

PLANNING PROPOSAL

REZONING OF (PART) LOT 13 DP591220 COOK DRIVE, COFFS HARBOUR

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Contact

Marten Bouma
Sustainable Planning Officer
Phone: (02) 6648 4657
Email: marten.bouma@chcc.nsw.gov.au

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PART 1 - OBJECTIVES OR INTENDED OUTCOMES

This planning proposal relates to part of Lot 13 DP 591220, Cook Drive Coffs Harbour, the location of which is shown in Figure 1 below.

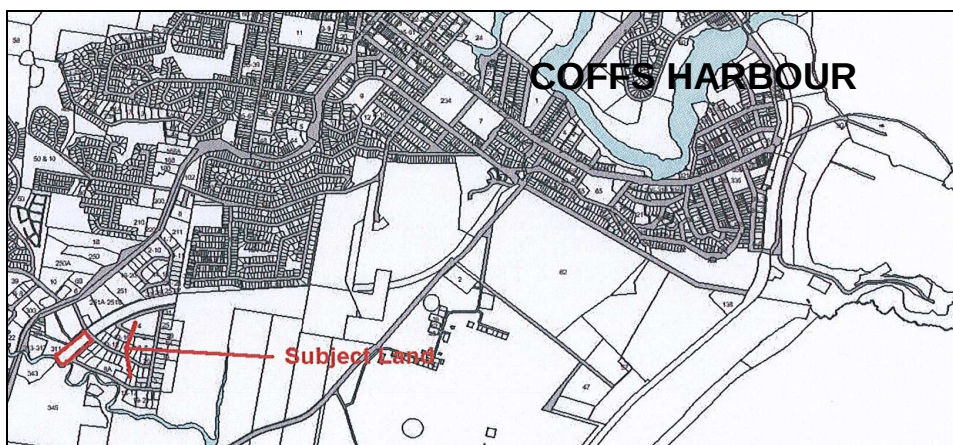


Figure 1 – Location of Land Subject to Planning Proposal

The Planning Proposal comprises the rezoning of the cleared parts of the land to a B5 Business Development zone. The cleared parts of the land are defined by those parts of the land outside the drip line of the forested areas within the site and fitting within a rectangular shaped area (measuring 34m x 82m) with an area of 2788m², as shown in Figure 2 below.

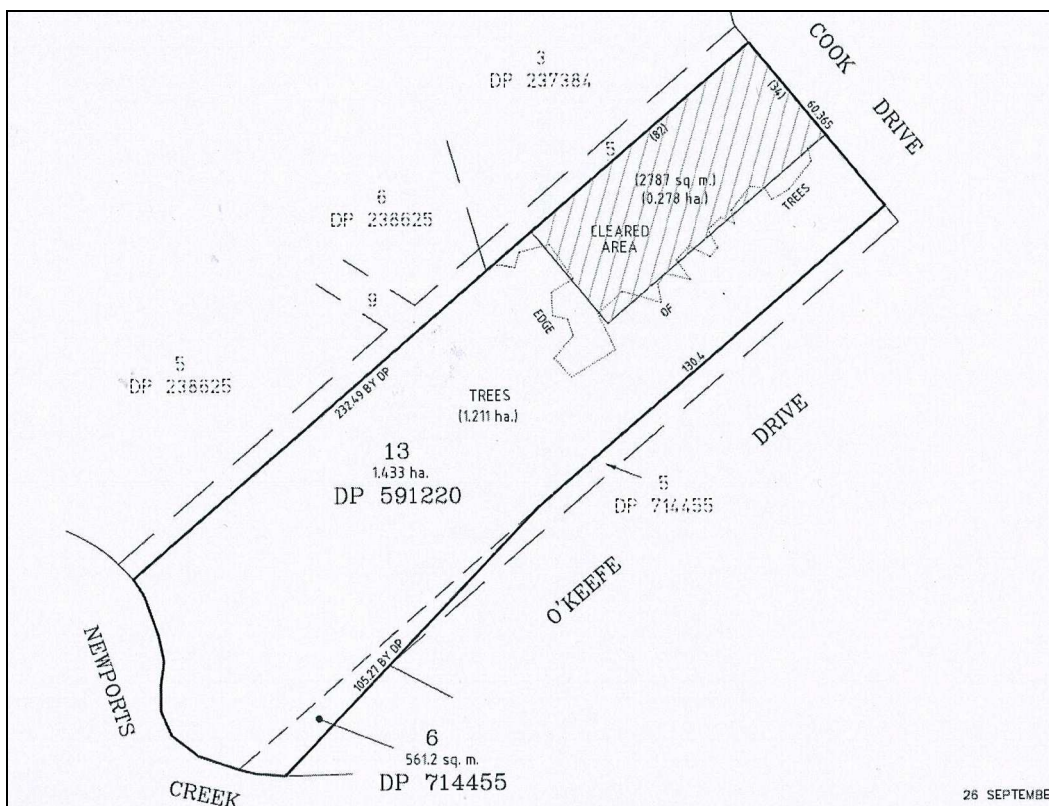


Figure 2 – Survey of subject land showing cleared area proposed for re-zoning

The objectives of the planning proposal are:

- To provide for a more compatible ‘best and highest’ use than the current ‘best and highest’ use as a site for a dwelling;
- To provide for the development of the cleared parts of the land in conformity with the business zone that applies to the adjoining land to the west;
- To provide for the improved management of the vegetated parts of the land by increasing the economic viability of the balance of the land; and
- To provide for the development of the land in keeping with its environmental and servicing capacity.

