

Coffs Harbour LEP 2013 Amendment - 1 Hamilton Road, Boambee East

Proposal Title : **Coffs Harbour LEP 2013 Amendment - 1 Hamilton Road, Boambee East**

Proposal Summary : **This Planning Proposal seeks to amend the Coffs Harbour LEP 2013 by:**

1. Altering the boundaries of the existing IN1 General Industrial, R2 Low Density Residential and E2 Environmental Conservation zones within Lot 1, DP777555; and

2. Altering the minimum lot sizes and height of buildings controls that apply to the subject land to match the proposed zone changes.

PP Number : **PP_2014_COFFS_002_00** Dop File No : **14/16317**

Proposal Details

Date Planning Proposal Received :	14-Oct-2014	LGA covered :	Coffs Harbour
Region :	Northern	RPA :	Coffs Harbour City Council
State Electorate :	COFFS HARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1 Hamilton Road		
Suburb :	City :	Boambee East	Postcode : 2452
Land Parcel :	Lot 1, DP777555		

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
 Contact Number : **0267019688**
 Contact Email : **jon.stone@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Harpreet Jenkins**
 Contact Number : **0266484659**
 Contact Email : **harpreet.jenkins@chcc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.09	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	10

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **This proposal seeks to alter the zone boundaries, minimum lot size and height of building controls within the subject land to reflect the current and future use and to recognise the environmental constraints of the site.**

The subject land has an area of approximately 3.2 hectares with a landscape supplies operation currently occupying 1.49ha of the northern part of the site. Part of the landscape supplies business is in an area zoned IN1 General Industry but part of the operation has encroached into the undeveloped R2 Low Density Residential zone. This proposal aims to zone the land to reflect this and to reflect the constraints to development on the site due to flooding and its proximity to Boambee Creek.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Coffs Harbour LEP 2013.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a explanation of the intended provisions to achieve the objectives and intended outcome.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 71—Coastal Protection
North Coast REP 1988**

e) List any other matters that need to be considered :

**Mid North Coast Regional Strategy;
Council's local settlement strategy 'Our Living City Settlement Strategy 2008'; and
Council's Local Growth Management Strategy – Industrial Lands Component 2009.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal includes mapping that identifies the location of the subject land, its current and proposed zoning and the proposed minimum lot size and height of building controls. Additional mapping prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, minimum lot size and height of buildings will need to be prepared prior to the legal drafting of the amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The relevant planning authority has identified a 28 day exhibition period for the proposal. In the circumstances of this Planning Proposal this is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council, if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in March 2015. However given the proposed length of the community consultation, a March completion date is optimistic. A 9 month completion time is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Coffs Harbour LEP 2013 was made in September 2013.

Assessment Criteria

Need for planning
proposal :

This Planning Proposal has been initiated by the land owners to ensure that the land zoning, minimum lot size and height of building controls on the subject land better reflect the existing land uses, future development aspirations and the environmental constraints of the site.

The land is currently zoned part IN1 General Industrial, part E2 Environmental Conservation and part R2 Low Density Residential. The Planning Proposal seeks to amend these zone boundaries and apply appropriate minimum lot sizes and height of building controls. It will result in a reduction in land zoned for residential purposes (although undeveloped), a slight increase in land zoned for environmental purposes and an increase in land zoned for industrial uses.

MI Organics, a landscape supplies business operates from the subject land. Over time the original operation has expanded and the business has outgrown the zoned industrial land on the site. Issues with the disposal of stormwater have developed and Council has previously issued the business a Direction to Take Prevention Action under the Protection of the Environment Operations Act 1997 in relation to discharges into Boambee Creek. In response to this a Stormwater Management Plan has been developed for the site. It has recommended changes to the operation and management of leachate producing products.

This Planning Proposal is required to ensure the continued operation of the business whilst addressing the environmental constraints on the site.

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with the Mid North Coast Regional Strategy with respect to maintaining and identifying additional industrial land for future employment opportunities at the site without compromising the environment. The Planning Proposal is considered to be consistent with Council's Industrial Lands Strategy 2009. It provides an opportunity to marginally increase the industrial land stock in the Coffs Harbour LGA. The Industrial Lands Strategy 2009 recommended an IN1 General Industrial zone for the majority of the subject land but also recognised a potential environmental constraint to that part of the site that adjoins Boambee Creek. The proposed zoning regime generally reflects the strategic intent for the site.

The Planning Proposal is considered to be consistent with all applicable SEPPs and section 117 Directions except the following;

3.1 Residential Zones

This Direction is relevant as the Planning Proposal will affect land within a residential zone. It is proposed to reduce the area of land zoned R2 Low Density Residential from 1.37ha to 0.21ha. The land will be rezoned to both IN1 General Industrial and E2 Environmental Conservation. Much of the land being zoned E2 is subject to flooding. The inconsistency with this Direction is considered to be of minor significance due to the size of the land involved and the constraints to development for residential purposes.

