Datum (AHD) at the northern boundary nearest to the creek to 9.6m AHD towards the rear of the property away from the creek.

The northern boundary of the land is defined by the Pacific Highway and the access road that serves the property. The Highway in this location has a 100km/hr posted speed limit and is provided with a single carriageway with a protected right turn bay into Coldstream Road for northbound vehicles and a protected left turn bay for southbound vehicles entering Coldstream Road.

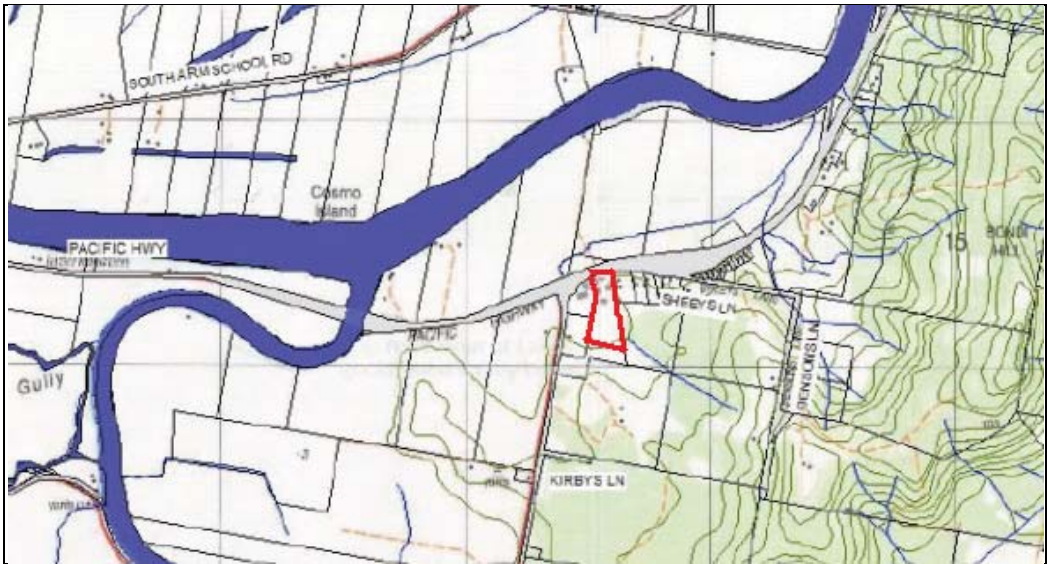


Figure 3: Surrounding Creek Catchment Area (source: Clarence Valley Council GIS)

The land to the south of the subject land is occupied by a rural property and consists of mainly of forested lands and a cleared paddock. The land to the east consists of residential land and rural lands. The land to the immediate east fronting the Pacific Highway is occupied by a guest house and land further east accommodates detached dwelling houses. The subject land is located approximately 15m from the guest house which is identified as a heritage item of local significance under the Clarence Valley LEP 2011. Further east and to the rear of the residential properties fronting the Highway are rural properties comprising a mix of cleared lands and forested areas.

The land to the west and south west is used for industrial purposes, namely, an agricultural distribution centre and a sawmill/timber yard supporting a number of workshop sheds, storage yards and machinery.



Figure 4: Aerial Photo of Surrounding Environment (source: Clarence Valley Council GIS)

The surrounding environment is best described as a disturbed environment that is dominated by a mix of: industrial uses, residential uses and rural uses. The subject land and its surrounding environment are relatively robust areas that would be tolerable of a relatively wide range of uses permitted in an industrial zoning provided adequate buffers are put in place for the residential properties located to the east of the subject land. At present the land presents as an eyesore in the streetscape and would benefit from being redeveloped and landscaped to improve the general amenity of the area.

The Proposal

4.1 Planning Proposal:

The Planning Proposal is explained in terms of the objective, intended outcomes from the proposal and the details of the proposal.

4.1.1 Objectives of proposal

The objectives of this planning proposal are:

- To enable the land to be developed for a depot involved with the storage of cranes and ancillary plant and machinery;
- To provide a land use outcome that allows the land to be used for its best and highest use;
- To provide for the improved management of the land by increasing the economic viability of the land; and
- To provide for the development of the land in keeping with its environmental and servicing capacity.

4.1.2 Intended outcomes of proposal

The intended outcomes from the rezoning are:

- In the short term it is intended for the land to be used for a depot involving the storage of cranes;
- In the long term it is proposed to have a land use strategy that recognises the historic use of the land and its potential to provide for investment and employment in the local area;
- The provision of an incentive for the development of the land that will make use of some of the existing derelict buildings on the land and hard stand areas;
- Development of the site that will result in an improvement to the scenic qualities of the land;
- The provision of a development that will assist in delivering the construction of a major National infrastructure project; namely the Pacific Highway upgrade;
- A new development upon the land that meets the flooding and bushfire hazard objectives of Council and the NSW Rural Fire Service;

4.1.3 Explanation of Provisions and Details of Proposal

The Planning Proposal is simply for the rezoning of the land to IN1 General Industrial. The land is currently zoned RU2 Rural Landscape under LEP 2011.

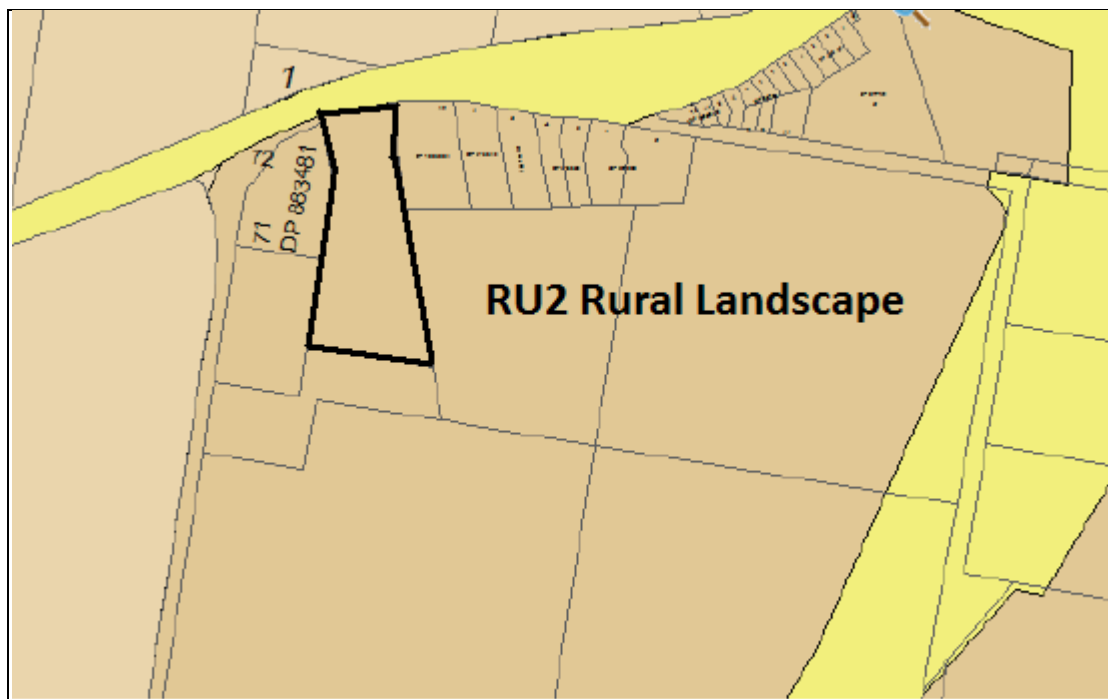


Figure 5: Current Zoning under LEP 2011(source: Clarence Valley Council GIS)

