



PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

NORTH BOAMBEE VALLEY (WEST) RESIDENTIAL INVESTIGATION AREA

August 2017
VERSION 1 Pre Gateway Determination

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Summary

This Planning Proposal, which applies to land within the North Boambee Valley (NBV) (West) Investigation Area, has been prepared in accordance with NSW Department of Planning and Environment's (NSW P&E) "*A Guide to Preparing Planning Proposals (August 2016)*".

The Planning Proposal is also consistent with the provisions of the *North Coast Regional Plan 2036* and Coffs Harbour City Council's *Local Growth Management Strategy 2008*. This Planning Proposal is a part of the North Boambee Valley (West) Investigation Area. The North Boambee Valley (West) Investigation Area is approximately 585 hectares in area and is situated approximately four kilometres south-west of Coffs Harbour Central Business District. The eastern extent of the land is bounded by the proposed Pacific Highway bypass. The western boundary of the land adjoins Boambee State Forest.

An earlier Planning Proposal identified the need to protect the existing extractive industry to the west with a 1km radius buffer to residential land uses and revealed unresolved issues regarding the flooding impact on proposed industrial uses in NBV (West) Investigation Area. Therefore, this revised Planning Proposal now only relates to proposed new residential land use in the north eastern part of the NBV (West) Investigation Area. The remainder of the Investigation Area will be separately considered by Council in the future.

This revised Planning Proposal has been informed by the various investigations and assessments carried out by consultants De Groot & Benson Pty Ltd and Associates (2012 – 2014). These investigations and assessments form part of this Planning Proposal, though it should be noted that these investigations and assessments apply to the whole of the NBV (West) Investigation Area rather than just this north east corner.

Land use in the area is mainly agricultural and zoned accordingly; however, there are also smaller rural allotments (approximately 1-2 hectares in area) which are used primarily for residential purposes. Environmentally sensitive land (e.g. high value vegetation, koala habitat, riparian corridors) are zoned for environmental conservation and environmental management. A map of the current zoning of the land under Coffs Harbour LEP 2013 is shown in Part 4 of this report.

This Planning Proposal informs a proposed rezoning of parts of the NBV (West) Investigation Area, which will change the character of the locality when developed. Due to the significant nature of this proposal, it is expected that this rezoning process will occur over a period of nine to twelve months, including the consultation period and reporting to Council, from the issue of the Gateway Determination by NSW Department of Planning and Environment.

The proposed residential land can be serviced with the full range of urban services, via extension and augmentation of existing services.

This Planning Proposal and subsequent rezoning is intended to allow for the following benefits:

- Zone land to permit low density residential development;
- Amend and extend existing environmental protection zoned land to improve habitat linkages and conserve important vegetation; and

- Zone land for public recreation purposes including interconnected areas of passive recreation along ridges, gullies and riparian areas.

Part 1 - Objectives or Intended Outcomes

This Planning Proposal supports the following intended outcome:

To inform a rezoning of land to enable development of parts of the North Boambee Valley (West) Investigation Area, consistent with the North Coast Regional Plan 2036 and the Coffs Harbour City Council's Local Growth Management Strategy (LGMS) 2008.

The objectives of this Planning Proposal are:

- to describe the subject land (i.e. the North Boambee Valley (West) Investigation Area), the locality in which it is situated, the current land use zonings which apply, and the rationale for any proposed rezoning of lands within the Investigation Area.
- to request an amendment to *Coffs Harbour LEP 2013* to permit residential development, identify land for future public open space, and confirm the location of lands which are of environmental conservation value.
- to provide for clearly defined areas of compensatory habitat and to ensure long term interconnection between retained areas within Zone E2 by introducing a new Zone E3 – Environmental Management.
- to address the 'gateway assessment' criteria under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- to provide justifications for the LEP amendment and demonstrate the net community benefits which follow.
- to demonstrate that the Planning Proposal is consistent with the broad strategic direction for the locality as described by *North Coast Regional Plan 2036* and Council's LGMS (2008).

Part 2 - Explanation of Provisions

The Principal Planning Instrument is *Coffs Harbour Local Environmental Plan 2013*, the format of which is the Standard Instrument LEP template. Currently the site is predominantly zoned RU2 Rural Landscape and E2 Environmental Conservation and will require zone amendments to enable the integrated development of the release area for residential and public recreation uses.

Maps of the existing zoning and the proposed rezoning are included in Part 4 of this report. The map tiles proposed to be amended are as follows:

- Land Zoning Map (LZN_006A);
- Lot Size Map (LSZ_006A);
- Terrestrial Biodiversity, Drinking Water, Riparian Lands and Watercourses Map (CL2_006A); and
- Land Reservation Acquisition (LRA_006A) Map.

The land zoning introduces Zone E3 Environmental Management to Council's Principal Planning Instrument, *Coffs Harbour Local Environmental Plan 2013*. Zone E3 is a zone specified in the Standard Instrument Template—Principal Local Environmental Plan. The provisions for the Zone E3 are described in Appendix J to this Planning Proposal.

Part 3 – Justification

Section A - Need for the Planning Proposal

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

This Planning Proposal is a result of an identified need for additional residential land in both the *North Coast Regional Plan 2036* and Coffs Harbour City Council's Local Growth Management Strategy 2008.

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

This planning proposal is the appropriate means of achieving the outcome and objectives, and is supported by relevant planning studies and adopted planning policies.

Section B - Relationship to strategic planning framework.

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

NSW State Plan

The NSW Government has prepared a State Plan for a new direction for NSW. The purpose of the State Plan is to deliver better results for the NSW community from government services. The State Plan focuses on five areas of activity of the NSW government:

- rights, respect and responsibility – the justice system and services to promote community involvement and citizenship;
- delivering better services – key services to the whole population including health, education and transport;
- fairness and opportunity – services that promote social justice and reduce disadvantage;
- growing prosperity across NSW – activities that promote productivity and economic growth, particularly in rural and regional NSW; and
- environment for living, planning for housing and jobs, environmental protection, arts and recreation.

There are a number of goals within the State Plan that are generally relevant to this Planning Proposal which are relevant to the future development and conservation of the site. A priority of the plan is to improve built environments through improving housing ability by ensuring a supply of land and a mix of housing that meets demand.

The Planning Proposal will result in the protection of 34 ha of high ecological value land whilst providing an additional 93.8 ha of residential land that will add to the residential land stock of the Coffs Harbour LGA, consistent with the objectives of the State Plan and Coffs Harbour City Council's Local Growth Management Strategy.

North Coast Regional Plan 2036

The following outlines how the Planning Proposal complies with the Goals and Directions contained in the North Coast Regional Plan 2036:

Goal 1: The most stunning environment in NSW

Direction 1: Deliver environmentally sustainable growth

This is an identified urban growth area. These areas *have been identified to achieve a balance between urban expansion and protecting coastal and other environmental assets.* This growth area is well located close to surrounding urban areas. This growth area is *away from significant farmland and sensitive ecosystems.*

Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments

The early identification of environmentally sensitive lands is a key component of this Planning Proposal. Existing lands within Zone E2 have been refined and considered in the overall context of the residential development of the lands. It is proposed to introduce E3 zoned lands to provide for areas of compensatory habitat and long term interconnection between retained areas within Zone E2. Land identified as having terrestrial biodiversity and/or watercourse values are afforded additional protection under Clauses 7.4 and 7.6 of *Coffs Harbour LEP 2013*.

Direction 3: Manage natural hazards and climate change

The proposed development will be designed to control the future impacts of stormwater and flooding.

The rationalisation of retained and revegetated areas will simplify bushfire hazard protection. Perimeter roads will be an important part of bushfire hazard protection.

Direction 4: Promote renewable energy opportunities

The proposed residential area has good micro climate within a generally north easterly facing valley; resulting in good solar access opportunities.

Goal 2: A thriving, interconnected economy

Direction 5: Strengthen communities of interest and cross-regional relationships

The Pacific Highway upgrade is identified as the key to providing greater connectivity. The proposed residential areas will have good access to local employment opportunities as well as the Pacific Highway for broader regional opportunities.

Direction 6: Develop successful centres of employment

The additional residential areas will help strengthen Coffs Harbour as a centre of employment.

Direction 7: Coordinate the growth of regional cities

The proposed rezoning supports the growth and redevelopment of Coffs Harbour (a designated regional city), and is consistent with current Regional Plan and Local Growth Strategies.

Direction 8: Promote the growth of tourism

The proposed residential area will provide more affordable housing for essential tourism workers.

Direction 9: Strengthen regionally significant transport corridors

The proposed residential areas will have quick and easy access to the proposed deviated Pacific Highway. A single access is proposed under the proposed deviated highway.

Direction 10: Facilitate air, rail and public transport infrastructure

The proposed residential areas are close to air and rail transport. Local bus services are available nearby along the existing Pacific Highway. Provision will be made for the local bus services to divert through the centre of the residential areas.

Direction 11: Protect and enhance productive agricultural lands

The land the subject of the Planning Proposal does not contain highly productive agricultural lands. Remnant agricultural areas to the west of the residential areas will be protected from urban fringe impacts.

Direction 12: Grow agribusiness across the region

The proposed rezoning will not adversely affect any existing agribusiness.

Direction 13: Sustainably manage natural resources

The proposed residential areas have been located so they are at least one kilometre from the existing quarry so as not to restrict the extraction of these hard rock resources.

Goal 3: Vibrant and engaged communities

Direction 14: Provide great places to live and work

The draft DCP provisions will assist in ensuring the new residential areas integrate successfully into the existing Coffs Harbour urban fabric.

Direction 15: Develop healthy, safe, socially engaged and well-connected communities

The new draft DCP provisions and the existing DCP provisions will ensure that the future residential areas are both healthy by providing for an abundance of walking and cycling opportunities and safe via crime prevention through environmental design outcomes.

Direction 16: Collaborate and partner with Aboriginal communities

The aboriginal community has been engaged in the identification of this area as future residential.

Direction 17: Increase the economic self-determination of Aboriginal communities

This is broader LGA wide goal. The Planning Proposal will not have outcomes that are contrary to achieving this goal.