The intended outcomes from the rezoning are:

- The development of a building, with a floor area not exceeding 1,394m², on the cleared parts of the land (the land proposed to be rezoned) to be used in conformity with the B5 Business Development zone under LEP 2013;
- The provision of an incentive for an alternative development than the current permitted highest and best use for a single dwelling house or dual occupancy development on the land; these domestic uses are incompatible with the existing and potential uses and character of the surrounding area;
- The development of a one to two storey building that is in keeping with Council’s design excellence criteria that makes a positive contribution to the urban form and streetscape of Cook Drive, in particular, and the gateway to the City Centre generally;
- The provision of a development that will provide employment opportunities during construction and post construction;
- An improvement to the ecological, aesthetic and functional values of the existing native vegetation on the balance of the land and creation of an opportunity for the potential future development of an off road cycle-way and wildlife corridor in perpetuity; and
- A new development upon the land that meets the flooding, ecological and bushfire hazard objectives of Council and the NSW Rural Fire Service.

The applicant’s consultant states that this proposal is estimated to generate \$2.8 million in construction expenditures.

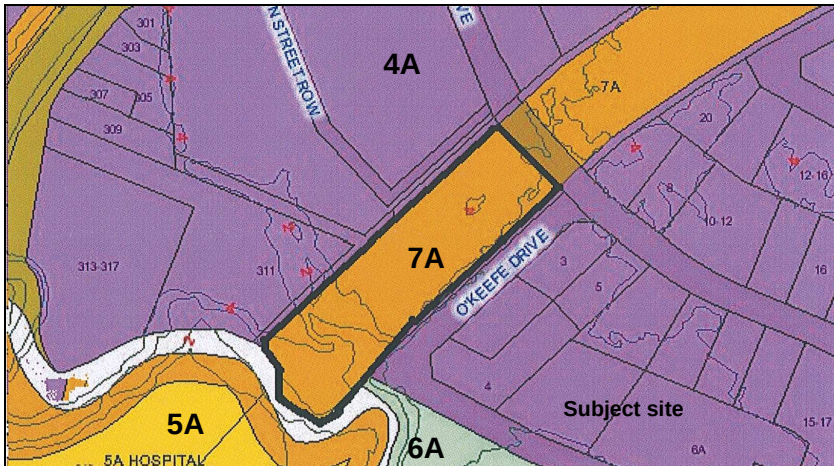
The construction phase of an approved development proposal will provide some employment opportunities. The construction jobs will involve builders, plumbers, electricians, painters, landscapers, utility technicians, plasterers, fabricators and other contractors. Post construction jobs will also be created that will further assist the local economy, including the potential for trade apprenticeships and the like.

PART 2 - EXPLANATION OF PROVISIONS

The Planning Proposal was lodged and initial fee paid on 24 September 2013. The LEP that applied to the land at that time was LEP 2000, which identified the zone on the site as 7A Environment Protection Habitat and Catchment Zone.

The zoning under LEP 2000 is included within Figure 3 below.

Figure 3 – Zoning under LEP 2000



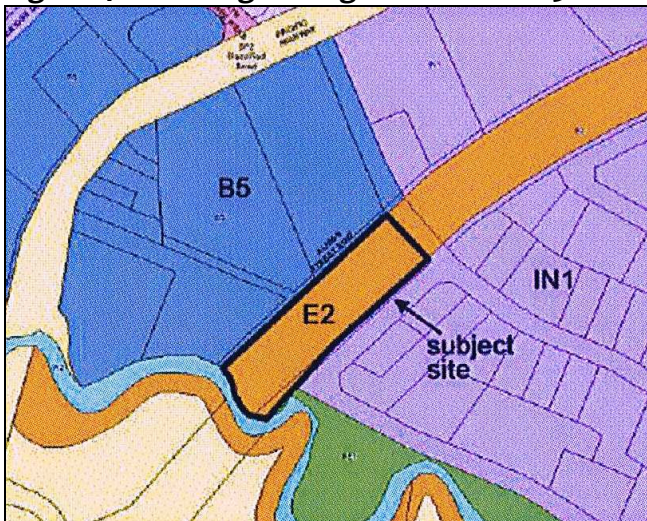
Note: 4A – Industrial Zone
 7A – Environment Protection Habitat and Catchment Zone
 5A – Special Uses Community Purposes Zone
 6A - Open Space Public Recreation Zone

Coffs Harbour Local Environmental Plan 2013 (LEP 2013) was made on 27 September 2013. Development on the site is now controlled by Coffs Harbour City LEP 2013.

The proposed amendments therefore relate to Coffs Harbour LEP 2013

The existing zoning that applies to the property (E2 - Environmental Conservation Zone) under LEP 2013 is included within Figure 4 below.