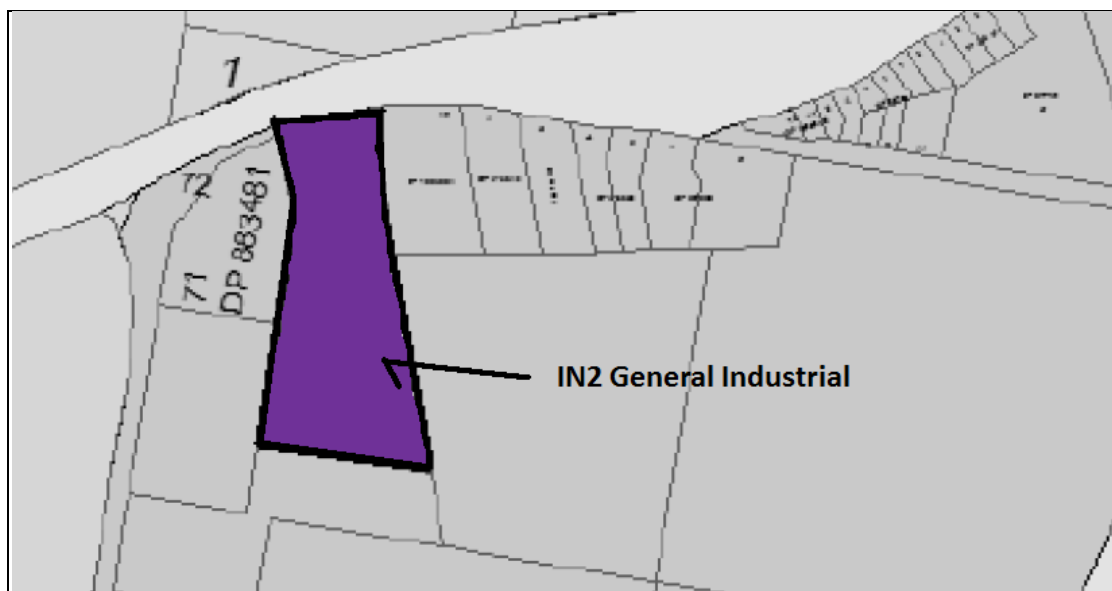


Figure 6: Proposed Zoning under Planning Proposal

Figure 5 above shows the existing zoning under LEP 2011 and Figure 6 shows the proposed zoning under this planning proposal. The proposal an amendment to LEP 2011 Land Zoning Map for the land to reflect the zoning map shown in Figure 6 above and the Height of Building Map to allow a maximum permissible height of 11 metres on the land. The land will be subject to all the other relevant controls under the LEP.

While the proposed zoning is for the development of the land for a depot, the zoning will change the permitted and prohibited uses on the land and allow a different range of land uses, The objectives, permitted uses and prohibited uses under the IN1 zone as described in the adopted LEP 2011 are shown in the table below:

Land Use Table IN1 General Industrial Zone	
1.Objectives of zone	
	• To provide a wide range of industrial and warehouse land uses. • To encourage employment opportunities. • To minimise any adverse effect of industry on other land uses. • To support and protect industrial land for industrial uses. • To minimise the environmental impacts of development. • To allow limited commercial activities that provide direct services to the industrial activities and the associated workforce.
2. Permitted without consent	
	Extensive agriculture; Home occupations; Home occupations (sex services)
3. Permitted with consent	
	Depots; Freight transport facilities; General industries; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Restricted premises; Roads; Take away food and drink premises; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4
4. Prohibited	
	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Function centres; Health services facilities; Helipads; Highway service centres; Information and educational facilities; Marinas; Mooring pens; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Tourist and visitor accommodation; Water recreation structures; Water storage facilities; Wharf or boating facilities

As can be seen by the table above the IN1 zone allows a wide range of uses expected in an industrial zone. Given the location of the land near to the existing Highway and the future Highway when the upgrade is complete, it is likely that the land would attract uses such as freight transport facilities or a distribution centre should the use of the depot cease in the longer term.

The figure below and Appendix A shows the development concept for the depot use.



Figure 7: Development Concept Plan

The proposal is for a small depot to be used by ‘Universal Carnes’ as a subsidiary to the main depot in Ballina. The maximum number of cranes at any time would be 5 to 8 and the maximum size of the largest crane in their fleet is 130t road registered crane. The depot will operate from 7am to 5pm daily and will have a maximum of 10 employees (equivalent full time).

It is expected that on average one (1) traffic movement per day associated with the cranes will occur; this movement will also involve the support vehicles when required. No fuel storage is required at the depot; fuel cards are used to fuel up at the closest affiliated service station.

The cranes will be housed in the shed to be retained on site. The remaining parking areas will be used by staff. While the layout shows how the site could be maximised with parking it is not intended to be used to the full extent for the life of the crane storage depot; the layout shows how the circulation of vehicles will work. The spare parking areas will be left vacant or used to store ancillary equipment required (i.e. spreader bars, crane jib sections, ‘manboxes’ and crane fly sections); this hard stand area allows the ancillary equipment to be stored on a weather proof hard stand area.

No service work or repair work will be carried out on this site; Universal Carnes will simply be using the depot to store the cranes required on the Highway construction close to the subject land for easy access without having to return them to the Ballina Depot.

4.1.4 Justification

The justification for the planning proposal is outlined by addressing the questions provided by the 2012 “*A guide to preparing planning proposals*” questions under Part 2 of the guidelines:

Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current zoning prevents the land being used for a depot and while a scheduled use could be considered this is likely to sterilise the land for a long period of time as the capital infrastructure developed on the land renders the land for a limited range of uses. Rezoning the land for industrial purposes is the best means of securing the site for development of the depot to service the Pacific Highway upgrade needs and to provide a long term strategy for use and investment in the land.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The proposal is consistent with the Mid North Coast regional Strategy in that it provides for a logical use of an existing industrial site and is in keeping with the objectives of providing additional employment opportunities in reasonable proximity to housing. This matter is detailed below.

Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The proposal is consistent with the applicable local strategies and plans as detailed below. The Planning Proposal is in keeping with the core initiatives of the Economic Development Strategic Plan in that it involves the rezoning of land to provide investment and employment opportunities that leverage upon the most significant infrastructure project in the area; the Pacific Highway Upgrade. The planning proposal is consistent with the selection criteria for industrial land as identified in the Industrial Lands Strategy and delivers employment and investment; avoids environmentally sensitive areas; and results in an improved aesthetic appearance for the land, in keeping with the Community Plan.

Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The Planning proposal is in keeping with the relevant SEPPs including SEPP No.71 (Coastal Lands), SEPP (Rural Lands) and the North Coast Regional Environmental Plan, which is now a SEPP; these matters are addressed below. It is to be noted that the land has no evidence of contamination and is in keeping with SEPP 55 remediation of Land. These matters are addressed in some detail below.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal has been tested against Directions and is consistent with these Directions as demonstrated below.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land is a severely disturbed site that has been used for industrial purposes for many years. It is highly unlikely that the land supports critical habitat or threatened species, populations or ecological communities, or their habitats. Nevertheless the proposal for the development of the land seeks to retain all native vegetation on the land of significance.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The main potential environmental impact relates to land disturbance during the site preparation works. Provided appropriate soil erosion and sediment controls are put in place, the catchment will be protected from these works.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal has addressed the potential social and economic impacts and it is considered that the proposal will have an overall positive socio-economic benefit. The subject land presents an opportunity to have a transitional use between the industrial uses to the west and the sensitive residential uses to the east. The proposed depot is an ideal use that provides for a relatively quiet, low traffic generating industrial use and allows for adaptive re- use of some of the buildings. The use will also provide for improved landscaping and landscape buffers. The rezoning and development of the land for a depot will provide employment and investment opportunities and is in keeping with principles for sustainable development. The socio economic impacts are addressed in some detail below.

Is there adequate public infrastructure for the planning proposal?

The land has good access to the regional road network, is provided with reticulated water and has an approval for on- site effluent disposal associated with the existing caretaker's cottage. The land has adequate public infrastructure.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The proposal is for a minor rezoning and views of any relevant authorities can be obtained during the exhibition phase of the planning proposal process.

4.1.5 Maps

The proposal simply requires an adjustment to the Land Zoning Map for the land to reflect the zoning map shown in Figure 6 above and the Height of Building Map to allow a maximum permissible height of 11 metres on the land.

4.1.6 Community Consultation

In terms of impacts upon the local community, the Planning Proposal is required to be advertised to allow for the community to comment on the proposal. Given the relatively minor scale of this rezoning proposal and the measures outlined to reduce any potential community impacts, the advertising of the proposal is considered to be an adequate means of consultation in this circumstance.

Local Strategic Directions

There are a number of local policy documents that are used to guide development and rezoning decisions within the Clarence Valley Local Government Area. The main documents identified by Council of relevance to this proposal are:

- Clarence Valley Economic Development Strategic Plan;
- Clarence Valley Industrial Lands Strategy; and
- Our Community Plan 2015-2024.

5.1 Economic Development Strategic Plan:

In 2006 Clarence Valley Council adopted the Clarence Valley Economic Development Strategic Plan to provide a framework for future economic growth. The plan includes 12 action oriented projects addressing a wide range of industry and commercial needs. This Strategy identifies a number of initiatives with reference to broader regional and state planning priorities and nominates four themes that form the core of the economic actions within the strategy, namely:

- Build on Competitive Advantage (Leverage and Attraction)
- Value Adding and Industry Extension (Innovative Development):
- Business Attraction and Retention (Facilitation):
- Planning and Facilitation (Enabling):

The main characteristics of the local economy in comparison to the NSW average that were acknowledged were;

- Older population;
- Higher dependency ratio;
- Low labour force participation;
- Higher rates of part-time employment;
- Significantly higher unemployment;
- Significantly higher youth unemployment;
- Significantly lower household income;
- Low computer and internet usage;
- Low completion of Year 12 schooling;
- Low attainment of non-school qualifications; and
- High ratio of blue collar workers.

The Strategy recognised the major infrastructure drivers for economic and social development in the Clarence Valley as:

- Utilities (electricity, water supply, waste water and flood mitigation);
- Transport (road, rail, port and airport); •
- Telecommunications;
- Property (commercial, retail and industrial areas); and
- Community facilities (media, health, sport and recreation and national parks).

This proposal provides support for the Woolgoolga to Ballina Pacific Highway Upgrade; the Upgrade project is the most significant infrastructure project within the Local Government Area. This proposal will help take advantage of the investment and employment opportunities provided by the Highway upgrade. The Strategy identifies one of the main competitive advantages as being the location of the Clarence Valley with its proximity to capital cities (Brisbane and Sydney) and within one hour of Coffs Harbour, which is in the process of developing its airport. This proposal is strategically positioned to take advantage of the road and bridge construction works and associated employment opportunities in an area with low labour force participation and high unemployment. The Strategy recognises a lack of appropriately zoned land and the low labour force participation as major competitive disadvantages.

The strategy promotes initiatives that leverage from the existing competitive advantage of the Clarence Valley in order to promote additional value added employment and income. The Strategy specifically identifies the need to have a transport hub within the Clarence Valley to capitalise on road and rail infrastructure advantages. While this planning proposal is not part of the visioned transport hub, it presents an opportunity to be part of the network of infrastructure services that help the area compete with other localities in the region for investment from the Highway Upgrade Project. Without support for the planning proposal, the development will need to be accommodated in an alternative location that may be outside the Clarence Valley Local Government area or rely on the existing facility in Ballina to service the Highway needs.

In light of the above, it is considered that the Planning Proposal is in keeping with the core initiatives of the Economic Development Strategic Plan in that it involves the rezoning of land to provide investment and employment opportunities that leverage upon the most significant infrastructure project in the area; the Pacific Highway Upgrade.

5.2 Clarence Valley Industrial Lands Strategy

The Clarence Valley Industrial Lands Strategy was prepared in 2007 to ensure a sufficient and suitable supply of industrial land to meet the future industrial needs of the region over the next 25 years. The main aim of the Strategy was to identify a supply of strategically located industrial lands.

The Strategy projected a demand for an additional 32-129 ha of industrial land in the Clarence Valley over the next 25 years. The Strategy stated that the *majority of stakeholders believe there is inadequate industrial land to cater for future growth (both from internal and external forces) in the Clarence Valley*. Potential demand for a transport and freight hub was identified in the Strategy.