Direction 18: Respect and protect the North Coast's Aboriginal heritage

An Archaeological Assessment (See **Appendix F**) was carried out within the study area to inform the Planning Proposal. The recommendations of the Archaeological Assessment state that:

‘There is an overall low likelihood of future landuse having an impact on significant Aboriginal or European heritage items due to the relatively low intensity of use by both Aboriginal people- with a preference for coastal and estuarine resources- and the extent of land clearing and disturbance during the early-mid 1900’s.’

The Coffs Harbour and District Local Aboriginal Land Council have given their conditional approval to the proposed new residential areas.

Direction 19: Protect historic heritage

No historic heritage has been identified within the Planning Proposal area.

Direction 20: Maintain the region’s distinctive built character

Existing DCP provisions assist in preserving the distinctive North Coast built character.

Direction 21: Coordinate local infrastructure delivery

Local infrastructure will be coordinated via the amended DCP, a specific contribution plan and Council’s Development Servicing Plans.

Goal 4: Great housing choice and lifestyle options

Direction 22: Deliver greater housing supply

The proposed rezoning will result in an additional 93.8 ha of land available for residential development.

Direction 23: Increase housing diversity and choice

The proposed residential areas within NBV (West) are in greenfield locations and as such provides an opportunity to provide a mix of housing types to cater for a diverse population and varying demographics of the Coffs Harbour community.

Direction 24: Deliver well-planned rural residential housing areas

Additional rural residential housing areas are planned elsewhere near Coffs Harbour.

Direction 25: Deliver more opportunities for affordable housing

The minimum lot size has been set at 400m² to maximise the opportunity to provide affordable vacant land.

4. Is the planning proposal consistent with the council’s local strategy or local strategic plan?

Council’s ‘My Coffs’ Community Strategic Plan was adopted on 22 June 2017. The Planning Proposal is relevant to the following themes and indicators of that plan:

- **Community Wellbeing**
 - A2.1: We support our community to lead healthy active lives
- **A Place for Community**

- C1.1: We create liveable spaces that are beautiful and appealing.
- C1.2: We undertake development that is environmentally, socially and economically responsible.
- C2.1: We protect the diversity of our natural environment.
- C2.2: We use resources responsibly to support a safe and stable climate.
- **Sustainable Community Leadership**
 - D1.2: We undertake effective engagement and are informed.
 - D2.1: We effectively manage the planning and provision of regional public services and infrastructure.

Council's 'Our Living City' Settlement Strategy (the Local Growth Management Strategy) is a complementary document to the 'My Coffs' Community Strategic Plan. The 'Our Living City' Settlement Strategy, and by reasoning those sections relevant to the 'My Coffs' Community Strategic Plan, have been addressed by the Planning Proposal.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The planning proposal is consistent with the following SEPPs.

SEPP No. 71 (Coastal Protection)

The Planning Proposal area is generally outside of the coastal zone under the Coastal Protection Act 1979 to which the policy applies. An area of less than a hectare of proposed Zone R2 in the south east corner is in the coastal zone.

Comment:

The considerations under the policy are included in the existing clause under the *Coffs Harbour LEP 2013* so that the relevant matters will be addressed as part of any development proposal. The Planning Proposal is consistent.

SEPP (Affordable Rental Housing) 2009

Allows for permissibility of group homes; and provides development standards for various forms of affordable housing.

Comment:

The SEPP will operate where certain forms of housing are permissible with consent within residential and other relevant zones. The Planning Proposal is consistent with this SEPP.

SEPP (Exempt and Complying Development Codes) 2008

Streamlines assessment processes for development that complies with specified development standards.

Comment:

No additional exempt or complying uses have been included in the Planning Proposal.

SEPP (Rural Lands) 2008

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

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:

The Planning Proposal is consistent with the Rural Planning Principles of the SEPP in that:

- The lands affected by the Planning Proposal are excluded from Regionally Significant farmland considerations being recognised as a future residential growth area by the *North Coast Regional Plan 2036*. Lands located within the buffer to the quarry at the western extremity of the NBV (West) Investigation Area are excluded from this Planning Proposal.
- The Planning Proposal is consistent with the *North Coast Regional Plan 2036*.

SEPP (Infrastructure) 2007

This SEPP provides for a consistent planning regime for infrastructure and the provision of services across NSW.

Comment:

The Planning Proposal has no clauses with material effect on the SEPP.

SEPP (Temporary Structures) 2007

This SEPP provides for the erection of temporary structures while protecting public safety and local amenity.

Comment:

The Planning Proposal has no clauses with material effect on the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The SEPP requires a compatibility test to be undertaken by council planners when assessing any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources identified as being of state or regional significance.

Comment:

An existing quarry is established at the west of the Planning Proposal area. A 1km buffer to future residential areas is maintained from the existing quarry operation area. Further expansion of the quarry operation in the future is likely to be to the west and north. In any event, expansion will be subject to a separate development consent process. Potential impacts will be assessed and minimised on its merits at the relevant time.

SEPP (Building Sustainability Index: BASIX) 2004

The implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

Comment:

The Planning Proposal has no clauses with material effect on the SEPP.

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

The SEPP intends to encourage the development of high quality accommodation for an ageing population and for people who have disabilities while providing housing that is in keeping with the local neighbourhood.

Comment:

The Planning Proposal is consistent with the SEPP. Seniors housing is permissible with consent in the R2 Low Density Residential Zone.

SEPP No. 65 - Design Quality of Residential Flat Development

Raises the design quality of residential flat development across the state through the application of a series of design principles.

Comment:

The Planning Proposal has no clauses with material effect on the SEPP.

SEPP No. 64 - Advertising and Signage

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Comment: The Planning Proposal has no clauses with material effect on the SEPP. Advertising structures are controlled by Component C4 Signage Requirements of Coffs Harbour DCP 2013.

SEPP No. 62 – Sustainable Aquaculture

Encourages the sustainable expansion of the industry in NSW.

Comment:

The Planning Proposal is generally consistent with the SEPP.

SEPP No. 60 - Exempt and Complying Development

This SEPP provides for a more efficient and effective approval process for certain classes of development. It applies to areas of the State where there are no such provisions in the council's local plans.

Comment:

The Planning Proposal refers to the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

SEPP No. 55 - Remediation of Land

Introduces state-wide planning controls for the remediation of contaminated land.

Comment:

A broad soil sampling, testing and analysis has been undertaken and previous banana cultivation areas mapped. Soil sampling for potential acid sulfate soils has also been undertaken. The assessment found that minor isolated contamination arising from previous banana cultivation is present. Further investigation of each development site will occur as part of the development application process. Contamination risks are considered minimal and manageable with recognised remediation procedures available.

SEPP No. 44 - Koala Habitat Protection

Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

Comment:

The Planning Proposal is consistent with the SEPP in that additional areas of Zone E2 Environmental Conservation, Zone E3 Environmental Management and a CL2 Terrestrial Biodiversity overlay under *Coffs Harbour LEP 2013* will provide additional protection for biodiversity connections and habitat links for Koalas and other threatened species. The Council has an adopted Koala Plan of Management for the LGA.

SEPP No. 36 – Manufactured Home Estates

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations.

Comment:

The Planning Proposal is consistent with the SEPP.

SEPP No. 33 - Hazardous and Offensive Development

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future.

Comment:

The Planning Proposal has no clauses with material effect on the SEPP.

SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)

States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State.

Comment:

The Planning Proposal proposes no clauses with material effect on the SEPP. The Planning Proposal area provides for new residential living opportunities and does not contain existing urban areas.

SEPP No 30—Intensive Agriculture

Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry.

Comment:

The Planning Proposal proposes no clauses with material effect on the SEPP.

SEPP No. 22 - Shops and Commercial Premises

Permits within a business zone, a change of use from one kind of shop to another or one kind of commercial premises to another, even if the change of use is prohibited under an environmental planning instrument.

Comment:

The Planning Proposal proposes no clauses with material effect on the SEPP.

SEPP No. 6 - Number of Storeys in a Building

Sets out a method for determining the number of storeys in a building.

Comment:

The Planning Proposal has no clauses with a material effect on the SEPP.

SEPP No. 4 – Development without Consent or Miscellaneous Complying Development

This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for a DA.

Comment:

The Planning Proposal has no clauses with material effect on the SEPP. Clauses 6 to 10 do not apply to Coffs Harbour LGA.

SEPP No. 1 – Development Standards

Makes development standards more flexible.

Comment:

This SEPP does not apply to new LEPs.

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

When preparing a Planning Proposal, Council is required to consider the directions of the NSW Government as issued under section 117 of the Environmental Planning and Assessment Act 1979.

The following Directions do not apply to this Planning Proposal:

Direction 2.4 Recreation Vehicle Areas:

Direction 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

Direction 3.5 Development Near Licensed Aerodromes:

Direction 3.6 Shooting Ranges:

Direction 5.2 Sydney Drinking Water Catchment

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Direction 5.8 Second Sydney Airport: Badgerys Creek

Direction 6.3 Site Specific Provisions

Direction 7.1 Implementation of A Plan for Growing Sydney

Direction 7.2 Implementation of Greater Macarthur Land Release Investigation

Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy

Directions 5.5, 5.6 and 5.7 have been revoked.

The Ministerial Directions under Section 117 of the EP&A Act 1979 of relevance to this Planning Proposal are addressed as follows:

Direction 1.1 Business and Industrial Zones:

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 Planning Proposal no longer contains industrial land. The proposed industrial areas in the broader NBV (west) Urban Investigation Area will be the subject of a subsequent planning proposal.

Direction 1.2 Rural Zones:

This Direction seeks to protect the agricultural production value of rural land and prevents the rezoning of land from rural to residential purposes, but allows an inconsistency where a proposal is in accordance with a Regional Strategy or where the proposal will have a minor environmental impact.

Comment:

The Planning Proposal is inconsistent with this direction; however, the inconsistency is supported by the *North Coast Regional Plan 2036* and an endorsed Local Growth Management Strategy.