Figure 4 – Existing Zoning under LEP 2013

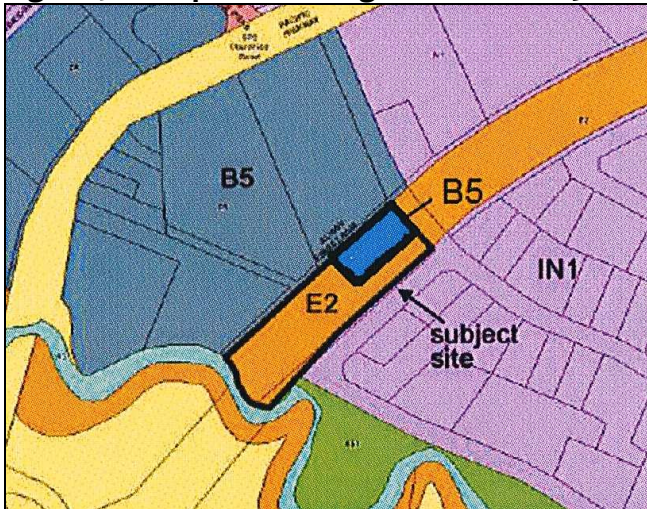


Note: E2 – Environmental Conservation Zone
 B5 – Business Development Zone
 IN1 – General Industrial Zone
 RE1 - Public Recreation Zone

This zone permits only low scale activities with a “best and highest use” being for a single dwelling house.

The LEP 2013 zone proposed under the Planning Proposal is included within Figure 5 below.

Figure 5 – Proposed Zoning under LEP 2013



A site specific amendment is sought to the land use zone of the subject land, so as to allow for land uses such as a 'light industry' use or a 'bulky goods premises', as defined under LEP 2013.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

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

The land was originally zoned Special Uses and was part of a future highway corridor (Eastern Arterial) that was to bypass the Coffs Harbour City Centre. The preferred route for a Western bypass of the highway made this corridor redundant and surplus to the then Roads and Traffic Authority's needs; the Special Uses (Classified Road) zoning under Local Environmental Plan (LEP) 2000 also became redundant.

The rezoning from Special Uses was considered under the South Coffs LEP Amendment process and under this process the cleared part of the land was zoned for environmental protection purposes. A submission was made to the exhibition of the Draft Coffs Harbour LEP 2012 (which became LEP 2013) seeking the rezoning of the cleared parts of the land for industrial purposes (i.e. General Industrial) in keeping with the adjoining lands to the south-east. Council subsequently reported that *"It may be more appropriate to zone the land the same as land adjoining the western boundary of the site, being the B5 Business Development zone, as proposed in draft LEP 2012."* The Council report concluded that *"the optimum way forward for a proposal of this nature is for a Planning Proposal to rezone the land. The necessary environmental studies could then be prepared to better inform decisions."*

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

A planning proposal is the best method to achieve the intended outcomes in this situation. It generally accords with prevailing strategy and policy and is effective without imposing regulatory burden. The resultant development will also generally accord with the prevailing surrounding land use activities, and the process offers environmental benefits by rehabilitating and retaining significant bush land in perpetuity.

3. Is there a net community benefit?

The Planning Proposal is for the rezoning of the cleared parts of the land to the B5 Business Development zone. The remainder of the land would be retained as bush land in perpetuity and would potentially form part of a wildlife corridor extending from Newports Creek to other vegetated lands to the North and East. Rehabilitation measures have been proposed by the applicant by way of a Vegetation Management Plan (VMP), and a Voluntary Planning Agreement (VPA) will ensure that the requirements of the VMP are carried out in perpetuity. The consultant report also suggests that the land could form part of a future off road cycle-way to provide access between the South Coffs Industrial area and the South Coffs Urban Release Area.

Overall, the benefits to the community include the following:

- Provide employment opportunities during construction and post construction of an approved development proposal.
- Provide an expanded location for trade services for future projected growth to the South Coffs Harbour area.
- Protect and rehabilitate the existing native vegetation on the site.
- Provide a potential cycle-way link between the South Coffs Industrial area and the South Coffs Urban Release Area.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Mid North Coast Regional Strategy 2009 (MNCRS) is the applicable regional strategy for the greater Coffs Harbour area, including South Coffs Harbour. The Strategy aims to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs for the region's population over the next 25 years.

The Strategy designates Coffs Harbour as a major regional centre within the Mid North Coast region. Due to the size and regional centre role of Coffs Harbour and Port Macquarie, the draft Strategy recommends that the projected industrial land requirements will primarily be focused upon these areas to support their future growth. The Coffs Coast Region (Coffs Harbour, Bellingen and Nambucca Local Government Areas) will require an additional 83 hectares of industrial land within the next 25 years. Similarly for commercial development, it is expected that Taree, Port Macquarie, Coffs Harbour and Grafton will take the majority of commercial development as these centres have the greatest capacity for redevelopment.

The draft Strategy also defines potential areas for growth within each LGA. The Department has released these as the draft 'Growth Areas Map' for the region. The draft Growth Areas

Maps indicate the lands which are proposed as employment lands and refer to land identified to provide the necessary projected industrial or commercial land. The proposed growth areas identified in the strategy for Coffs Harbour are confined to South Woolgoolga, on the western side of the Pacific Highway directly adjacent to the existing Woolgoolga industrial estate and within North Boambee Valley adjoining the existing Isles Drive Industrial Estate (which adjoins the subject site).

The strategy also forecasts an additional 47,000 jobs will need to be created by 2031 for the Mid North Coast. Of this 47,000, the Strategy outlines that 75% of these will be needed to meet the demands arising from the housing and servicing of additional population. The remaining 25% of jobs will need to be created in new industries or services supplying markets outside the Mid North Coast.