The Strategy supports a consolidated (or compact) planning approach versus a dispersed planning approach, however, the Strategy recognises that this approach *must, in some way, be balanced by the need for providing range and choice of industrial lands to provide competitive land supply*. Ideally industrial lands would be located in consolidated areas to allow for increased investment and cost effective use of land, but such a strict approach will prevent opportunities such as this planning proposal from proceeding. The circumstances of the case for the subject land warrant a different approach to ensure the investment and development opportunity afforded by this proposal are not lost to competing local government areas. Accordingly, it is appropriate to apply the selection criteria under the Strategy to the subject land to gauge the worthiness of this proposal. The table below provides a response in relation to this site to the selection criteria under the Strategy:

Table 1: Industrial Land Site Selection Criteria

Economic Criteria	Response
Commercial attractiveness • Land affordability • Profile of the site • Ability to attract tenants • Flexibility of site to accommodate tenants • Data technology capabilities • Ability to create an industry cluster • Development feasibility	The land provides a cost effective site for the establishment of the depot; it is a relatively flat site with existing buildings that can be repurposed for the depot use. The land adjoins other industrial uses that provide the potential for a small industry cluster.
Regional positioning • Capacity to service intra region growth and development • Regional competitiveness (capacity to service competitive advantage)	The site is strategically placed between the existing Highway and new Highway alignment to allow the use to take advantage of this National Infrastructure project.
Accessibility/ transport • Access and profile to highway/major roads network • Access for consumers, workers and service vehicles (energy efficiency) • Proximity to education and training facilities • Access to export markets from airport, seaport and rail • Proximity to existing industrial areas • Access to tradewaste sites and transfer stations • Traffic implications and constraints • Access for B Double vehicles • Access costs to connect with the Highway network • Availability of public transport	The land fronts the Highway The land is close to Grafton and Maclean for labour The land is close to the new Highway Upgrade The land adjoins land used for industrial purposes. The land has safe designated turning bays for access for southbound and northbound vehicles.
Cost-effective infrastructure and land use • Existing investment in services and infrastructure • Upfront investment required in infrastructure and impact on viability • Impact on existing land uses and other industrial areas	The land has adequate support infrastructure in terms of electricity, water and sewerage services. The land can be provided with adequate buffers to adjoining lands
Employment impacts • Direct and indirect employment generation • Proximity to labour force and vehicle kilometres	The land will provide some construction jobs during site preparation works and ongoing jobs once the depot is established. The land is located midway between the township of Maclean and Grafton City.

Governance	Response
Town planning - Existing zoning and suitability of proposed land use - Planning direction of and support from Council and Dept. Planning - Potential for future expansion	The existing zoning is to be changed to allow the use. The proposal recognises the historic use of the land as an industrial use and Council has acknowledged that the proposal has some merit from an historical use perspective. The land is generally cleared land and would allow for some intensification of the use.
Landowner views - Willingness of owners to develop as industrial - Attitudes of and impacts on adjoining land holders	The owner is ready to develop the land for the depot in time for the Highway Upgrading works which have already commenced. Adjoining landowners will be given an opportunity to comment if the planning proposal is exhibited. The environmental Impacts of the development can be contained on site.
Community acceptance - Acceptable levels of impact on community amenity - Acceptable visual impacts and appropriate buffers	The land can be provided with the necessary buffers in terms of noise, privacy, solar access and visual impacts.
Human Habitat	Response
Physical suitability - Proximity of residential areas and potential encroachment - Ability to integrate with surrounding land uses Proximity of areas of high environmental value - Convenience of workplace trips - Suitable size for intended role (i.e. large scale vs local) - Elevation of land and fill requirements	As stated above, the land is well buffered from adjoining residents The land has sufficient area to avoid the need for any encroachments. The site supports a number of dilapidated buildings and this proposal will significantly improve the visual presentation of the land. The land is a highly disturbed site and is set well back from the waterways. The land is close to Maclean and Grafton for workplace trips; it is a short 10 minute drive from these centres. The land is of a suitable size for the intended purpose; refer to diagrams of intended development. The land is generally level but will require minor levelling and some site preparation works. These works are minor and will have no significant environmental impacts in terms of hydrology soil erosion and sedimentation.
Infrastructure services Proximity to essential services: Water, Sewer, Electricity, Broadband/technology	The land has adequate services for the proposed use as a depot.
Ecology	Response
Flood and water - Flood levels - Catchment management - Waste water treatment	A small part of the land is mapped as being flood prone. However the use is a flood tolerable use as it does not involve any significant buildings or structures that could be damaged by flood waters. Soil erosion and effluent disposal will be designed to meet Council's standards as outlined in the Clarence Valley DCP.

Ecology	Response
Geotechnical • Contamination issues • Geotechnical issues • Soils testing • Vegetation	The land has no constraints in terms of soil contamination, stability land slip or any other landform limitation.
Biodiversity • Flora and fauna/wildlife corridors/threatened species • Other vegetation/conservation issues	The proposal will not impinge upon any important resources for flora or fauna.

In light of the above; it is considered that this Planning Proposal is consistent with the directions of this Strategic Plan.

5.3 Our Community Plan 2015-2024:

The plan was adopted in 2014 and sets out a number of objectives and strategies for the next decade addressing five main themes related to:

- Society;
- Infrastructure;
- Economy;
- Environment; and
- Leadership,

The Plan recognises Council's primary role in economic growth as providing supporting infrastructure; planning land use that generates employment; and promoting business and investment. The plan states that: *the availability of employment is vital to our community being able to retain its youth, to attract skilled workers and their families to the area and reduce overall unemployment with a resultant increase in community well-being.*

The Plan acknowledges that the community wants to maintain a healthy natural environment and to minimise the community's environmental footprint and enhance the aesthetic appeal of the area.

A Planning Proposal that delivers employment and investment, avoids environmentally sensitive areas, and results in an improved aesthetic appearance for the land, meets the general themes of the Community Plan; this Planning Proposal meets these general tests.

State Strategies, Policies and Directions

The principal State and Regional policies applying to the land are embodied within:

- Mid North Coast North Regional Environmental Plan;
- North Coast Regional Environmental Plan;
- State Environmental Planning Policies; and
- Ministerial Directions.

6.1 Mid North Coast Regional Strategy:

The Mid North Coast Regional Strategy 2006–2031 is the principal strategy for managing growth and development on the Mid North Coast of NSW. The Strategy envisages a population increase of 94,000 people and a growth rate of 1.1% per annum; the current population of the Mid North Coast is around 330,000 people.

The Strategy nominates Grafton, Coffs Harbour, Port Macquarie and Taree as Major Regional Centres; refer to Figure 8 below. Major Regional Centres are to be the focus of population growth, employment, higher order retailing, bulky goods operations and the focal point for subregional road and other transport networks. An additional 59,600 dwellings will be required to meet the housing demands of this population by 2031 according to the Strategy. The Strategy includes maps of growth areas designated to accommodate housing in the Mid North Coast Region until 2031.



Figure 8: Extract from Mid North Coast Regional Strategy

This Planning Proposal is of a minor scale not covered by the Strategy; nevertheless the proposal does meet the strategy's vision for the future in facilitating the development of the Highway Upgrade, protecting natural assets and providing new employment and investment that will benefit the new population of 330,000 people. In this context the Planning Proposal is consistent with the Mid North Coast Regional Strategy.

The Sustainability Criteria Assessment in Appendix 1 of the Strategy is addressed in Appendix C; this Sustainability Criteria lists the matters by which any new proposal will be assessed against. It is suffice to say that the proposal meets the criteria.

North Coast Regional Environmental Plan (REP) 1988 is now deemed to be a SEPP. The provisions under the REP relevant to the rezoning of the subject land and the means of addressing the provision are discussed below:

This clause applies to land within the region to which the NSW Coastal Policy 1997 applies; as can be seen by the map below the subject land is within the area subject to the Coastal policy.