Direction 1.3 Mining, Petroleum Production and Extractive Industries:

This direction applies when a council prepares a Planning Proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.*

Comment:

The Planning Proposal is inconsistent with this direction. The area identified for future residential purposes has been recognised for development that would be likely to be incompatible with mining and extractive industries by the *North Coast Regional Plan 2036*. In this regard the inconsistency has been previously recognised and supported.

Direction 1.4 Oyster Aquaculture:

There are no potential or existing oyster cultivation areas in the area to which the Planning Proposal applies or within any drainage area downstream of this area likely to be affected by future development.

Direction 1.5 Rural Lands:

This direction applies when:

- (a) a council prepares a draft LEP that affects land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*
- (b) a council prepares a draft LEP that changes the existing minimum lot size on land within a rural or environment protection zone.*

Comment:

This direction applies as the Planning Proposal includes changes in existing rural zone boundaries and minimum lot sizes of rural zoned land. Land which is currently zoned RU2 Rural Landscape under *Coffs Harbour LEP 2013* will be amended to Zone R2 Low Density Residential

under *Coffs Harbour LEP 2013* where residential development is proposed. The residential lands are identified for this area in the *North Coast Regional Plan 2036* and Council's *Local Growth Management Strategy 2008* which are both endorsed strategies. The configuration of the areas for these uses has been amended as a result of more detailed investigation however the broad principles for the long term planning strategy for this area have been maintained.

Direction 2.1 Environment Protection Zones:

- (4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (5) *A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".*

Comment:

The Planning Proposal is consistent with this direction in that the existing environmental protection zoned land is generally zoned E2 in the Planning Proposal with the exception of some fragmented and cleared areas.

All environmental values have been reassessed and refined or expanded as necessary. The vegetation mapping has been ground-truthed and is refined to more accurately represent land with vegetation attributes that should be protected under the E2 zone.

This approach meets the intent of this direction by protecting land under the E2 zone without unnecessarily zoning land for environmental protection purposes that may not actually have significant environmental value.

Direction 2.2 Coastal Protection Zones:

A planning proposal must 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:

An area of less than a hectare in the south east corner of the area is identified as being within the coastal zone under the *Coastal Protection Act 1979*. Development within this area will be subject to the considerations under *State Environmental Planning Policy 71 – Coastal Protection*. The location of the land on the western side of an elevated highway corridor will ensure there will be no visual impacts on the coastal area and the area will not be affected by coastal processes.

All stormwater drainage from the Planning Proposal area is to be detained in identified detention basins to ensure all runoff will have a nil or beneficial impact downstream.

Direction 2.3 Heritage Conservation:

No heritage items have been identified in the revised Planning Proposal area.

Direction 3.1 Residential Zones:

A planning proposal must include provisions that encourage the provision of housing that will:

(a) broaden the choice of building types and locations available in the housing market.

Comment:

The proposed minimum lot size has been set low at 400m² thereby insuring an opportunity to provide more choices for housing types.

(b) make more efficient use of existing infrastructure and services.

Comment:

The identified residential areas are located such that the full range of existing urban services can be readily extended and augmented.

(c) reduce the consumption of land for housing and associated urban development on the urban fringe.

Comment:

The proposed residential area will be greenfield development in accordance with Council's Local Growth Management Strategy. Urban development exists to the east of the land.

(d) be of good design.

Comment:

Design principles are identified by Draft Chapter G8A North Boambee Valley West of Coffs Harbour DCP 2015, which reflect the required balance between protecting environmental values and encouraging economically viable development.

A Planning Proposal must also:

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

Comment:

The Planning Proposal relies on the existing LEP clause that requires adequate arrangements for the provision of services. The existing permissible density of residential land is not affected.

Direction 3.2 Caravan Parks and Manufactured Home Estates:

This direction to provide opportunities for caravan parks and manufactured home estates and retain existing provisions.

Comment:

There are no existing caravan parks in the Planning Proposal area. There are ample opportunities for caravan parks in the Coffs Harbour LGA. Existing provisions to permit caravan parks are to be retained.

Direction 3.3 Home Occupations:

This direction applies. The Planning Proposal is consistent with this direction – home occupations are permitted without consent in the proposed residential zone.

Direction 3.4 Integrating Land Use and Transport:

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).*

The policy strives to ensure that businesses and services are in locations which:

- *offer a choice of transport*
- *encourage people to travel shorter distances*
- *help people to make fewer trips*
- *enable people to carry out more than one activity in a single trip, e.g. shop and go to work.*

Comment:

The additional residential area that arises from the Planning Proposal is infill development. The residential area will be a maximum four kilometre drive or bike ride from major employment and services such as the southern industrial areas, the Coffs Harbour Health Campus, Southern Cross University and the CBD.

Pedestrian, cycleway and public transport routes are identified by Draft Chapter G8A North Boambee Valley West of Coffs Harbour DCP 2015 to support the Planning Proposal.

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.

Comment:

Class 4 Acid Sulfate Soils are only present within a small area in the south east corner of the site in the vicinity of Newports Creek. Class 5 Acid Sulfate Soils are broadly present across the south east corner of the land. Due to flood constraints, any proposed development in these areas will require filling which is unlikely to expose any potential acid sulfate soils to oxidation. However, some excavation of floodways and deeper excavation for servicing trenching will be required. The floodways are typically one to two metres higher than the water level in the creeks. These works should be managed in accordance with Council's current policies and are not a significant constraint to development in this area. The proposal is consistent with this Direction.

Direction 4.2 Mine Subsidence and Unstable Land:

There are no known areas of mine subsidence or unstable land in the Planning Proposal area. Broad assessment has been undertaken to identify steep lands that may require construction management to avoid any instability.

Direction 4.3 Flood Prone Land:

- (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
- (5) A planning proposal must 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 planning proposal must 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 planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority 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 planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority 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).

Comment:

Part of the NBV (West) Investigation Area is identified as flood prone land, therefore this direction applies. The model Flood Planning clause is included in Coffs Harbour LEP 2013.

The Planning Proposal is supported by a comprehensive flood study (**Appendix G**) that provides for the filling of land to above the 0.2% AEP flood level (500-year ARI) within residential development areas. The flood study provides for compensatory floodways to be constructed adjacent to the filled land to locally offset the loss of floodway conveyance caused by the filling. The floodways will be generally dry and only carry flow in times of significant creek flow, perhaps only once or twice a year on average. Additionally, the construction of a detention basin upstream of the filled and developed land will offset the loss of floodplain storage as well as potentially reduce flood impacts further downstream that are an existing concern for Council.

The Direction includes a requirement that a Planning Proposal must not rezone land within the flood planning area from a Rural zone to a Residential. However, point (9) of this Direction permits a Planning Proposal to be inconsistent with this Direction where the Director-General is satisfied that the Planning Proposal is in accordance with a flood plain risk management plan

prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005 or the inconsistency is of minor significance.

The Floodplain Development Manual provides for the development of sustainable strategies for managing human occupation and use of the floodplain having regard to risk management principles. The Manual recognises that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development. The primary objective is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property.

The flood impacts have been assessed using TUFLOW flood modelling and a floodplain risk management strategy determined to allow filling of land compensated by creation of floodways and the construction of a detention basin. The strategy provides for effective floodplain risk management in accordance with the principles and guidelines of the Manual. In this regard, the rezoning of land within the floodplain for residential use is reasonable as it satisfies the guidelines in the Floodplain Development Manual and satisfies the requirements of this Section 117 Direction.

Direction 4.4 Planning for Bushfire Protection:

(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

(5) A planning proposal must:

- (a) have regard to Planning for Bushfire Protection 2006,*
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.*

(6) 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 firefighting 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:

Consultation will be undertaken post Gateway with the Rural Fire Service. During the processing of the previous Planning Proposal the Rural Fire Service indicated, in part, the following when consulted:

The NSW RFS has no objection to the Planning Proposal proceeding however provides the following advice in relation to potential future development on the land;

All future subdivision development application(s) will be required to comply with the 'specifications and requirements' of Planning for Bush Fire Protection 2006 and associated documents including:

- *All residential lands fronting mapped Bush Fire Prone Lands shall have a perimeter road;*
- *Lands identified for conservation purposes and proposed to be enhanced or indicated that Asset Protection Zones are identified in the Development Control Plan.*

Future development applications involving bushfire prone land in the Planning Proposal area will be referred to the RFS as required under s100B of the Rural Fires Act 1997. The existing LEP provisions allow bushfire hazard reduction work authorised by the Rural Fires Act 1997 to be carried out on any land without development consent.

The rationalisation of the retained bushland and revegetation areas will make it easier to provide the perimeter roads and APZs. The Planning Proposal is consistent with this direction.

Direction 5.1 Implementation of Regional Strategies:

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Comment:

The Planning Proposal is consistent with the North Coast Regional Plan 2036 as set out in Section B of this Planning Proposal.

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

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 the impact the development has on the safety and efficiency of the highway; and
- (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.

Comment:

The Planning Proposal has frontage to the proposed alignment of the Pacific Highway Bypass in an area where the speed limit will be 110 km/hr. Though the residential areas adjacent to the future highway are mostly already zoned for residential purposes, no direct access onto the highway is proposed by this Planning Proposal. The only access to the east will be North Boambee Road (the current access provision) under the future Pacific Highway Bypass.

Direction 6.1 Approval and Referral Requirements:

This direction aims to minimise concurrence and referral application to Ministers and public authorities and not classify designated development unless significant impact is likely.

Comment:

The Planning Proposal does not alter existing State Government approval and referral provisions in the *Coffs Harbour LEP 2013*.

Direction 6.2 Reserving Land for Public Purposes:

This direction requires land to be reserved for public purposes in accordance with the latest directions of the relevant authority.

Comment:

The Planning Proposal includes 2.26 hectares of land to be zoned RE1 Public Recreation under *Coffs Harbour Local Environmental Plan 2013* in accordance with the directions of the relevant public authority, in this case, Council.

Section C - Environmental, social and economic impact.

7. 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 key environmental impacts are addressed by EcoLogical Australia in their assessment report dated 24 October 2012. See **Appendix A**. There are several threatened species known to occur in the Planning Proposal area.