The proposal is consistent with the Mid North Coast Regional Strategy (MNCRS). The proposal provides a minor, logical extension of an existing business centre and is in keeping with the objectives of providing additional employment opportunities in close proximity to new release areas. The proposal also provides an environmental benefit with the rehabilitation of vegetated lands on the site (further discussed later in this report).

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Our Living City – A Settlement Strategy for Coffs Harbour

The OLCSS 2010 (the Settlement Strategy) identifies that the LGA will experience considerable population growth by 2031. This population growth will in turn create demand for business and employment opportunities, which will create demand for additional employment land.

The Settlement Strategy outlines a number of specific recommendations that relate specifically to employment lands including:

Land Availability

There is a need to make allowances to increase employment lands within Coffs Harbour LGA.

There is a need to assess the demand for additional employment zones, large lots and current zoning boundaries. Council needs to consider rezoning land to enable more appropriate land uses.

In terms of economic development, the OLCSS seeks to maintain the business centres hierarchy and increase employment and education opportunities. The strategy identifies significant growth around the South Coffs Harbour area including the North Boambee Valley release area (849 potential dwellings), South Coffs release area (477 potential dwellings) and Boambee Rural Residential release area (23 potential dwellings). New dwellings in these release areas will likely increase demand for bulky goods and/or light industrial uses associated with the construction industry.

In terms of environmental sustainability, the strategy seeks to protect existing habitat areas. This Planning Proposal includes the measures that aim to rehabilitate and protect the balance of the land that supports native vegetation (zoned E2). These actions will potentially ensure that this land is protected as a buffer and corridor for existing and future generations.

Coffs Harbour 2030 Plan

This is a strategic level document which identifies the specific strategies that Coffs Harbour community have identified that need to be undertaken to move towards achieving a more sustainable society.

The Planning Proposal seeks to implement appropriate and relevant strategies of the Coffs Harbour 2030 Plan to achieve the following objectives:

- **Objective** - LP 2 *We have a strong and diverse economy*

Strategy - LP 2.1 *Maximise opportunities for workforce participation*

Comment – The Planning Proposal will result in an employment activity that will assist in achieving this strategy. The construction of the building will provide employment and post construction employment may include trade apprenticeships etc.

Strategy - LP 2.2 *Encourage the provision of facilities and services which attract, create and support career opportunities for young people*

Comment – Both the retail and trade industries consistently attract, create and support career opportunities for young people.

- **Objective** - LE 3 *Our natural environment and wildlife are conserved for future generations*

Strategy – LE 3.1 *Manage land use to conserve the region's unique environmental and biodiversity values*

Comment – The Planning Proposal includes the rehabilitation of a significant area (1.43 ha) of natural bushland in an urban setting that has been subject to rubbish dumping and associated weed infestation. The rehabilitation works and associated ongoing maintenance routine are outlined in a Vegetation Management Plan and secured in perpetuity by a Voluntary Planning Agreement.

Strategy – LE 3.2 *Enhance protection of our catchments, waterways and marine areas*

Comment – Similarly, the rehabilitation of the bushland that is also located adjacent to Newports Creek will benefit this waterway.

Strategy – LE 3.4 *Create environmental management and restoration programs through partnerships with the community*

Comment – This large area of natural vegetation, located in an urban area also forms part of a vegetated corridor that links the Newports Creek riparian corridor with other significant vegetation located to the east of the site. The vegetation rehabilitation included in the Planning Proposal will therefore support more efficient partnerships with organisations such as Land Care and other community land and river/creek restoration projects.

- **Objective** - LE 4 We reduce our impact on the environment

Strategy - LE 4.1 Implement total water cycle management practices

Comment – The development of the cleared parts of the site will be required to comply with Component C8 (Integrated Natural Water Cycle Requirements) of DCP 2013, which supports this strategy.

Strategy – LE 4.2 Implement programs which aim to make the Coffs Harbour Local Government Area pollution free

Comment – The Planning Proposal includes programs (vegetation rehabilitation) that assist in achieving this strategy.

Strategy – LE 4.3 Ensure the sustainable use of our natural resources

Comment – The vegetation rehabilitation proposed as part of this Planning Proposal supports this strategy.

The implementation of these community endorsed strategies as part of this Planning Proposal, will assist in achieving the outcomes of the 2030 plan.

Business Lands Strategy (BLS)

This Strategy was prepared in 2010 to provide Council and the community with a strategic planning framework to guide the future development of commercial lands within the Coffs Harbour local government area. The strategy was intended to form the Business Lands component of the Coffs Harbour City Council Local Growth Management Strategy.

The strategy recommended maintaining the primacy of the Coffs Harbour CBD as the principal business, office and retail hub of the City and to continue the hierarchy of business zones established under LEP 2000.

The strategy observed that:

“Retailing in Coffs Harbour is characterised by a range of different types of retailing formats and these have significant implications for land-use. Big Box Retailing, Bulky Goods Retailing, and Main Street Retail activities are all present in the LGA. These different broad land-use types have different land use requirements and this should be reflected in planning policy and controls. For example, bulky goods retailing will typically require large, flat lots with good highway access and exposure.”

The Council-endorsed (2009) Employment Lands Strategy, which provided information toward the preparation of the BLS, provides the following commentary on the future role of the Boambee North Industrial Precinct.