3.4 Integrating Land Use and Transport

This Direction is relevant as the Planning Proposal will alter the zoning of urban land. The inconsistency with this Direction is considered to be of minor significance due to the proposed rezoning reflecting its current land use, its environmental constraints and only a minor reduction in land being zoned for residential purposes.

4.1 Acid Sulfate Soils

This Direction is relevant as the Planning Proposal will affect land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps (Class 3 and 5). The inconsistency with this Direction is considered to be of minor significance due to the size of the land parcel involved, the minor nature of any potential excavation of the site and as this issue can be adequately addressed at the development application stage as required by the Coffs Harbour LEP 2013.

4.3 Flood Prone Land

This Direction is relevant as the Planning Proposal will affect land that is flood prone. The proposal rezones residential land that is affected by the 100 year ARI flood event to E2 Environmental Conservation. The inconsistency with this Direction is considered to be of minor significance due to the development potential of the land subject to flooding being reduced and the flooding constraints of the land being acknowledged and zoned appropriately.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Planning Proposal and supporting report indicate the land is not prone to bushfire, however, a review of Council's online mapping tool indicates the site is within a buffer area to bushfire prone land. As a result it is considered appropriate to make an assessment against this Direction. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social economic impacts :

The site contains a degraded vegetation community with species that correspond with the swamp sclerophyll forest on coastal floodplains endangered ecological listing (EEC) under the Threatened Species Conservation Act 1995. The vegetation on the site has been highly modified with vegetation retained for screening purposes. The site also contains the river mangrove low closed forest community associated with the Boambee Creek riverbank.

The Planning Proposal is accompanied by a Voluntary Planning Agreement and Vegetation Management Plan that details the implementation of a program of vegetation management for the site, particularly in the area being zoned E2 Environmental Conservation.

The Planning Proposal, VPA and VMP are expected to provide a net benefit ecological outcome by:

- increasing the area zoned for environmental protection;
- restoring an area of Endangered Ecological Communities and improving the condition of the vegetation along the riparian corridor;
- improving the quality of stormwater runoff from the site; and
- by providing a wildlife/ vegetation corridor between Boambee Creek and the extensive vegetation area to the east of Hamilton Drive, thereby providing a fauna/habitat corridor.

The outcomes of the Planning Proposal address the issue of flooding from Boambee Creek by:

- ensuring that the proposed IN1 zone is flood free for the 5 and 20 year ARI flood events;
- over 90% of the site is flood free in a 100 year ARI event, with the inundated area flooding to an average depth of approximately 200 mm, a Low Flood Hazard rating in accordance with the NSW Floodplain Development Manual;
- reducing the extent of the R2 Low Density Residential zone so that it is outside the 100 year ARI flood event;
- providing for rehabilitation of the riparian zone and removing existing flow impediments in the floodplain to provide improved conveyance along Boambee Creek; and
- protecting the existing flood path through the southern portion of the site, via the extension of the E2 Environmental Conservation zone.

The site is adjacent to land that is heavily timbered and is bushfire prone. Council's online mapping tool shows the subject land within a buffer area. The proposal reduces the area land zoned for residential purposes and does not place inappropriate development within the bushfire prone land.

The on-going operation of the MI Organics business ensures the employment of up to 10 full-time employees.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2014-09-26 Cover Letter.pdf	Proposal Covering Letter	Yes
2012-10-14 Planning Proposal.pdf	Proposal	Yes
2014-09-26_GHD planning proposal report.pdf	Proposal	Yes
2014-09-26_Council meeting 28 August 2014.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

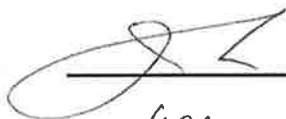
- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
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- 5.1 Implementation of Regional Strategies**

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported and proceed as a "routine" planning proposal.**
- 2. The Planning Proposal be exhibited for 28 days.**
- 3. The planning proposal be completed within 9 months.**
- 4. The Director-General's delegate agree that the inconsistencies with S117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified as of minor significance.**
- 5. Consultation with the Office of Environment and Heritage be undertaken;**
- 6. Consultation with the NSW Rural Fire Service be undertaken in accordance with S117 Direction 4.4 Planning for Bushfire Protection;**
- 7. Draft LEP Maps prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, minimum lot size and height of buildings are to be prepared prior to the legal drafting of the amendment.**
- 8. Delegation to finalise the Planning Proposal be issued to the Council:**

Supporting Reasons : **This Planning Proposal is supported because it is consistent with Council's approved local settlement strategy and the Mid North Coast Regional Strategy and inconsistencies of the proposal with the S117 directions are of minor significance.**

Signature:



Printed Name:

JIM CLARK

Date:

22 October 2014