Preliminary lists of species likely to occur within the subject site were obtained by conducting searches of the Office of Environment and Heritage's (OEH) Atlas of NSW Wildlife (Wildlife Atlas), for species listed under the *NSW Threatened Species and Conservation Act 1995* (TSC Act), and the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) Protected Matters Search Tool (PMST) for Matters of National Environmental Significance and species listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Flora, fauna habitat and limited fauna assessments were conducted over two field survey periods.

From the field survey effort for this study two flora species listed under the NSW TSC Act were located. They are:

- Slender Marsdenia (*Marsdenia longiloba*) (TSC Endangered and EPBC Vulnerable) and
- Rusty Plum (*Niemeyera whitei*) (TSC Vulnerable)

It is noted that the Rusty Plum was located outside of the now revised Planning Proposal area. Though the EcoLogical Australia assessment noted that suitable habitat exists throughout the study area for both of the above species.

Eight threatened fauna species listed as Vulnerable under the *Threatened Species Conservation Act 1995* were recorded during the field surveys; they are:

Birds

- Spotted Harrier (*Circus assimilis*)
- Square-tailed Kite (*Lophoictinia isura*)
- Black Bittern (*Ixobrychus flavicollis*)

Mammals

- Koala (*Phascolarctos cinereus*)
- Little Bentwing Bat (*Miniopterus australis*)
- Eastern Bentwing Bat (*Miniopterus schreibersii oceanensis*)
- Large-footed Myotis (*Myotis macropus*)
- East coast freetail-bat (*Mormopterus norfolkensis*)

The Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community was also present in the study area of the EcoLogical assessment but is now located outside the revised Planning Proposal area.

Koala evidence was found in several patches north of North Boambee Road and a single site south of this road. Koala evidence was determined also from the Swamp Sclerophyll Forest on Coastal Floodplains Community which is now outside the revised Planning Proposal area. All native vegetation within the revised Planning Proposal area contains high ecological values regardless of previous disturbance regimes associated with a long history of utilisation by the forestry and agricultural sectors. The majority of forested landscapes within the study area contain Primary or Secondary Koala habitat as well as providing a range of resources for a number of known threatened plant and animal species and the potential for providing habitat for many more.

The majority of existing habitat connections are currently zoned E2 Environmental Conservation under the *Coffs Harbour LEP 2013*. In addition to this, riparian buffers have been identified and mapped providing additional connectivity. Through this process some small areas of isolated vegetation have been identified and are not recommended for an environmental protection zone. This action is offset by the consolidation of existing high value vegetation areas by infill regeneration and connection through wildlife and riparian corridor construction. This not only creates the connectivity to existing isolated patches of habitat but maintains and improves on this existing vegetation as a key objective of this Planning Proposal and of Council's *Koala Plan of Management 1999*.

The draft LEP zonings recommended in this Planning Proposal improve existing habitat connections and linkages and will not adversely impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Therefore, this proposal does not trigger the need for consultation under section 34A of the EP&A Act with the Director General of the Office of Environment and Heritage or the Director General of the Department of Primary Industries (for impacts to fish or marine vegetation).

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

The following is a summary of the other likely environmental effects as a result of the Planning Proposal or any other constraints within the Planning Area.

Flood Prone Land

This Planning Proposal will result in the rezoning of land for residential purposes within areas identified as flood prone land. Development in these areas will require filling. Compensatory works include the construction of a detention basin and construction of floodways adjacent to the main tributaries. The proposed flood mitigation measures are also likely to benefit areas downstream of the Study Area – including offsetting impacts of the Pacific Highway upgrade and lowering flood levels in the Isles Drive Industrial area and around Coffs Harbour Health Campus.

The flood assessment has been carried out by de Groot & Benson Pty Ltd in their Flood Study dated October 2014 (**Appendix G**).

Traffic and Road Noise

Road traffic noise modelling of the release area, of both pre and post Pacific Highway deviation scenarios, was carried out by SLR Global Environmental Solutions in their Road Traffic Noise Impact Assessment dated 8 October 2014 (See **Appendix D**). Currently, noise from the existing Pacific Highway corridor has very little impact on the release area. Predicted noise impacts to the residential area from the proposed Pacific Highway bypass indicates that noise levels will exceed the relevant external noise criteria of 50 dBA by up to approximately 10 dBA, even with the 3m high noise barrier, though these areas are mostly existing undeveloped residential areas.

Special construction methods will be required adjacent to the highway bypass corridor to reduce internal traffic noise levels to below recommended values. The 'Australian Standard AS 3671-1989 Acoustics: Road traffic noise intrusion – Building siting and Construction' provides residential construction categories for achieving acceptable internal noise levels.

Bushfire Risk

Asset Protection Zones (APZs) for residential land has been identified within the Planning area. Where feasible, the road network adjoins the required APZs. Areas that will be rezoned for urban purposes under this Planning Proposal do not rely on the removal or modification of existing significant vegetation for bushfire management purposes.

The Bushfire Risk has been addressed by Ecological Australia in their Bushfire Assessment dated 30 October 2014 (See **Appendix C**).

Site Contamination

Arsenic contamination is present on land previously used for banana cultivation, consistent with similar banana cultivation land across the Coffs Harbour region. Council's existing land contamination policies will be applied to any proposed development within the release area. All proposed development within present and past banana cultivation areas will be subject to soil contamination assessments and where contamination is identified a remediation plan prepared.

As has been found in other areas, it is anticipated that the arsenic contamination can be readily remediated, generally through on-site vertical mixing. While an additional consideration, the soil contamination from past banana growing is not expected to significantly constrain the land's development potential.

The contaminated land assessment has been carried out by de Groot & Benson Pty Ltd and is reported in their Engineering Issues report dated October 2014 (See **Appendix B**).

Acid Sulfate Soils

Class 4 Acid Sulfate Soils are only present within a small area in the south east corner of the site in the vicinity of Newports Creek. Class 5 Acid Sulfate Soils are broadly present across the south east corner of the land. Due to flood constraints, any proposed development in these areas will require filling which is unlikely to expose any potential acid sulfate soils to oxidation. However, some excavation of floodways and deeper excavation for servicing trenching will be required. The floodways are typically one to two metres higher than the water level in the

creeks. These works should be managed in accordance with Council's current policies and are not a significant constraint to development in this area.

The issue of potential acid sulfate soils has been assessed out by de Groot & Benson Pty Ltd in their Engineering Issues report dated October 2014 (See **Appendix B**).

Geotechnical Assessment

Geotechnical conditions within the revised Planning Area do not pose a major constraint to the rezoning of land for urban purposes. Development as proposed residential land within the revised Planning Proposal Area will occur in accordance with Council's existing policies for site classification and engineering design of slabs and footings plus compaction control for subdivision earthworks.

Geotechnical issues assessment has been reported by de Groot & Benson Pty Ltd in their Engineering Issues report dated October 2014 (See **Appendix B**).

Visual Amenity

A detailed Visual Analysis of the Planning Proposal Area was prepared by Jackie Amos Landscape Architect in a report dated August 2012 (See **Appendix E**). The purpose of the visual analysis was to assess the Planning Area in context with its key scenic features, its surrounding land uses and the RMS preferred Pacific Highway bypass route.

Community consultation conducted for the NBV (West) Structure Plan indicated that the community are passionate about preserving the natural environment, the sense of place and the spectacular and varied views of the North Boambee Valley. The final phase of the visual analysis considered strategies to mitigate the potential visual impacts associated with future development to the valley. A vision statement was evolved as a framework for these recommendations:

“To guide future development to NBV (West) in a manner that is sensitive to the distinct rural and bushland character of the valley and that maintains the high scenic amenity of the valley and its views. NBV (West) should be a contemporary Coffs Harbour suburb that is integrated with the valley setting and that embraces its bushland as part of a comprehensive network of ‘green spaces’ and recreational areas.”

The principles of this visual assessment have been included in control G8A.3 of draft Chapter G8A of *Coffs Harbour Development Control Plan 2015*.

Archaeology

Tim Hill from Heritage Management and Planning assessed both the Aboriginal and European heritage in the Planning area (**Appendix F**).

European Heritage

Items of European heritage identified by the Archaeology assessment include remnant cuttings from an old tramway within the southern portion of the study area, and 'springboard notched stumps' within and around areas of regrowth forest. The old tramway is located outside the

revised Planning Proposal area. It is likely that similar stumps are located throughout the wider region. However, it is unlikely that the springboard notched stumps are of sufficient significance for registration as items under the *Heritage Act 1977*.

Aboriginal Heritage

The archaeological survey by Heritage Management and Planning (**Appendix F**) was completed using a total of 11kms of pedestrian transects across the valley. No archaeological sites or sites of significance were identified during the field survey. It was reported that the effectiveness of the study was constrained by the extent of land clearing, vegetation and grass cover limiting ground visibility and access restrictions imposed by some private landowners. Given the relative distance to the coast and estuaries, it is unlikely that sub-surface middens or burials would be present across the North Boambee Valley. The survey and assessment did not identify any sites or potential sites which would preclude development of residential or industrial development within the North Boambee Valley.

When the initial Planning Proposal was exhibited, Council consulted with the Coffs Harbour and District Local Aboriginal Land Council (CHLALC) regarding Aboriginal Archaeology and Cultural Heritage. CHLALC indicated that further assessment of the Planning Area was necessary, additional to the initial Archaeological assessment. CHLALC's Cultural Heritage team undertook a review of Indigenous Cultural Heritage of the broader North Boambee Valley (West) Investigation Area.

Subsequent to this review, the CHLALC has given conditional approval to progress the proposed new residential areas identified by the initial Planning Proposal.

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

Social and economic effects arising from the Planning Proposal will be positive in terms of the provision of new housing and recreation land close to existing centres.

Public Recreation Land

Approximately 2.9 ha of land has been amended to Zone RE1 Public Recreation under *Coffs Harbour LEP 2013* for the purpose of local recreation. This land is located close to the NBV (east) precinct and the proposed neighbourhood park located near North Boambee Road, as identified on the draft DCP Masterplan. This land is of a sufficient size to accommodate a range of recreational activities.