Boambee North Industrial Precinct – *“The precinct should be preserved as a strategic industrial area with the potential to accommodate a greater share of traditional industrial activity. The portion of the precinct fronting the highway already accommodates significant Bulky Goods Retail*

operations. This should be formalised as part of a B5 Business Development zoning. Although the proposed by-pass route would mean a slightly longer travel time to the highway, this is not likely to jeopardise the function of the precinct as a traditional industrial area.”

It is considered that this Planning Proposal aligns with these strategic documents.

Industrial Lands Strategy (ILS)

The Industrial Lands Strategy was produced to provide a strategic planning framework to guide the future development of industrial lands within the local government area.

The ILS investigated the structural drivers for industrial development by analysing population projections and labour market profiles associated with the supply and demand of industrial land stock. The social, environmental and economic impacts of industrial land provision were also analysed.

The Strategy provides informed advice on the preferred location, size, zoning and amount of industrial land required for sustainable employment generation and industry functioning and will be used to guide Council's future release of land for industrial purposes.

The strategy prepared a clearly defined industrial lands hierarchical structure to ensure that each industrial zone provides for land uses that are consistent with the role and function of identified industrial areas or precincts. This hierarchical structure needed to ensure that each industrial zone provides for land uses that are consistent with the role and function of identified industrial areas or precincts and should limit commercial and retail uses such as bulky goods to specific areas – i.e. B5 zoned lands.

The strategy recommended discouraging retail development in industrial zones and reviewing the permitted uses within industrial zones as part of the preparation of the new LEP. Thus a large area in the North Boambee Valley area (including part of Cook Drive), was zoned B5.

The subject land was not specifically analysed as part of the ILS, due to the E2 Environmental Conservation zoning on the land. As outlined in this report, the rezoning will apply to a small cleared portion of the site, and vegetation restoration works will improve the environmental attributes of the balance of the land in perpetuity. The proposed re-zoning is therefore considered to be a minor and logical extension of the B5 zone that occurs on land to the west of the subject site.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPP)?

SEPP 55 – Remediation of Land

No preliminary site investigations have been undertaken however, given the broad category of land uses present in the area, it is likely that the site is either suitable for the change in land use, or can otherwise be remediated if required to enable suitability. The relevant studies can be undertaken following the gateway determination if required.

SEPP 71 – Coastal Protection

The subject site is located within the Coastal Zone, and is therefore subject to the provisions of SEPP 71. Clause 7 requires that the matters for Consideration under Clause 8 should be taken into account by a Council when it prepares a draft LEP that applies to land within the Coastal Zone.

The Clause 8 matters for consideration include the following:

Clause 8 Matter for Consideration	Comment
(a) the aims of this Policy set out in clause 2,	See below
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	Not applicable
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	Not applicable
(d) the suitability of development given its type, location and design and its relationship with the surrounding area	Development within the surrounding area is both “industrial” (to the east) and “bulky goods retailing” (to the west) in nature and is therefore considered to be suitable for the area.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	Not applicable
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities	As previously mentioned in this report, the proposal seeks to rehabilitate and protect existing habitat areas by way of a Vegetation Management Plan, the integrity of which is strengthened by an associated Voluntary Planning Agreement.
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	See (f) above.
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	The measures outlined in (f) above will assist to conserve fish and marine vegetation contained in and linked to Newports Creek, being an adjacent waterway.
(i) existing wildlife corridors and the impact of development on these corridors	The measures outlined in (f) above will assist to achieve this outcome.
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The site is affected by flooding. This has been discussed at length elsewhere in this report.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	Not applicable
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of	The Coffs Harbor and District Local Aboriginal Land Council have provided comments on this proposal

Aboriginals,	in response to an initial agency referral. No known indigenous heritage values apply to the site in proximity to where development is to take place.
(m) likely impacts of development on the water quality of coastal water bodies,	Storm-water runoff from eventual development will be required to be accommodated within the existing urban storm-water system, and comply to Council's development standards for commercial / industrial development.
(n) the conservation and preservation of items of heritage, archaeological or historic significance,	The site is not identified as being of heritage significance under Coffs Harbour LEP 2013 (also see (l) above).
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	The site is located within an established urban area and adjacent to the future South Coffs urban area and catchment.
(p) only in cases in which a DA in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	Having regard to the location of the site in an industrial area, and also having regard to the likely form of development, environmental impacts can be appropriately managed.

Aims of the SEPP 71 Policy:

Aims of the Policy	Comment
(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and	There are no anticipated negative impacts on the natural, cultural, economic or recreational attributes of the coast. Benefits to the natural environment are discussed in (g) below.
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and	Not applicable.
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	Not applicable.
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	No known indigenous heritage values apply to the site in proximity to where development is to take place.
(e) to ensure that the visual amenity of the coast is protected, and	Environmental benefits as discussed in (g) below, will assist in protecting the visual amenity of the coast.
(f) to protect and preserve beach environments and beach amenity, and	Not applicable.
(g) to protect and preserve native coastal vegetation, and	The applicant has proposed the restoration and protection of native vegetation through the implementation of a Vegetation Management Plan, which is secured in perpetuity by a Voluntary Planning Agreement.