Under this Clause a *draft local environmental plan which applies to any such land should:*

- *include provisions that give effect to and are consistent with the NSW Coastal Policy 1997, and*
- *prohibit development of buildings or other structures, except those required for erosion control works or beach management, on dunes, beaches or headlands not occupied by buildings or other structures, and*
- *when development applications are being determined, require consideration of the possibility of higher sea levels caused by climatic change, and*
- *include provisions to the effect that the council must not consent to the carrying out of development on a headland on which buildings are already situated, except where:*
 - *the height and scale of any buildings that will result from carrying out the development will be no greater than those of the buildings already on the headland, and*
 - *an environmental assessment has been carried out including an assessment of the visual impact of the proposed buildings from other headlands within sight of the headland on which the development is proposed to be carried out, and*
 - *the proposed development is considered by the council to have a low environmental impact.*

Comment: The NSW Coastal Policy was released in 1997 and provides a vision for a sustainable future for the NSW Coast. The Policy establishes a number of strategic actions relating to the Natural Environment, Natural Processes and Climate Change, Aesthetic Qualities, Cultural Heritage, Ecologically Sustainable Human Settlement and Public Access and Use.

As stated above, the proposal can be developed to have a positive impact upon the natural environment with the protection of the forested parts of the land and through the incorporation of water quality measures (soil erosion and sediment control, and management of effluent disposal).

In terms of natural processes and environmental hazards, the proposal can be developed in a manner that will have a neutral impact upon the natural systems. Hazards relating to acid sulfate soils, bushfire and flooding can be adequately managed and controlled to provide an acceptable level of protection from these potential hazards.

The subject land located well away from the coast and most of the land is above the predicted maximum flood level. The development is essentially for the creation of a hardstand area that is tolerable of impacts associated with sea level rise and climate change.

The development of the land will improve its visual appearance through removal of the dilapidated buildings and structures and landscaping.

The proposal is in keeping with the Coastal Policy.

Clause 45 Plan preparation—hazards

Under this clause a draft local environmental plan should not permit development for tourism, rural housing or urban purposes on land subject to the following hazards unless the council has made an assessment of the extent of the hazard and included provisions in the plan to minimise adverse impact, namely:

- *coastal processes,*
- *flooding or poor drainage,*
- *dangers arising from potential or actual acid sulphate soils,*
- *dangers arising from contaminated land,*
- *geological or soil instability,*
- *bush fire,*
- *aircraft noise at levels of more than 25 (measured according to the Australian Noise Exposure Forecast),*
- *air or water pollution, or airborne pollution, within 400 metres of sewage treatment works,*
- *disposal of septic effluent,*
- *existing offensive or hazardous industries, and*
- *high tension electrical power lines,*

The clause states that *in the event of a bush fire hazard being identified for land on which dwellings are proposed to be permitted, the council shall not permit development unless it is satisfied that arrangements where appropriate have been made to:*

- *require the creation of a perimeter road or reserve which circumscribes the hazard side of the land intended for that development,*
- *require the creation of a fire radiation zone located on the bushland side of the perimeter road,*
- *specify minimum building setbacks for buildings that will be erected on allotments adjoining the perimeter road,*
- *set standards for the use of fire retardant materials for buildings and building construction, and*
- *provide fire trails which link with individual access roads or a through road.*

Comment: Part of the land is mapped as being flood prone and parts of the land are mapped as being subject to bushfire hazard. The land is also in an area mapped as low risk for acid sulfate soils. These constraints are addressed later in the report, however, it is suffice to say that the nature of the use and the extent of these constraints, present limitations to the development as opposed to prohibiting factors. Management measures can be put in place to mitigate these impacts.

The proposal is in keeping with this Clause.

Clause 45A Plan preparation—flood liable land

A draft local environmental plan should:

(a) not alter the zoning of flood liable land the zoning of which is described as special use—flood liable, rural, open space, scenic protection, conservation, environment protection, water catchment or coastal lands protection, or similarly described, to a

zone described as residential, business, industrial, special use, village or similarly described, and

(b) not contain provisions which apply to flood liable land and which:

- (i) permit an intensification of development on that land, or*
- (ii) are likely to result in an increase in the need for flood mitigation measures (including emergency measures), infrastructure or services, or*
- (iii) permit development to be carried out without development consent, except development for the purpose of agriculture which does not include landfill, drainage canals, fences, buildings or structures in the following places:*

- *floodways,*
- *high hazard flood fringe,*
- *high hazard flood storage areas, as defined in the Floodplain Development Manual,*

unless justified by a floodplain management plan prepared by the council in accordance with the Floodplain Development Manual.

Comment: The subject land is mapped as being flood prone this matter is reported in some detail later in this report.

Clause 47 Plan preparation and development control—principles for commercial and industrial development

Before preparing a draft local environmental plan relating to commercial or industrial development, the council should take into consideration the following principles:

- (a) strong multi-functional town centres should be maintained to focus the drawing power of individual businesses and maintain the integrity of the main business area by only zoning land for further commercial or retail development where that development adjoins or is adjacent to the existing town centre,*
- (b) provisions contained in local environmental plans relating to retail, commercial, business and industrial zones should be flexible, especially to enable the development of light service industry near the central business district,*
- (c) there should be an adequate supply of zoned industrial land located where it is physically capable of development for industrial purposes, is not environmentally fragile and can be serviced at a reasonable cost.*

Comment: The proposal is for a minor rezoning that will provide an additional 3.109ha of industrial land that will be restricted by the permitted uses allowed under the IN1 zone; general retailing and commercial premises are not permissible in this zone.

The land is located reasonably close to Maclean and Grafton and involves the use of land that has historically been used for industrial purposes. The land also adjoins other industrial uses.

The land is not within an environmentally fragile area and the land has adequate services for the intended purpose to be used as a depot.

Given the relatively minor area and the site's history, the proposed rezoning will have no impact upon the integrity of the nearby business centres or industrial centres.

Clause 50 Plan preparation—height controls

Before preparing a draft local environmental plan applying to an urban area, the council should consider the necessity for height controls on buildings and include such controls as it considers appropriate.

Comment: The land will can be subject to the height limits under LEP 2011; it is considered that a height limit in the range of 8.5m to11m would be appropriate in this setting.

The proposal is in keeping with this Clause.

Clause 58 Plan preparation—servicing urban areas

A draft local environmental plan should not permit development for urban purposes unless the council is satisfied that:

- (a) the proposed development will make the most economic use of existing services,*
- (b) where the proposed development is adjacent to an existing urban area and that urban area will be substantially increased, the provision of a reticulated water and sewer system will be provided at reasonable cost to each lot,*
- (c) the proposed development is located in an area which is consistent with the findings of any urban land release strategy prepared for the local government area or, where no such strategy has been prepared, the proposed development is located in the area to which services can be provided most readily,*
- (d) consideration has been given to the identification of effluent disposal and discharge points,*
- (e) domestic water catchment areas and water storage areas are not likely to be polluted as a result of the proposed development, and*
- (f) consideration has been given to the provision of public transport facilities, pedestrian and cycleways.*

Comment: The development of the land represents an economically efficient use of the land with water and road services readily available to the land.