Vision Statement

The following vision statement has been evolved as a framework for recommendations to minimise the potential visual impact of future development on NBV (West):

To guide future development to North Boambee Valley (west) in a manner that is sensitive to the distinct rural and bushland character of the valley and that maintains the high scenic amenity of the valley and its views. North Boambee Valley (west) should be a contemporary Coffs Harbour suburb that is integrated with the valley setting and that embraces its bushland as part of a comprehensive network of 'green spaces' and recreational areas.

The Planning Proposal supports the vision statement by applying Zone E2 Environmental Conservation and Zone E3 Environmental Management under *Coffs Harbour LEP 2013* to important vegetation.

Neighbourhood Precinct

Neighbourhood facilities including community centres, child care centres, neighbourhood shops and emergency services are permissible with consent in the R2 residential zone, which offers opportunities for neighbourhood-scale commercial development. The establishment of neighbourhood facilities provides for social and economic opportunities within the residential development of North Boambee Valley (West).

Standards for the provisions of a community facility vary considerably. Three separate benchmark guidelines have been considered to assess the need for a neighbourhood scale community centre. The following thresholds apply for the provision of a 'Neighbourhood Centre'

1. 18,000 people - Hill PDA Economists data used by Sutherland Koshy in the Nambucca Structure Plan, 2009.
2. 8,000 people - Richard Cardew in the *Valla Urban Growth Area Community Needs Assessment*, April 2011.
3. 3,500 to 15,000 people – Sharyn Casey in *Establishing Standards for Social Infrastructure*, University of Queensland, August 2005.

The future resident population of the NBV (West) area will be approximately 2, 130 people. This is below the generally accepted threshold for a community centre. The proposed recreation area may serve a role for the surrounding local community as a local meeting place.

Section D - State and Commonwealth interests.

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

The key public infrastructure elements of the revised Planning Area are as follows:

Road Network

A Masterplan which shows an indicative road network, and conceptual road cross-sections are included in draft Chapter G8A North Boambee Valley (West) under *Coffs Harbour Development Control Plan 2015*. The key elements of the indicative road network are:

- Interconnectivity of residential streets providing a choice of routes in a legible network with minimal cul-de-sacs.
- Road widths designed in accordance with criteria outlined in draft Chapter G8A North Boambee Valley (West) under *Coffs Harbour Development Control Plan 2015*, with widened street verges in the 'major living streets' within the urban release area to allow for group plantings of trees to reflect the surrounding rural character.
- Designing the conceptual road network to provide perimeter roads adjacent to riparian buffers and high conservation areas.

- Providing safe road shoulders for cycle connections to the recreation area, residential area and to the dedicated cycleway that will connect with North Boambee Road and Bishop Druitt College.

Water Supply

A reticulated water supply system will be provided to all new residential areas

The Coffs Harbour Water Supply Strategy Study, 1999 (CHWSS) developed a water supply strategy for the City. In preparing the strategy, this study included various growth areas across the city including NBV (West). The CHWSS catered for an estimated population of 5,900 people in NBV (West). The future resident population of the revised NBV (West) area will be around 2,400 people, less than half of what was assumed in the CHWSS. As such the water servicing strategies developed in the CHWSS are still acceptable to service the revised Planning Proposal area.

Sewerage

A reticulated sewerage system will be provided to all new residential areas. The sewerage system will feed to two main pumping stations which will transfer the sewage to the Coffs Harbour Water Reclamation Plant via existing pumping infrastructure. The Coffs Harbour Sewerage Strategy Study for the City estimated the North Boambee Valley area would have a potential sewage loading on the system of 2253 equivalent tenements (ET's). The revised Planning area will be about a third of this estimated loading and can be fully incorporated into the overall sewerage strategy for the City with appropriately staged works.

Energy and Communications

Land within the revised NBV (West) Planning area is currently serviced by Essential Energy and Telstra. Both power and telephone services will require augmentation to cater for the additional population and resulting demand for services.

Both of those service providers have indicated that the area can be serviced, however details of service augmentation are more appropriately considered when development commences. Additionally, the National Broadband Network (NBN) Co. will be responsible for the installation of fibre for all telecommunications within the release area.

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

Council has undertaken consultation with the Government agencies listed below as part of the development of the previous planning proposal. Copies of the submissions are included as **Appendix I** to the revised Planning Proposal. The following is a summary of those responses as they relate to the original Planning Proposal and Council's response to those comments.

1. Roads and Maritime Services (RMS)

RMS raised concern that the traffic modeling which supported the earlier Planning Proposal (discussed in the Summary on Page 1 of this Planning Proposal) indicated that the Englands Road approach to the Pacific Highway will be at full capacity after development of NBV (West).

RMS considers this approach to be unsatisfactory as the likely result will place increased demand on the North Boambee Road/Pacific Highway intersection as road users are likely to avoid the Englands Road intersection. RMS has recommended that demand traffic modeling be undertaken, focusing on the Englands Road and North Boambee Road intersections to the Pacific Highway.

Comment:

Council engaged GTA Consultants to undertake demand traffic modeling of the NBV(West) Urban Investigation Area. The *North Boambee Valley Traffic Study - Microsimulation Modelling Assessment* prepared by GTA Consultants (5 August 2016) is attached as **Appendix H**.

The modelling found that there are limitations to the intersections that connect to the Pacific Highway and that further improvements would be required to the road network for it to perform in a manner similar to the current day. The assessment has suggested that the likely key improvements to facilitate the anticipated demands include:

- Provision of additional capacity on the Pacific Highway in both directions at both Englands Road and North Boambee Road; and
- Provision of additional capacity in the form of additional turn lanes on Englands Road, Cook Drive and North Boambee Road.

RMS have reviewed the additional modelling and have advised that the findings (and methodology) of the GTA report suitably addressed the issues that were raised.

Draft Chapter G8A North Boambee Valley (West) of *Coffs Harbour Development Control Plan 2015* includes a requirement for the timely upgrade of the intersection at North Boambee Road and Pacific Highway as recommended in the GTA report. The costs of upgrading this intersection in a timely manner are addressed in *Draft North Boambee Valley (West) Developer Contributions Plan*.

The North Boambee Valley (West) Masterplan identifies a conceptual road network and hierarchy for the North Boambee Valley (West) Planning Area. This hierarchy comprises three categories of road design, which reflect the location and function of the roads. The categories are:

- An upgrade of North Boambee Road
- Major Living Streets; and
- Minor Living Streets.

Draft Chapter G8A North Boambee Valley (West) of *Coffs Harbour Development Control Plan 2015* includes the Masterplan and cross-section designs for the road hierarchy. The hierarchy and cross-sections have been designed to enable safe and efficient access from the proposed residential areas to North Boambee Road.

The Masterplan is also shown in *Draft North Boambee Valley (West) Developer Contributions Plan*.

2. Office of Environment and Heritage (OEH)

The OEH provided the following points in its submission, which was supplied in the following subsections:

Biodiversity:

- OEH is supportive of the identification of lands of environmental significance, habitat links and riparian buffers; and the proposed rezoning of these lands to E2 Environmental Conservation.
- OEH has requested that the Planning Proposal be revised to include sub-regional habitat corridors that link NBV (West) northwards to Roberts Hill Ridge and southwards to Council's Resource Recovery Facility.
- Inclusion of vegetation management provisions to be included in the Development Control Plan for NBV (West), also koala protection measures in future subdivisions.

Comment:

The Zone E2 Environmental Conservation has been applied to specific land which has environmental significance is supported. Although it is not appropriate to zone sub-regional corridors E2, habitat links will be supported via the zoning of riparian areas to Zone E3 Environmental Management. The requirements of Vegetation Management Plans are described in current Council policy and are supported, being described in Chapter E1.5 of Coffs Harbour DCP 2015.

Acid Sulfate Soils (ASS):

OEH has requested that Council undertake detailed ASS testing along below-ground infrastructure service routes and incorporate the findings into a detailed ASS management plan.

Comment:

Only a very small area of Class 4 ASS is now included in the revised Planning Proposal area. This action is more appropriate at the subdivision Development Application (DA) stage. The Planning Proposal has addressed the requirements of S.117 Ministerial Direction 4.1 (Acid Sulfate Soils). Potential ASS must also be addressed by DAs for subdivision which must demonstrate how ASS are managed.

Coasts, Floodplains and Estuaries:

- OEH has requested that Council undertake an assessment for climate change sensitivity.
- The Planning Proposal should identify appropriate types of stormwater treatment for future development.
- OEH requested that Council consider the longer term post-development impacts on the Boambee-Newports Creek catchment.

Comment:

Stormwater treatment procedures and standards are addressed by Chapter C1.9 of Coffs Harbour DCP 2015. A Flood Risk Management Plan (FRMP) for the Boambee-Newports Creek catchment has accounted for the cumulative impacts of the potential development of NBV (West), and justifies the proposed rezoning. Preparation of the FRMP also considered any potential impact of climate change.

Aboriginal Cultural Heritage:

- OEH requested that the existing Cultural Heritage Assessment Report should be revised to incorporate more detailed physical and cultural descriptions of any Aboriginal objects and places. OEH also requested consultation with Aboriginal people concerning the significance of any identified cultural heritage values. OEH also recommended that areas of high Aboriginal cultural heritage value be zoned E2 Environmental Conservation.

Comment:

Council referred the original Planning Proposal to the Coffs Harbour and District Local Aboriginal Land Council requesting comment regarding Aboriginal cultural heritage. The Planning Proposal was re-referred to the LALC considering the OEH submission. The Coffs Harbour and District Local Aboriginal Land Council have provided conditional approval to the initial Planning Proposal.

Other Heritage:

- OEH has requested that Council investigate the heritage value of remnants of a former tramway cutting in the Englands Road area.

Comment:

The tramway cutting is no longer in the Planning Proposal area.

3. NSW Rural Fire Service (RFS)

The NSW RFS has not raised any objection to the initial Planning Proposal. However, the RFS has requested compliance with the specifications and requirements of *Planning for Bush Fire Protection 2006* for any future DAs for subdivision, including:

- all residential lands fronting mapped Bush Fire Prone Lands shall have a perimeter road;
- all industrial subdivision lands shall comply with the aims and objectives of *Planning for Bush Fire Protection 2006*; and
- lands identified for conservation purposes and proposed to be enhanced or rehabilitated shall be re-assessed for qualification as bush fire prone lands.