(h) to protect and preserve the marine environment of New South Wales, and	Storm-water runoff will be required to be accommodated within the existing urban storm-water system. Compliance with Council policy and DCP requirements will ensure that such protection is maintained.
(i) to protect and preserve rock platforms, and	Not applicable.
(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and	The environmental rehabilitation discussed in (g) above will assist in compliance with this requirement.
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	This would be addressed at DA stage. Although having regard to the industrial character of the immediate area in which the site is located, and also the distance of the site from the coastline; it is considered that the impacts of any built form outcome is likely to be acceptable in the context of SEPP 71.
(l) to encourage a strategic approach to coastal management.	The proposal aligns with strategic documents as mentioned in section 5 of this report.

SEPP Infrastructure 2007

Consultation is required with authorities as part of the gateway rezoning process. Any future traffic generating development will be referred to NSW Roads and Maritime Services under this SEPP at DA stage.

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

Direction 1.1 – Business and Industrial Zones

Requirement	Comment	Meets Requirement?
(1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The proposal will encourage employment growth in a suitable location (as described in Part 3 of this report). The planning proposal allows for the realisation of an increased number of jobs on the subject site. In this respect full time and part time jobs are estimated as part of the operation of a facility in addition to immediate employment associated with the construction process as well as multiplier effects. Amending the existing LEP in the manner proposed will enable development that is consistent with the level and range of services which are expected within such a centre.	Yes
(4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations	The Planning Proposal is broadly consistent with the objectives of this direction. The proposal retains and slightly expands an	Yes

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.	existing business zone located within a business / industrial location. Floor-space for employment will be increased from that existing but will not exceed the maximum FSR available on the site. Floor-space for industrial uses will be increased from that existing but will not exceed the maximum FSR available on the site. The site is not located in a “new” employment area, and retains the same broad commercial / industrial land use category.	
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Direction 2.1 – Environmental Protection Zones

Requirement	Comment	Meets Requirement?
(1) The objective of this direction is to protect and conserve environmentally sensitive areas.	The environmentally sensitive parts of the site are proposed to be rehabilitated where necessary and conserved by way of a Vegetation Management Plan that seeks to preserve the land in perpetuity (by way of a Voluntary Planning Agreement).	Yes
(4) A draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The environmentally sensitive parts of the site are proposed to be rehabilitated where necessary and conserved by way of a Vegetation Management Plan that seeks to preserve the land in perpetuity. This will be achieved through the use of a Voluntary Planning Agreement to ensure that the works proposed in the VMP are carried out in accordance with the recommended timeframes etc.	Yes
(5) A draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).	The Planning Proposal seeks to reduce the E2 zoned area, however the area proposed to be zoned B5 relates to a previously cleared part of the site. This is further offset by restoration and conservation works proposed on the remaining E2 zoned parts of the site by way of a Vegetation Management Plan, secured in perpetuity by a Voluntary Planning Agreement.	Yes

Direction 2.2 – Coastal Protection Zones

Requirement	Comment	Meets Requirement?
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(1) The objective of this direction is to implement the principles in the NSW Coastal Policy.	The Planning Proposal includes management actions that will implement the principles of the NSW Coastal Policy.	Yes
(4) A draft LEP shall include provisions that give effect to and are consistent with: (a) the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast</i> 1997, and (b) the <i>Coastal Design Guidelines</i> 2003, and (c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act</i> 1993 (the <i>NSW Coastline Management Manual</i> 1990).	The proposal is consistent with these policy documents as it incorporates: • the management of environmental hazards; • the protection of sensitive areas; • connection with existing urban areas; • general consistency with settlement strategies for the creation of compact towns; • conservation of habitat links and habitat areas; and • the efficient connection to services, including transport, water and sewer services.	Yes

Direction 3.4 – Integrating Land Use and Transport

Requirement	Comment	Meets Requirement?
(1) 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.	Although private transport is likely to be the dominant mode of transport, the site's location is central to Coffs Harbour and its hinterland and is well serviced by main roads. The proposal will also open up opportunities to create a pedestrian and cycle-way link through the site. Freight and deliveries to the site will be easily accessible due to the site's proximity to the Pacific Highway. The site is located in an existing industrial area. Its amendment to allow for bulky goods / light industrial use purposes is appropriate in the context of this direction.	Yes
(4) A planning proposal must locate zones for urban	The proposal provides the following measures to integrate land use and transport planning in	Yes

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).	accordance with the DUAP documents mentioned in this direction: • The land is located within 500m of a main arterial road; • The land is connected to available pedestrian and cycleway networks; • The land adjoins an existing business zone.	
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Direction 4.1 – Acid Sulfate Soils

Requirement	Comment	Meets Requirement?
(1) 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.	According to the Acid Sulfate Soils Risk maps, the subject site is in a “low risk” area, being within a Class 3 area on the acid sulfate soils risk map.	Yes
(4) Council shall consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a draft LEP that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	The land is proposed to be filled in order to provide a flood free building platform. No adverse impacts from the development of the land in terms of groundwater quality or water-table issues are expected at this time. It should be noted that Acid Sulfate Soils are required to be taken into account (when considering a development application) under clause 7.1 of LEP 2013.	Yes