Effluent disposal discharge related to the caretaker's cottage will be designed to meet Council's standards.

The proposal meets the criteria of this Clause.

6.3 State Environmental Planning Policies

There are two Sate Policies to be considered in relation to this proposal namely State Environmental Planning Policy (SEPP) No. 55 and No.71. These SEPPs are addressed below; noting the North Coast REP (now a SEPP) has been addressed above.

SEPP No.55 – Remediation of Land aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 6 of the SEPP a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- *the planning authority has considered whether the land is contaminated, and*
- *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Under Subclause 4 the following classes of land are identified:

- *land that is within an investigation area,*
- *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A copy of table 1 is provided below.

The ‘Managing Land Contamination Planning Guidelines’ 1999 recommend that site specific rezoning proposals be considered in the same manner as a development application as most of these rezoning proposals are in response to a particular development proposal.

In this context it is appropriate to consider the nature of the previous use of the land and the proposed use to determine if the land is potentially contaminated and the best means of remediation for the intended use if it is found to be contaminated.

The land has previously been used for the manufacturing of concrete blocks and it is understood that prior to this use the land was used for cattle grazing. The making of concrete blocks or similar industries is not listed in Table 1.

Table 1. Some Activities that may Cause Contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

Table 1 from the 'Managing Land Contamination Planning Guidelines' 1999

The previous owner of the land has advised that the land has been used for building activities for over 100 years by the Sheay Bros and used for making cement blocks for 40 years up until 2008. The process to make blocks involved the use of sand, gravel and cement with the only additive being iron oxides to colour the blocks; these oxides are expensive and were used sparingly. Originally different coloured sands were used for different colouring. The block making process involved making a very dry concrete mix and then putting the mix in a hopper via a conveyor belt above the blocking machine. The concrete was then vibrated into a mould and then stripped.

No chemicals were required to be used in the block making process and the only potentially contaminating activity involved the storage of diesel fuel. The diesel fuel was stored in an above ground 2000L storage tank located near the centre of the site next to block building shed. The tank is now empty and there is no evidence of any spillage and the previous owner of the land has advised that he is not aware of any spillages in relation to the filling or discharging of diesel fuel from the tank.

The proposal will involve the provision of an all weather surface to provide for the storage of the cranes and some minor works to provide for levelling. The proposal does not involve residential, educational, recreational or child care purposes, or use of the land for the purposes of a hospital. However, with the existing caretakers cottage, it is recommended that conditions be imposed upon the use of the land for the depot to ensure any fuel storage is suitably bunded and managed to avoid spillage opportunities and located away from the caretakers cottage; this is appropriately addressed at the development application stage when the details of any fuel storage are known.

Given the nature of the use and past land use activities, it is considered that the land has not been subject to contamination activities and no further investigation with regard to this issue is warranted.

SEPP No. 71 – Coastal Protection applies to the subject land as land is within the coastal zone. Council is required to take into account the matters listed in Clause 8 of the Policy when preparing a Draft Local Environmental Plan. These are listed below together with a response on how the proposal meets the requirement.

Matters for Consideration	Response
Aims of the Policy which seek to protect and better manage the NSW Coast.	The proposal is for a minor development in keeping with Council's Strategies which in turn has been prepared in keeping with coastal management policies.
Existing public access along the foreshore is to be retained.	Proposal will have no impact on public access.
Opportunities for new public access to the foreshore to be considered.	NA
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	Site is suitable for this scale of development and is in keeping with the historical use of the land and current use of the adjoining land.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views.	The proposal will have no impact upon the foreshore.
Scenic qualities of the NSW Coast.	The proposal will improve the scenic qualities of the area through the removal of dilapidated buildings and structures and improved landscaping.
Measures to conserve animals (including fish and marine vegetation) and existing wildlife corridors.	Habitat areas are to be protected and to protect native flora and fauna.
The likely impact of coastal hazards and processes.	The land is not subject to any significant coastal hazards or processes; flooding issues are addressed later.
Measures to reduce potential conflict between land-based and water based coastal activities.	The land will be provided with suitable buffers to minimise conflicts.

Matters for Consideration	Response
Measures to protect Aboriginal culture.	The land is a highly disturbed site that is unlikely to be the source of any Aboriginal cultural values.
Likely impact on the water quality of coastal waterbodies.	The land can be developed in a manner that has a positive impact in terms of water quality with the imposition of buffers.
Conservation and preservation of heritage items.	There are no identified heritage items on the land and the development will be well buffered from the heritage item on the adjoining land.
Encouragement of compact towns and cities.	The proposal provides for an adaptive re use of a site used for industrial purposes and is expected to have a neutral impact upon urban consolidation measures.
Cumulative impacts upon the environment and measures to ensure water and energy efficiency.	The proposal will need to meet Council's detail controls in its DCP and LEP when a development application is lodged for use of the land; these planning controls provide a framework for the consideration of catchment issues and cumulative impacts.

The proposal is in keeping with SEPP No.71

6.4 Ministerial Directions:

Ministerial Directions are directions that apply to a planning proposal to meet the state Government planning policies and strategies. The directions apply to the following policy areas:

1. Employment and Resources;
2. Environment and Heritage;
3. Housing, Infrastructure and Urban Development;
4. Hazard and Risk;
5. Regional Planning;
6. Local Plan Making; and
7. Metropolitan Planning.

The Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979 of relevance to this proposal are addressed as follows:

Direction 1.1 Business and Industrial Zones: Under this Direction a planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Comment: The objectives of the direction seek to:

- encourage employment growth in suitable locations,
- protect employment land in business and industrial zones, and
- support the viability of identified strategic centres.

The proposal provides for a rezoning of land previously used for an industrial purpose. The proposal is for the accommodation of a depot to serve the Pacific Highway upgrade and this specialised use is not expected to impact upon the viability of the existing business or industrial areas. It is to be noted that any future substantial change in use and development of the land for an industrial use will require development consent.

The proposal is consistent with this Direction.

Direction 1.2 Rural Zones: Under this Direction a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Under this Direction a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the planning proposal that are inconsistent are justified by a strategy which:

- (i) gives consideration to the objectives of this direction,
- (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
- (iii) is approved by the Director-General of the Department of Planning,

Comment: The subject land is not used for agricultural purposes and has not been used for such purposes for approximately a century. The land adjoins a sawmill and the subject land is unlikely to be converted to agricultural uses given the existing improvements upon the land. In this sense the proposal will not impact upon the agricultural production value of rural land. The land will service the Pacific Highway construction project and is in keeping with the Strategy of serving the Highway development to create a dual carriageway from Sydney to Brisbane

The planning proposal inconsistency is justified and as such the proposal is in keeping with this Direction.

Direction 1.2 Rural lands: Under this Direction the planning proposal must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Comment: As sated above, the land is not used for agricultural purposes and has not been used for such purposes for approximately a century. Moreover, the land has significant non rural improvements and is unlikely to be converted to agricultural uses. The proposal provides for productive and sustainable economic activities involving adaptive re use of a dilapidated site to service the needs of a major National road project.