These issues are to be addressed at the Development Application stage.

Comment:

- The recommendations of the NSW Rural Fire Service will be implemented either via the draft DCP provisions or future development assessment.

4. NSW Department of Primary Industries (DPI)

NSW DPI has recommended that consideration be given to potential land use conflict between the proposed land uses and existing agricultural industry. It is suggested that an assessment of land use conflict risk where the existing and proposed uses meet be undertaken, using guidelines in the *North Coast Living and Working in Rural Areas* handbook.

Comment:

Chapter C1.5 of Coffs Harbour DCP 2015 contains provisions which relate to assessing potential land use conflict. The DCP provides for the establishment of appropriate buffers between potentially conflicting land uses.

5. Department of Primary Industries (DPI) Water

DPI Water is generally supportive of the Planning Proposal. The following points were raised by their submission:

Proposed Minimum Lot Size:

If there are areas that have been identified for subdivision which cannot be serviced by town water, the minimum lot size should be carefully considered to minimise pressure on existing water resources and other users including the environment.

Comment:

There is no land identified in the proposed residential areas which is not proposed to be serviced by town water.

Proliferation of Basic Landholder Rights (BLRs):

DPI Water has concerns about the proliferation of Basic Landholder Rights (BLR) for access to water. Landholders located over an aquifer or with river or lake frontage can access water for domestic purposes or to water stock without the requirement to obtain a water access licence under the *Water Management Act 2000*.

Where riparian frontage continues to be subdivided, creating new basic rights for water extraction, there is the potential to impact significantly and inequitably on existing water users, including the environment.

Draft Chapter G8A North Boambee Valley (West) of Coffs Harbour DCP 2015 includes a Masterplan and a requirement for perimeter roads which will prevent the proliferation of BLRs along the frontage of waterways.

Comment:

All proposed residential precincts are to be serviced by reticulated town water consistent with the requirements of Coffs Harbour DCP 2015.

Groundwater:

The technical studies state that the proposed residential areas will be serviced with sewer infrastructure which is DPI Water's preferred option. DPI Water has concerns regarding the potential for groundwater impacts if on-site effluent disposal systems are used. DPI Water also states that if there are any groundwater bores located on land to be subdivided Council will need to consider the future management of those bores, including possible decommissioning or maintaining the bore on one lot in the future subdivision.

Comment:

Existing dwellings are not serviced by reticulated systems and effluent disposal is managed on-site. The technical studies included assessments to determine the capability of the Planning

Area to support the servicing capability of the future residential precincts. All proposed residential areas are to be serviced by reticulated sewerage systems. It is anticipated that properties which currently use on-site effluent disposal systems will connect to a reticulated system when that service becomes available.

The management of any existing bores will be addressed at DA stage.

Riparian Land:

DPI Water supports the zoning of watercourses and riparian buffers to E2 Environmental Conservation. They have recommended that Council refer to their document *Guidelines for Controlled Activities*, which outlines appropriate buffer zones based on stream order.

Comment:

Guidelines for Controlled Activities have been consulted in developing the buffer widths of the Zone E2 Environmental Conservation and E3 Environmental Management proposed for riparian land.

Harvestable Right Dams:

DPI Water has discussed possible impacts on existing dams. These dams may be classed as Harvestable Right Dams, which gives the landholder the right to capture and use 10% of the average runoff from their property. The Maximum Harvestable Right Dam Capacity (MHRDC) is determined by the area of the property (in hectares) and a site-specific run-off factor. Storages capturing up to the Harvestable Right capacity are not required to be licenced but any capacity of the total of all storages/dams on the property greater than the MHRDC may require a licence.

Farm dams of larger capacity built before 1999, when the harvestable right was introduced, do not require a licence provided they are only used for stock and domestic purposes. However, if the purpose of the dam changes, the dam would require licencing.

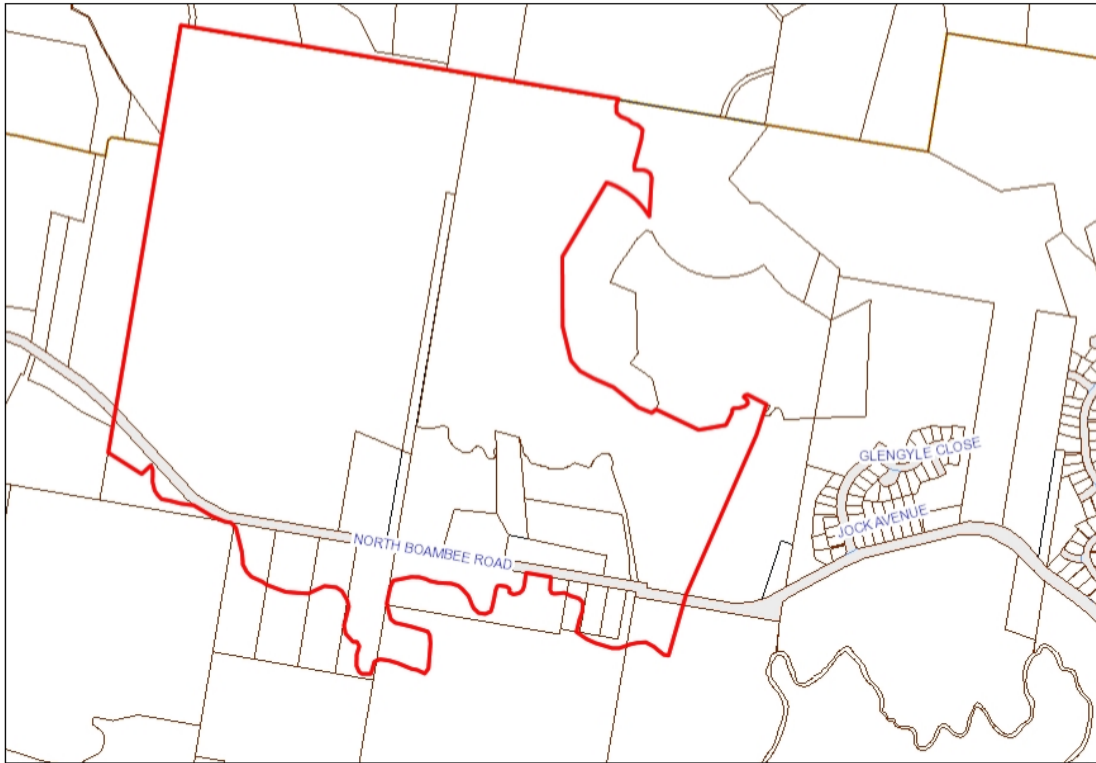
Comment:

Part 1 Division 2 of the *Water Management Act 2000* is the statutory instrument regarding the matter of the management of Harvestable Right Dams. There is no impact upon existing licences, however if such properties are intended to be subdivided this would be a matter for consideration at the development application stage, given that the proposed residential precincts will be supplied with reticulated water.

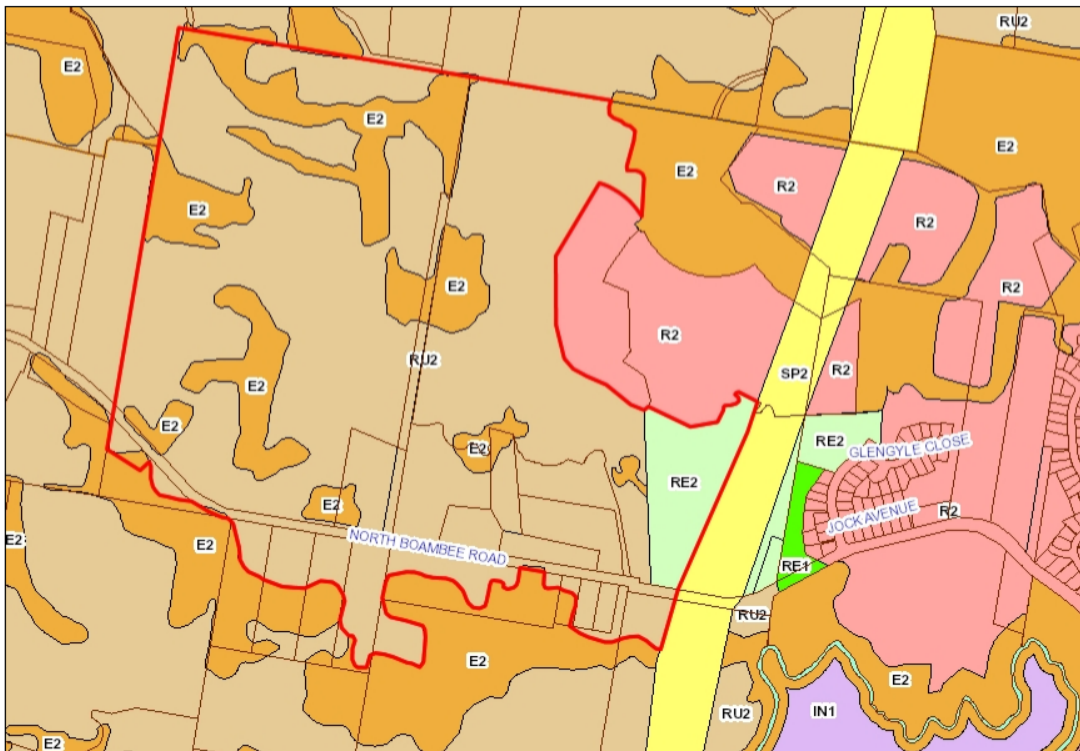
Part 4 – Mapping

This part provides maps of the revised Planning Proposal Area:

1. Locality Map



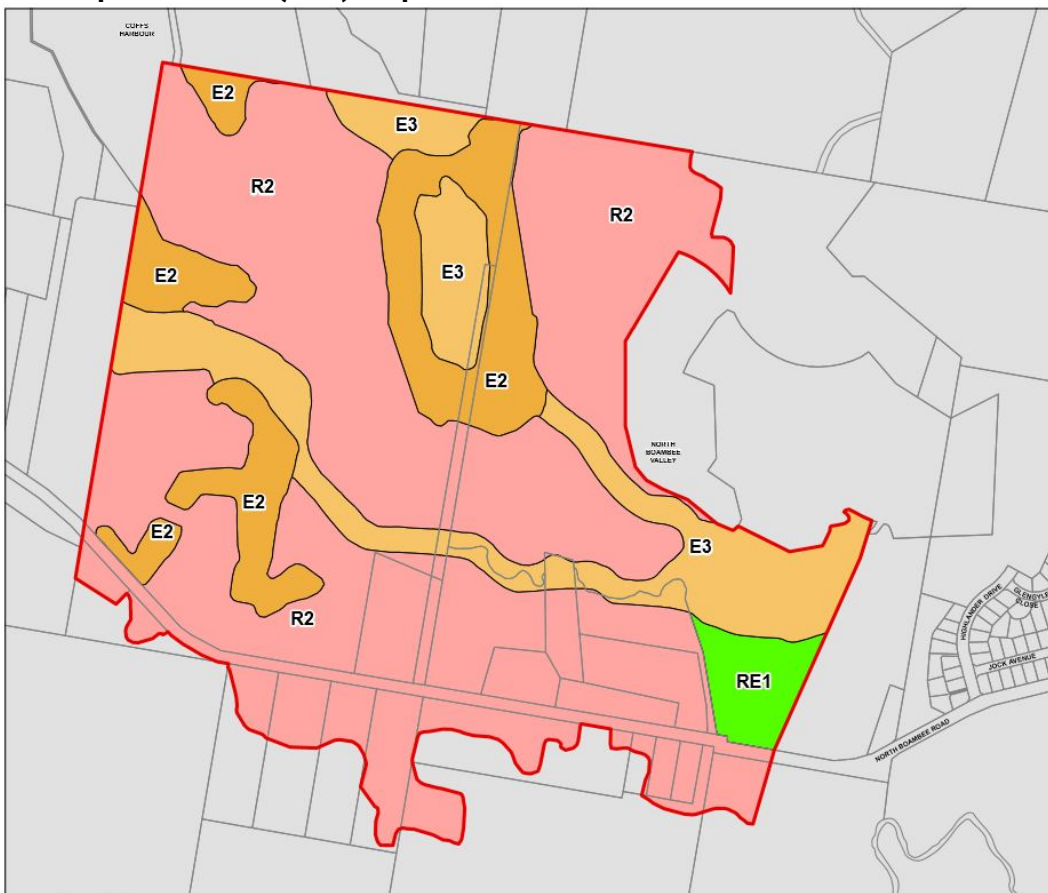
2. Existing Zones (Coffs Harbour LEP 2013)



3. Aerial Photograph



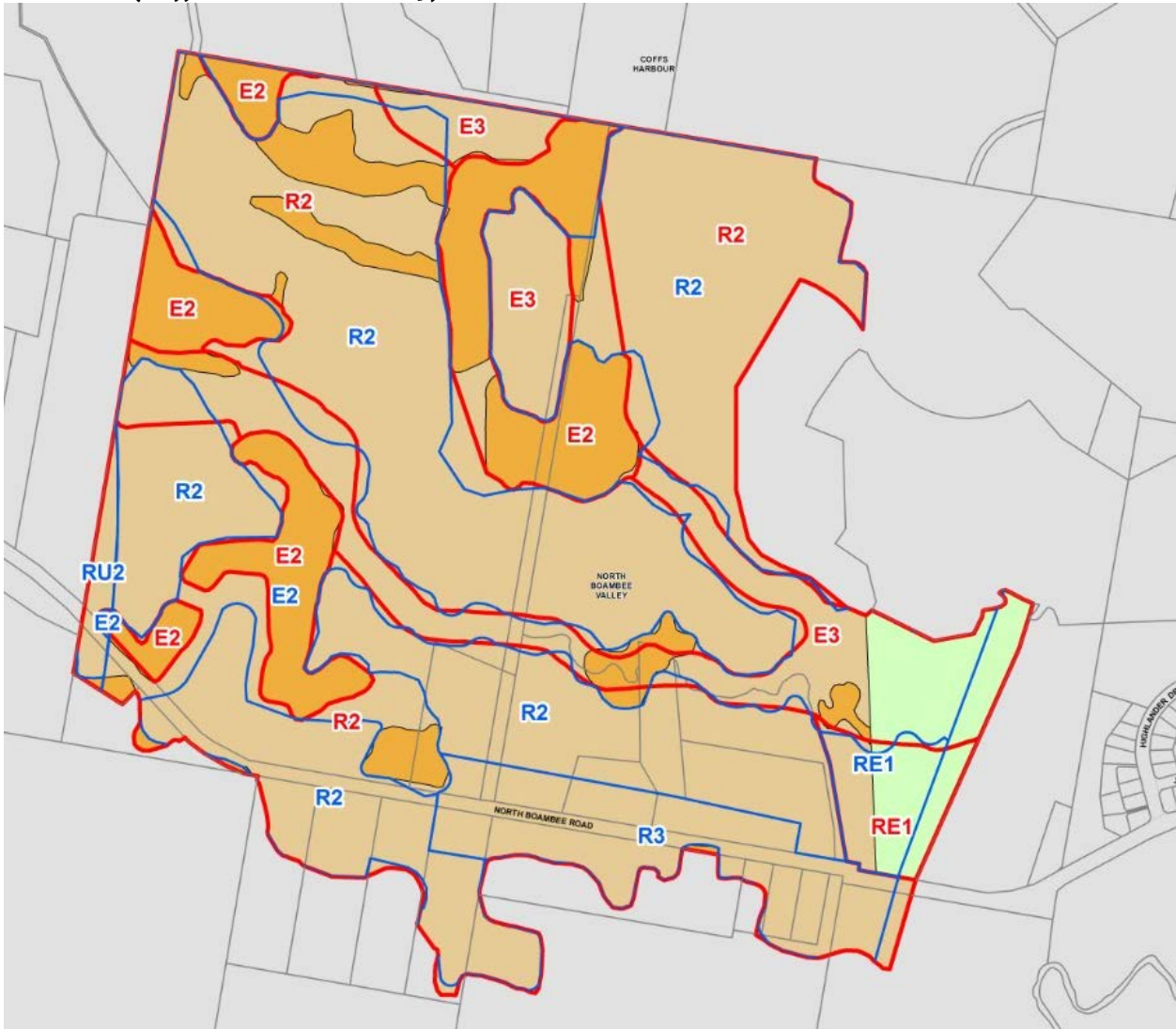
4. Proposed Zones (LZN) map



The following map shows the proposed zones (the subject of this revised Planning Proposal), compared with:

- The existing zones under Coffs Harbour LEP 2013; and
- The proposed zones which were exhibited in the initial Planning Proposal (May 2015).

5. Comparison Map: Existing, originally exhibited (Blue) and revised (Red) Environmental Zones (Coffs Harbour LEP 2013)

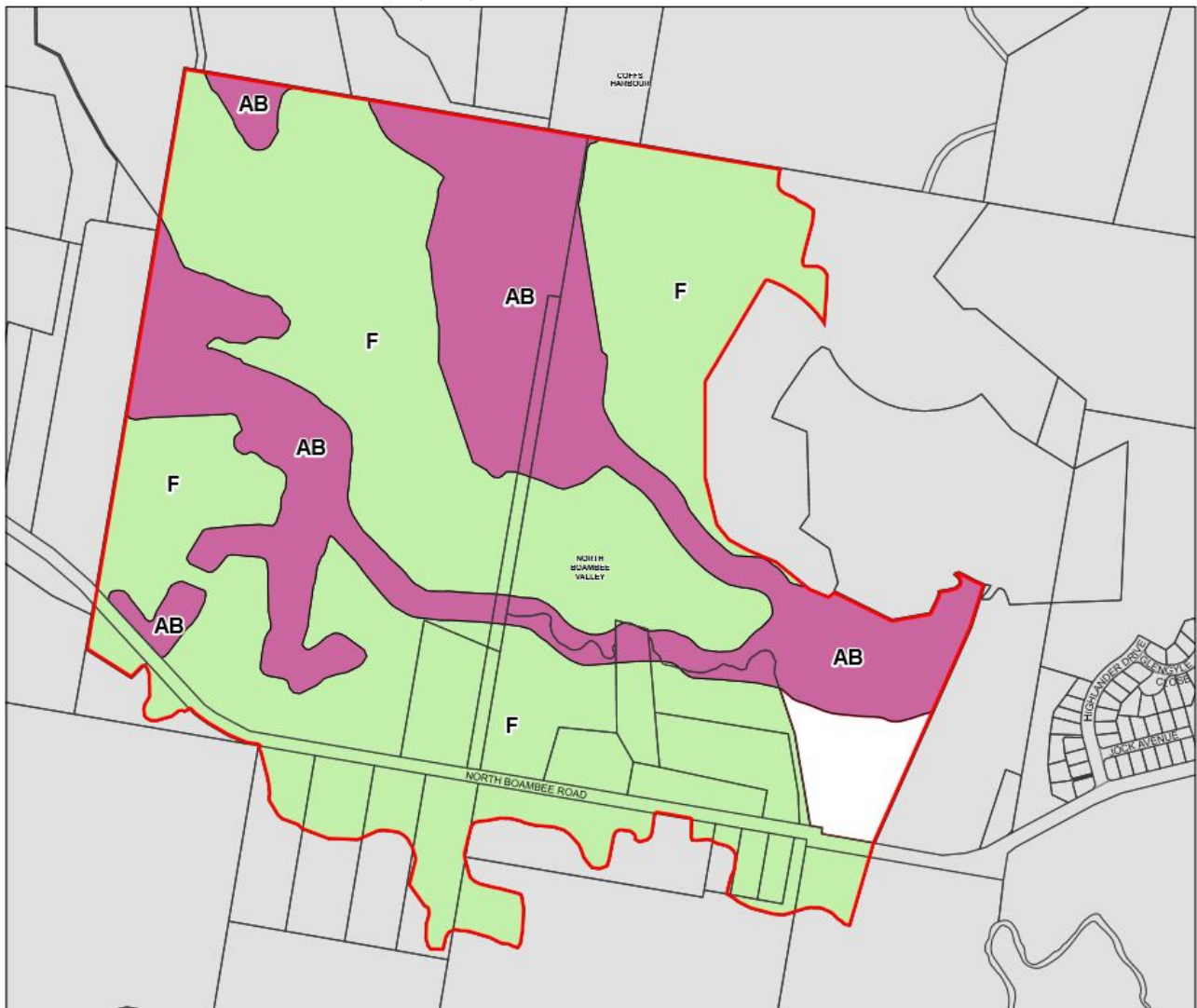


The Planning Proposal will also require amendments to the following attribute map layers, being:

- Minimum Lot Size (LSZ);
- Terrestrial Biodiversity (CL2); and
- Land Reservation Acquisition (LRA).