Direction 4.3 – Flood Prone Land

Requirement	Comment	Meets Requirement?
(1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on	The Planning Proposal includes a flood assessment. The assessment has been prepared with the NSW Government’s Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> in mind. The flood assessment includes consideration of the potential flood impacts both on and off the subject land.	Yes

and off the subject land.		
(4) A draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). (5) A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A draft LEP must not impose flood related development controls above the residential flood planning level for residential development on land, unless a council provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a draft LEP, a	The Planning Proposal has been prepared such that it is consistent with the principles of the <i>Floodplain Development Manual 2005</i>. Although the proposed change affects part of the land and proposes to rezone that part of the land from E2 to B5, it is considered to be of minor significance as outlined in this report. a) The area affected is not located in a floodway. b) The proposal and associated filling will not result in significant flood impacts to other properties. Following flood modelling undertaken as part of this process, surrounding property owners and representatives have been consulted and offered no objection to filling the subject land. c) Although the Planning Proposal will permit an increase in the development of that land, it is not considered that it will create problems for surrounding properties. d) No such government spending will be required as a result of this Planning Proposal. e) The Planning Proposal complies with this requirement. 7) The Planning Proposal does not propose a residential zone, or residential development on the land and therefore complies with this requirement. 8) The proposed rezoning is from an	Yes

council must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a council provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). Consistency (g) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that: (a) the draft LEP is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or (b) the provisions of the draft LEP that are inconsistent are of minor significance.	Environmental zone to a Business Zone and thus is inconsistent with the Ministerial Direction. As per this Section 117 Direction, a draft LEP can be inconsistent provided council can satisfy the Director General of the Department (of Planning and Infrastructure) as per the above points. In this regard, the proposed rezoning is considered to be of minor significance and the flood assessment has been undertaken in accordance with the floodplain development manual. Further details are provided in the Planning Proposal. g) This Planning Proposal is technically inconsistent with this direction. Justification for the inconsistency includes the following: a) The flood assessment has been undertaken in accordance with the Floodplain Development Manual 2005. b) The proposed rezoning is considered to be of minor significance for the following reasons: • The 'Boambee-Newport's Creek Flood Study, Jan 2011' identifies the proposed rezoning area as affected by the 1% AEP flood level, but it is not considered to be a floodway. To satisfy councils flood policy the rezoned area would need to be filled above the 1% AEP flood level. Modelling has been undertaken to assess the possible impacts of filling. The modelling shows that filling will have an impact on flood levels for the adjoining properties to the northwest of the site being land owned by Bunning's and other small sections of land owned by Council. Correspondence has been provided from a representative of Bunning's that they have no objection to the modelled flood impacts for their site. • Council owns two narrow strips of land that are located on either side of the length of the subject property. These two narrow strips of land were intended to provide a vegetated buffer surrounding the subject land which was originally intended to form part of a deviation corridor of the Pacific Highway (Eastern Arterial) but has since	
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	been abandoned. Council's Property branch has no objection to the filling proposed to be undertaken on the adjacent Council property. • The size of the land to be re-zoned is relatively small compared to the overall size of the property (2787 sqm from an overall area of 1.7 Ha). • The cleared parts of the site which are proposed to be re-zoned hold no particular environmental value. Much rubbish has been dumped on the land and this proposal offers a way of rehabilitating the site and providing an environmental benefit in perpetuity.	
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Direction 4.4 – Planning for Bushfire Protection

Requirement	Comment	Meets Requirement?
(1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The Planning Proposal seeks to rezone part of the land to allow light industrial / bulky goods uses. The applicant has addressed bushfire issues as part of the PP submission through a bushfire assessment which has been referred to NSW RFS for comment (see 4 below).	Yes
(4) In the preparation of a draft LEP a Council shall consult with the Commissioner of the NSW Rural Fire Service under section 62 of the EP&A Act, and take into account any comments so made,	The Planning Proposal has included a Bushfire Assessment Report. The report was referred to NSW RFS who responded with no initial objection to the proposal and also provided some preliminary advice.	Yes
(5) A draft LEP shall: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ.	PBP-2006 is primarily concerned with residential development and development for a "special fire protection purpose". Apart from s.4.3.6(f), PBP-2006 is essentially silent in relation to commercial or industrial land. The above-mentioned NSW RFS response contains advice that is relevant to the future development of the land.	Yes
(6) A draft LEP shall, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone	a) As the site is vacant there is an opportunity for any eventual development to	Yes

(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 draft LEP permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), 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.	comply with APZ and/or building construction requirements at the time of development. The development would be described as “infill” development – also see b) below. b) As the site is vacant there is an opportunity for any eventual development to comply with APZ and/or building construction requirements at the time of development. Advice from NSW RFS includes requirements that can be easily met on site when an eventual Development Application is submitted. c, d, e & f) The proposal will enable potential development that will be able to comply with these requirements.	
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Direction 5.1 – Implementation of Regional Strategies

Requirement	Comment	Meets Requirement?
(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies,	The proposal is consistent with the MNCRS as outlined earlier in this report.	Yes

outcomes and actions contained in regional strategies.		
(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The proposal is consistent with the MNCRS as discussed in earlier in this report.	Yes

Direction 5.4 – Commercial and Retail Development along the Pacific Highway, North Coast

Requirement	Comment	Meets Requirement?
(1) The objectives for managing commercial and retail development along the Pacific Highway are: (a) to protect the Pacific Highway’s function, that is to operate as the North Coast’s primary inter and intra-regional road traffic route; (b) to prevent inappropriate development fronting the highway (c) to protect public expenditure invested in the Pacific Highway, (d) to protect and improve highway safety and highway efficiency, (e) to provide for the food, vehicle service and rest needs of travelers on the highway, and (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.	The Planning Proposal relates to land that is located some 200 metres from the Pacific Highway. As a result the objectives of this direction are able to be met.	Yes
3) This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	Noted.	Noted
(4) A planning proposal that applies to land located on “within town” segments of the Pacific Highway must		Yes

provide that: (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway, (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway. (c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour.	The Planning Proposal relates to land in a district centre and is not spread along the highway. The site is not located on the highway, but on a side road that includes a signaled intersection with the highway. Noted	
(5) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that: (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction. (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway.	Not applicable	Not applicable
(c) for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.	Noted	Noted

Section C - Environmental, social and economic impact

8. 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?