The proposal is consistent with this Direction and the Rural Planning Principles

Direction 2.2 Coastal Protection Zones: The objective of this direction is to implement the principles in the NSW Coastal Policy and requires a planning proposal to include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and*
- (b) the Coastal Design Guidelines 2003, and*
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).*

Comment: The proposal is consistent with these policy documents as it incorporates the following:

- management of environmental hazards;
- protection of sensitive areas;
- conservation of habitat links and habitat areas; and
- efficient connection to services, including transport, water and sewer services.

The proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport: The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

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:

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

Comment: The proposal will assist in the delivery of the National road network and provides for the safe ingress and egress of vehicles and for the conversion of a redundant site into a site that will assist with transport infrastructure.

The proposal is consistent with this Direction.

Direction 4.1 Acid Sulfate Soils: The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- (d) contain provisions for adequate water supply for fire fighting purposes,
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Comment: These matters are addressed in the Key Issues section below.

Direction 5.1 Implementation of Regional Strategies: The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Comment: As stated above the proposal is consistent with the Mid North Coast Regional Strategy; the proposal provides for a logical zoning of the land in accordance with its historic use and is in keeping with the objectives of providing additional employment opportunities in proximity to urban areas.

The proposal is consistent with this Direction.

Key Issues and Other Issues

The key strategic and development issues to consider in relation to this proposal concern:

- Land use compatibility;
- Flooding impacts; and
- Vegetation and bushfire management.

7.1 Land Use Compatibility

The land forms part of the South Arm Creek floodplain and is located approximately 500m from South Arm Creek; South Arm Creek is a major tributary of the Clarence River.

The northern boundary of the land is defined by the Pacific Highway and the land to the west and south west is used for industrial purposes. The land to the east consists of residential land and rural lands and the land to the immediate east fronting the Pacific Highway is occupied by a guest house identified as a heritage item of local significance.



Figure 11: Land Use Mix within Surrounding Area

As stated above, the surrounding environment is a disturbed and robust environment. The noise from the Pacific Highway, adjoining industrial uses, the unsightly buildings and poor management of vegetation associated with the subject land compromise upon the amenity of the area. The use of the subject land for a land use that is economically viable will enable the land to be improved aesthetically to the benefit of the adjoining land uses, particularly the residential uses and the immediately adjoining heritage listed guest house.

The subject land presents an opportunity to have a transitional use between the industrial uses to the west and the sensitive residential uses to the east. The proposed depot is an ideal use that provides for a relatively quiet, low traffic generating industrial use and allows for adaptive re- use of some of the buildings and provision of improved landscaping and landscape buffers.

The subject land and its surrounding environment are relatively robust areas that would be tolerable of a relatively wide range of uses permitted in an industrial zoning provided adequate buffers are put in place for the residential properties located to the east of the subject land. At present the land presents as a visual disruption to the streetscape amenity and would benefit from being redeveloped and landscaped to improve the general amenity of the area.

The proposed rezoning of the subject land to '1N1 General Industrial' provides for a more compatible land use strategy for the subject land than the current zoning which sterilises the development of the land because of the narrow range of permitted uses in the current 'RU2 Rural Landscape' zone. The unusual nature of the land and the buildings and structures existing upon it has resulted in the land being vacated for a number of years. In the short term the rezoning will allow for an appropriate transitional use of the land as a depot for the storage of cranes and in the longer term, should this use cease, the land can be used for another transitional use permitted in the 1N1 zone.

In summary, the rezoning will provide an incentive for the land to be developed for a use that can deliver better outcomes and compatibility for the surrounding environment in terms of aesthetics and general amenity.

7.2 Flooding Impacts

The land is located within the catchment of the Clarence River (South Arm Creek) and occupies part of a relatively broad floodplain. As can be seen by the graphic below part of the land is mapped as being subject to the 1 in 100 year flood event and part of the land is impacted by the probable maximum flood event (i.e. extreme flood). Land use planning in the time scale of this project and having regard to the nature of the use is generally concerned with the 1 in 100 year event.

The proposal involves the creation of hardstand areas and use of the existing shed in the centre of the site and the shed located adjacent to the eastern boundary. All the proposed works associated with this proposal for the depot are outside the 1 in 100year flood zone. The land would benefit from an emergency flood evacuation plan and some flood protection measures to reduce the flood impact risks associated with the existing caretaker’s cottage. The suggested measures that could be imposed upon any development application in relation to the use of the caretaker’s cottage could include:

- Raising power outlets to 400mm above the finished floor level;
- Provision of flood proof entry doors;
- Storage of all files and sensitive equipment 400mm above finished floor level;
- Provision of an emergency evacuation plan at main exit points of dwelling; and
- Ensuring all floor material is flood tolerable (i.e. vinyl floor covers instead of carpet).

The proposed site works involve minor grading to create the hard stand area for the storage of cranes and given that these works are outside of the flood planning level, the proposed use of the land is expected to have a negligible impact in terms of afflux upon surrounding properties in the catchment.

The flood impacts are generally related to the future development of the land as opposed to the rezoning of the land as most of the land is outside of the mapped flood planning level. LEP 2011 has controls in place for the assessment of development applications including ‘Flood planning’ (Clause 7.3) and ‘Floodplain risk management’ (Clause 7.4) to ensure flood impacts are appropriately addressed for any future development applications.

In light of the above, the planning proposal will not result in creating an unacceptable flood risk.

7.3 Vegetation and Bushfire Management

The proposal is for the retention of the existing native vegetation on the subject land; but removal of the exotic plants on the land which mainly consist of radiata pine trees (*pinus radiata*) and lantana (*lantana camara*) and other weed species.



View of lantana and pine trees on the land

good sight distances and presents no significant constraint for the proposed depot or any other low traffic generating use permitted in the Industrial zone.

The proposed depot is expected to have, on average, 1 vehicle movement per day. It is considered that the road has ample capacity to accommodate the expected traffic generated by the development. The site is of sufficient size to allow all vehicles to enter and leave the property in a forward direction. The proposal will have no discernible impact upon the safety and efficiency of the local or regional road network.

In terms of cultural heritage it is considered that the impact upon the local heritage item located to the immediate east will be positive with improved landscaping and removal or redevelopment of the unsightly buildings on the site.

In relation to potential Aboriginal heritage, the land has no particular attributes that would suggest occupation or use in the past by Aboriginal people; the land is not relatively close to a major watercourse is unlikely to be part of a significant travel route and has no features, such as, rock shelves, platforms or caves that would have provided a resource for the indigenous community.

Under the Office of Environment and Heritage guidelines an assessment has been conducted in accordance with the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales “. Given the disturbed and urbanised nature of the site and surrounding area, a reasonable and practicable approach is to follow the “Generic Due Diligence Process” under the Code. This process outlines three steps, namely:

- Search relevant confirmed site records or other associated landscape feature information on Aboriginal Heritage and Information Management System (AHIMS)? and/or
- Search any other sources of information of which a person is already aware? and/or
- Search landscape features that are likely to indicate presence of Aboriginal objects?