These maps are included, as follows:

6. Proposed Minimum Lot Size (LSZ) Map

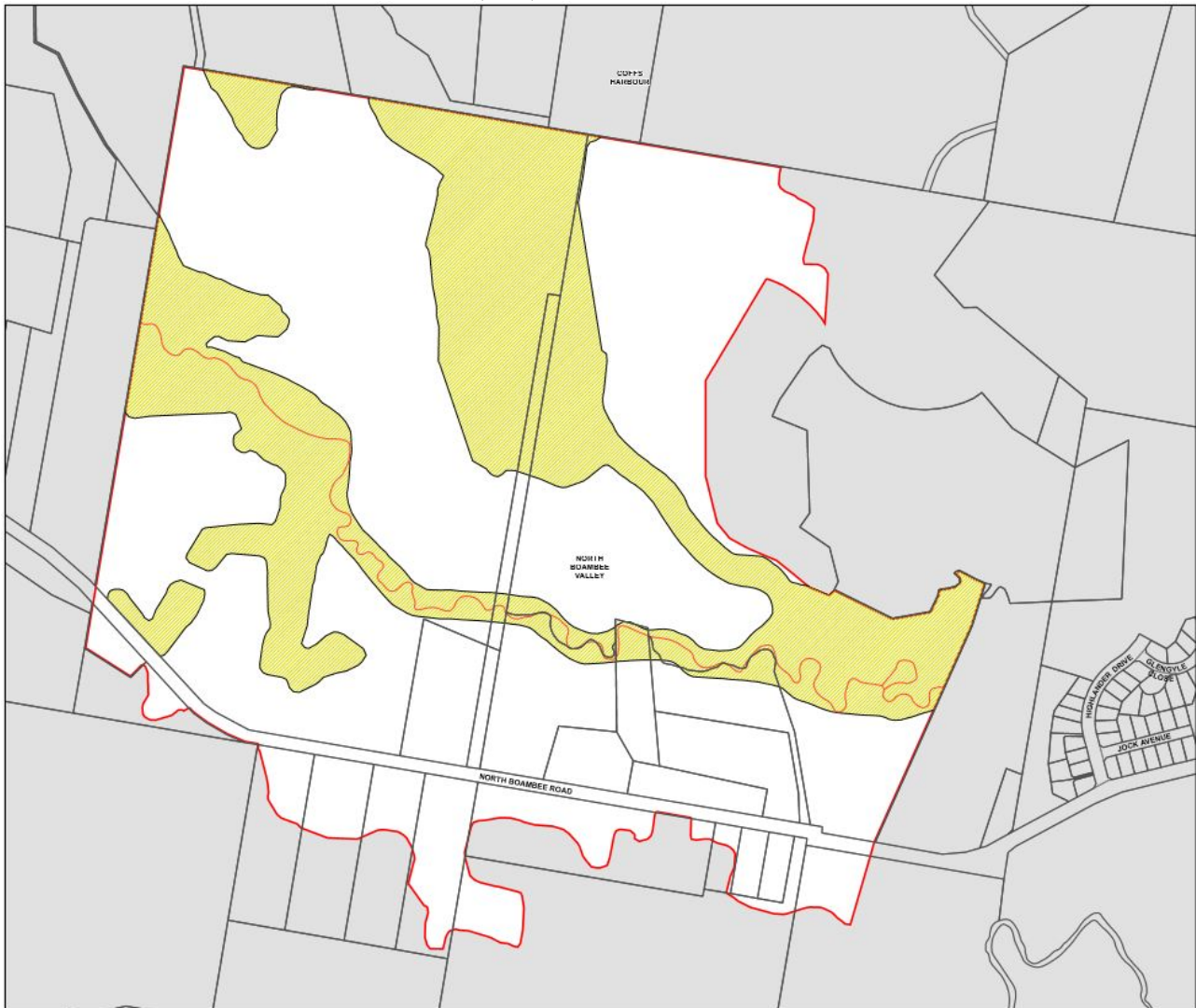


KEY

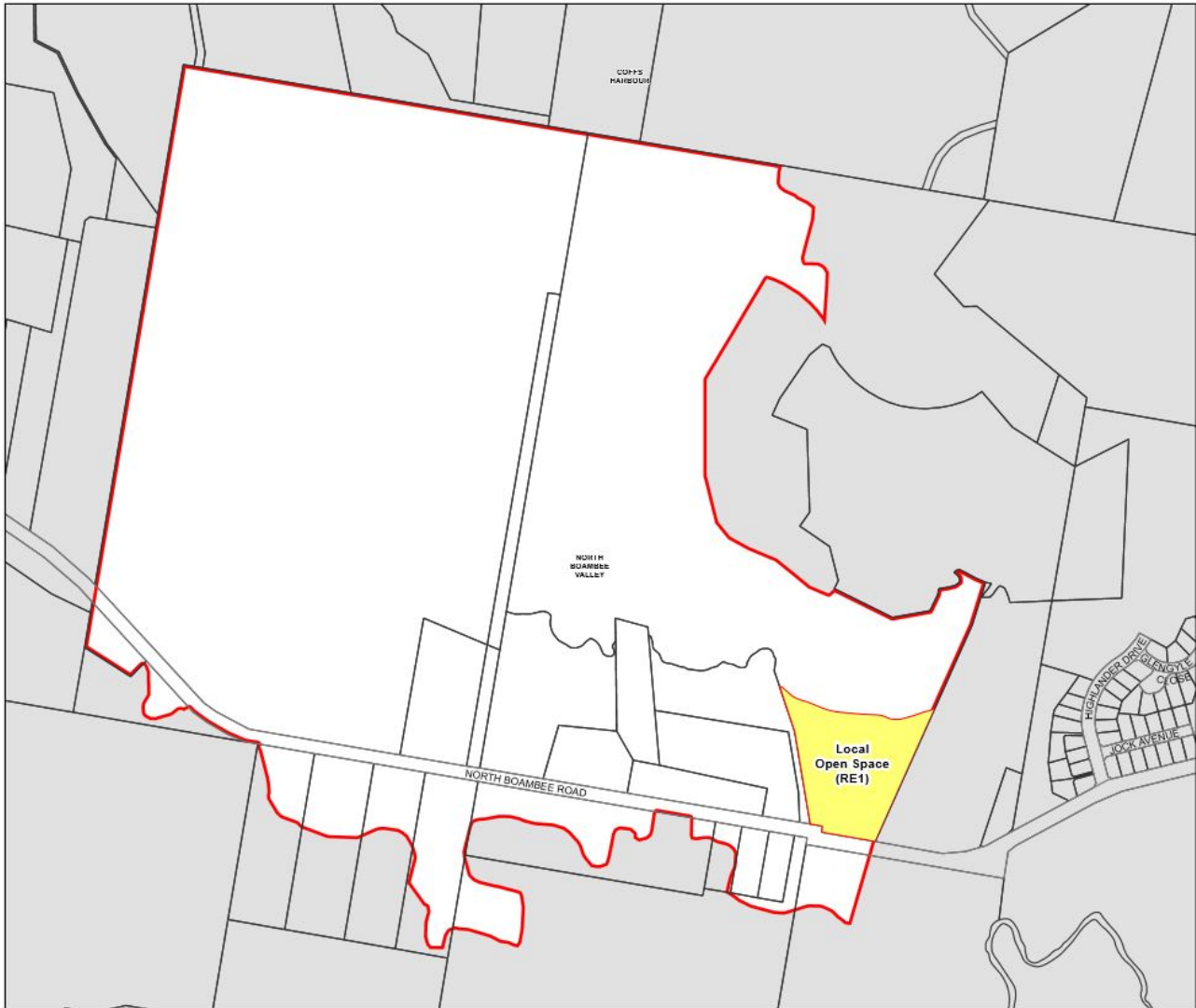
F = 400 m²

AB = 40 hectares

7. Proposed Terrestrial Biodiversity (CL2) Map



8. Proposed Land Reservation Acquisition (LRA) Map



Part 5 – Community Consultation

In December 2004, RMS announced the preferred route of the future Coffs Harbour Pacific Highway bypass. The proposed bypass route severed Stages 2 and 3 from the Stage 1 residential area from the original North Boambee Valley Investigation Area. Stage 1 (known as North Boambee Valley (East)) has been subject to residential development. In 2006, Council resolved to prepare a Structure Plan for Stages 2 and 3, which has been designated as North Boambee Valley (West) – the subject of this revised Planning Proposal.

Community consultation was carried out during the preparation of the NBV (West) Structure Plan and again when the draft Structure Plan was publicly exhibited from 11 December 2008 to 30 January 2009. The Structure Plan was adopted by Council and endorsed by NSW Planning and Environment in 2009.

The previous Planning Proposal was placed on public exhibition for the period from 29 April 2015 to 27 May 2015. Council received a total of 12 submissions, consisting of seven from the community and five from Government agencies.

The community, stakeholders and government agencies will have a further opportunity to make submissions to the revised Planning Proposal.

Part 6 – Project Timeline

August 2017	Planning Proposal provided to NSW Planning and Environment requesting Gateway Determination.
October - November 2017	Public Exhibition / Consultation period.
January 2018	Report to Council for determination of the Planning Proposal.
January - February 2018	Submission to NSW Planning and Environment, requesting the making of the Local Environmental Plan Amendment.