No, the land is mapped to support koala habitat but these areas generally relate to the forested parts of the land. The proposal intends to protect and rehabilitate the existing vegetated portion of the site through the implementation of the requirements contained within a Vegetation Management Plan (VMP) submitted with the Planning Proposal. A Voluntary Planning Agreement (VPA) has been drafted to ensure that the requirements of the VMP are undertaken as proposed. The proposed B5 area of the site is mostly barren with grassed areas.

The site is located on land identified as being of significant or habitat value and is identified as having likelihood for threatened species etc. Elements of vegetation within the subject site fall within the categories of “Swamp Sclerophyll Forest on Coastal Floodplain” and “Subtropical Floodplain Forest” which are both Endangered Ecological Communities within the NSW North Coast Bioregion (listed on the Threatened Species Conservation Act 1995 (TSC Act)). A search of the NSW NPWS Wildlife Atlas revealed 50 threatened flora species with the potential to occur within the site, being recorded within a 5 kilometre radius of the site.

The site is located within an established urban setting, and has been subject to rubbish being dumped on the property by private landowners. It is considered that the proposed rehabilitation and other vegetation management strategies proposed through this planning proposal will be environmentally beneficial to the area.

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

Other impacts not already considered in this report which may result from the operation of bulky goods retail or light industrial uses are:

- Traffic management;
- Operating hours;
- Litter; and
- Pedestrian movements in the vicinity.

It is considered that these elements can be easily managed through appropriate operational management conditions and other such requirements which will be detailed and approved as part of any Development Application submitted to Council.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal states that it seeks to promote equitable access to the provision of services and facilities for the local community. This is achieved by including provisions and objectives which reflect Council’s long term strategic vision for the City as endorsed in the Our Living City (OLC) Settlement Strategy, Business Lands Strategy and the Coffs Harbour 2030 Plan.

Economic growth and development of the City is an outcome of the planning proposal. The proposal identifies a site to enable the development of a bulky goods premises or light industrial premises to service the South Coffs Harbour area. The planning proposal reinforces the business hierarchy established in the endorsed OLC Settlement Strategy and Business Lands Strategy, enabling a compatible development to prevail in the South Coffs Harbour area.

As detailed elsewhere in this report, the likely development resulting from this Planning Proposal would include construction and operational employment opportunities.

Council's Economic Development Unit have advised that in their opinion the best use of the land would be light industrial. The proposed zoning will enable a light industrial activity to be situated on the land. It would also potentially allow a bulky goods retail premises to be situated on the land. Given the site's location, the size of the land to be re-zoned and other justification provided in this report, such a use will not be detrimental to the immediate area or the greater city area.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The proposed rezoned area can be readily serviced with reticulated water and sewer, access to the electrical grid and telecommunications network, and has direct access to Cook Drive which connects to the Pacific Highway. The proposal represents a logical progression to a land use that is more compatible with the area.

Specific investigations will be undertaken following gateway determination.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with relevant government agencies has been undertaken, including:

- NSW Rural Fire Service;
- NSW Office of Environment and Heritage; and
- NSW Office of Water.

Responses were received from the NSW Rural Fire Service and the NSW Office of Environment and Heritage. These two government bodies have indicated that while they don't have objections to the proposal, specific criteria and conditions need to be addressed.

Despite reminder letters, a response has not been received from the NSW Office of Water.

The Coffs Harbour Local Aboriginal Land Council was also contacted and has indicated that they have no objection to the proposal proceeding.

PART 4 – COMMUNITY CONSULTATION

The proposed rezoning is classified as a ‘low impact’ planning proposal. This means that the planning proposal is generally consistent with the pattern of surround land use zones and/or land uses; is consistent with the strategic planning frame work (i.e. OLC Settlement Strategy); presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

The planning proposal also includes a Voluntary Planning Agreement (VPA) to ensure that the rehabilitation and maintenance program for the vegetation located in the E2 area is secured in perpetuity. According to s93G of the Environmental Planning and Assessment Act 1979, VPAs cannot be entered into unless public notice has been given and an explanatory note is made available for inspection for at least 28 days.

In the case of this Planning Proposal, the “public notice” mentioned above will form part of the subsequent consultation process.

A VPA is considered appropriate in this situation as the proponent has provided a program of works to rehabilitate and maintain the vegetation on the site, however without a VPA, there is no legal ability to lock the landowner in to the ongoing program of works. A VPA provides this certainty.

Therefore it is considered appropriate to undertake public consultation of both the planning proposal and the Voluntary Planning Agreement for a period of 28 days.

This will be confirmed during the gateway assessment.

The community consultation will be managed by Council and conducted via the normal statutory process.