The AHIMS search has revealed that there are no objects on the land or within 50m of the subject land; Appendix B includes the results of the search. There are no other sources of information that the author of this report is aware of that would indicate the presence of any Aboriginal heritage item, object or place on or near the land. Nevertheless, the following condition is recommended for any future development application that may result in the disturbance of the land to ensure the protection of Aboriginal cultural heritage in the unlikely event that an item or object is found;

The owners, and their employees, earthmoving contractors, subcontractors, machine operators and their representative, whether working in the survey area or elsewhere, should be instructed that in the event of any bone or stone artefacts, or discrete distributions of shell, or any objects of cultural association, being unearthed during earthmoving, work should cease immediately in the area of the find. And contact is to be made with the Department of Environment, Climate Change and Water NSW.

The imposition of the above condition is a precaution and will ensure any cultural heritage values associated with the site are protected.

Concept Plan and Survey Plan



PACIFIC
HIGHWAY



(D) RIGHT OF CARRIAGEWAY 8.535 WIDE (DP 715173)
(E) EASEMENT FOR OVERHEAD POWERLINES 20 WIDE (DP 1095984)
(F) EASEMENT FOR OVERHEAD POWERLINES 10 WIDE (DP 1095984)

DATUM: AHD
ORIGIN: SSM 28970
R.L.: 8.729

JOB No: 6381
DATE: 14-08-2015
SURVEYED: IGE

DRAWN: IGE
CHECKED: IGE

IAN G EVISON & PARTNERS
CONSULTING SURVEYORS, ENGINEERS AND PLANNERS
2 SEMAPHORE STREET, EMERALD BEACH NSW 2456
PO BOX 6196, COFFS HARBOUR NSW 2450
Mobile: 0408 655 191
Email: ige@aspr.net.au

ORIGINAL
SHEET SIZE
A1

PLAN NO.
A

SHEET NO.
1

NO. OF
SHEETS
1

SCALE:
1:600

SITE PLAN – LOT 41 DP 1095984

2730 PACIFIC HIGHWAY, TYNDALE

for BENNELL AND ASSOCIATES

AHIMS Search Results

Richard Bennell
38 Ocean View Road
Arrawarra headland New South Wales 2456
Attention: Richard Bennell
Email: rick@bennells.com.au

Date: 13 August 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 41, DP:DP1095984 with a Buffer of 50 meters, conducted by Richard Bennell on 13 August 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Sustainability Criteria

Suggested Threshold Sustainability Criteria for defining potential development boundaries	Measurable explanation of criteria	Measures to meet criteria
1. Infrastructure Provision		
Mechanisms in place to ensure utilities, transport, open space and communications are provided in a timely and efficient way	▪ Development is consistent with the Mid North Coast Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 directions. ▪ The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible bases on Government methodology for determining infrastructure development contributions. ▪ Preparedness to enter into development agreement.	Utilities, communications facilities and adequate transport and open space areas are available to the development. Refer to Section 6.4 Contributions will be paid to fund the necessary services and facilities outlined in Council's contribution plans. No planning agreements are necessary; services are in place for the expected development of the land.
2. Access		
Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	▪ Accessibility of the area by public transport and/or appropriate road access in terms of: > Location/land use – to existing networks and related activity centres. > Network – the area's potential to be serviced by economically efficient transport services. > Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. ▪ No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	The site has access to the Pacific Highway and the public transport services that utilise the highway, However, it is expected that the workers will travel by car to the site. The proposal will assist with development of the dual carriageway highway which will improve efficiency and sustainable travel between homes jobs, services and recreation. The land forms part of a small precinct used for a mix of industrial uses; the site has good access and will help meet the goals of the Pacific Highway upgrade with the use of a site suited to the proposed development. The proposal will have a positive impact upon the subregional road, bus and freight network.

3. Housing Diversity		
Provide a range of housing choices to ensure a broad population can be housed.	Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	NA
4. Employment Lands		
Provide regional/local employment opportunities to support the Mid North Coast's expanding role in the wider regional and NSW economies.	- Maintain or improve the existing level of subregional employment self-containment. - Meets subregional employment projections. - Employment related land is provided in appropriately zoned areas.	The land will provide some construction jobs during site preparation works and ongoing full time jobs (5-10) once the depot is established. It will assist in the target of 48,500 jobs The land is located midway between the township of Maclean and Grafton City.
5. Avoidance of Risk		
Land use conflicts, and risk to human health and life, avoided	- No residential development within 1:100 floodplain. - Avoidance of physically constrained land, e.g. > High slope. > Highly erodible. - Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy. - Where relevant available safe evacuation route (flood and bushfire)	A small part of the land is mapped as being flood prone. However the use is a flood tolerable use as it does not involve any significant buildings or structures that could be damaged by flood waters; see also Section 7.2.. The land is not highly erodible and is generally flat. The proposal is compatible with adjoining lands which are currently used for industrial purposes and tourist purposes; the development will be well setback from the tourist use; see also Section 7.1. An emergency access route will be provided; see also Section 7.2
6. Natural Resources		
Natural resource limits not exceeded/environmental footprint minimised	Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.	The proposal can be supplied with reticulated water; sufficient supply is available.

	▪ Demonstrates most efficient/suitable use of land. > Avoids identified significant agricultural land. > Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying. ▪ Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.	The footprint has been reduced to protect vegetation areas. No agricultural lands will be impacted upon; the land has previously been used for industrial purposes. The land is not located in proximity to any known extractive resources The proposed depot is a low energy use and will have a lower demand than the previous use as a brick making industry.
7. Environmental Protection		
Protect and enhance biodiversity, air quality, heritage, and waterway health	▪ Consistent with government approved Regional Conservation Plan (if available) ▪ Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats. ▪ Maintain or improve existing environment condition for air quality. ▪ Maintain or improve existing environmental condition for water quality: > Consistent with community water quality objectives for recreational water use and river health (DECC and CMA) > Consistent with catchment and stormwater management planning (CMA and council) ▪ Protects areas of Aboriginal cultural heritage value (as agreed by DECC).	All native vegetation areas will be maintained. The proposal has been designed to maintain habitat areas; there are no regionally significant terrestrial or aquatic biodiversity areas. The proposal will have a neutral impact upon air quality. WSUD measures will be used to protect the water quality of South Arm Creek. The proposal will be consistent with the water quality objectives. The proposal will be consistent with the water quality objectives outlined in Council's Stormwater Management Plan requirements; water quality will mainly be protected through soil erosion and sedimentation controls; perimeter landscaping and sealing of roadway areas. No areas of aboriginal cultural heritage have been identified on this disturbed site.

8. Quality and Equity in Services		
Quality health, education, legal, recreational, cultural and community development and other government services are accessible	▪ Available and accessible services. > Do adequate services exist? > Are they at capacity or is some capacity available? > Has Government planned and budgeted for further service provision? > Developer funding for required service upgrade/access is available?	NA NA NA. Contributions under S94 will be provided to meet service demands identified.