

SC17/45 PLANNING PROPOSAL: NORTH BOAMBEE VALLEY (WEST) RESIDENTIAL INVESTIGATION AREA

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MyCoffs:	C.1 Liveable neighbourhoods with a defined identity
Attachments:	ATT1 SC17/45 Planning Proposal - North Boambee Valley (West) Residential Investigation Area - Version 1 Pre-Gateway Determination - June 2017 ATT2 SC17/45 Proposed Draft Amendments to Coffs Harbour Development Control Plan 2015 ATT3 SC17/45 Draft North Boambee Valley (West) Developer Contributions Plan 2017

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a revised Planning Proposal (PP) for the North Boambee Valley (West) Investigation Area. The original Planning Proposal (PP_2013_COFFS_004_00) has been the subject of previous Council reports, the most recent being 10 December 2015.

This report discusses actions which have been undertaken since that date, and seeks to progress a revised PP to achieve the creation of residential land within the northern section of the North Boambee Valley (West) Investigation Area. The PP has been revised based on the outcomes of additional studies, with the key amendments being:

- Revision of the extent of the proposed residential precinct with an estimated yield of 820 new low density residential allotments;
- Removal of the proposed industrial precinct from the PP as this land will now be considered as part of a separate PP for the southern part of the North Boambee Valley (West) Investigation Area following resolution of flood impacts and via a future report to Council;
- Rationalisation of the extent of Zone E2 Environmental Conservation and introduction of Zone E3 Environmental Management under the provisions of *Coffs Harbour Local Environmental Plan (LEP) 2013*.

Council has been advised by NSW Planning & Environment (P&E) that the most appropriate means to progress the planning strategy for North Boambee Valley (West) is to prepare a revised PP, given that the content of the PP has undergone substantial changes and covers a reduced area. NSW Planning & Environment have also advised that the original supporting reports and assessments can be appended to the PP, despite these documents applying to the broader North Boambee Valley (West) Investigation Area.

Based on that advice, this report recommends that Council relinquish the current active Planning Proposal (PP_2013_COFFS_004_00) and submit a revised PP (Attachment 1) to P&E requesting the issue of a Gateway Determination to allow the revised Planning Proposal to be placed on public exhibition. Amendments will also need to be made to *Coffs Harbour Development Control Plan (DCP) 2015* (Attachment 2) and a draft North Boambee Valley (West) Developer Contributions Plan 2017 has been prepared (Attachment 3) to accompany the PP. These documents will be exhibited concurrently with the PP, subject to endorsement by Council and the terms of P&E's Gateway Determination.

RECOMMENDATION:

That Council:

1. Relinquish the active Planning Proposal PP_2013_COFFS_004_00 for North Boambee Valley (West) Investigation Area.
2. Endorse and forward a revised Planning Proposal to NSW Planning and Environment seeking a 'Gateway Determination' for the rezoning of parts of the North Boambee Valley (West) Investigation Area for residential purposes (Attachment 1).
3. Subject to the 'Gateway Determination' from NSW Planning and Environment, place the revised Planning Proposal on public exhibition.
4. Subject to the 'Gateway Determination' from NSW Planning and Environment, place proposed amendments to Coffs Harbour Development Control Plan and associated maps on public exhibition (Attachment 2).
5. Subject to the 'Gateway Determination' from NSW Planning and Environment, place Draft North Boambee Valley (West) Developer Contributions Plan on public exhibition (Attachment 3).
6. Consider a further report, concerning the outcome of the public exhibition.
7. Endorse in principle the forward funding of a detention basin to service the needs of the North Boambee Valley (West) residential planning area, subject to further investigation and reporting to Council to confirm the location, size and performance requirements for the detailed design and cost of construction of the basin.
8. Consider a further report, addressing the planning strategy for the parts of North Boambee Valley (West) Investigation Area which are not subject to the revised Planning Proposal.
9. Inform landowners in the North Boambee Valley (West) Investigation Area of Council's resolutions.

REPORT**Description of Item:**

The original Planning Proposal (PP) PP_2013_COFFS_004_00 for North Boambee Valley (West) was reported to Council on 18 December 2014, with Council resolving the following:

1. *Council endorse and forward the subject Planning Proposal to NSW Planning and Environment seeking a "Gateway Determination" for the rezoning of parts of the North Boambee Valley (West) Investigation Area.*
2. *Subject to the "Gateway Determination" from NSW Planning and Environment, Council place the Planning Proposal on public exhibition.*
3. *Subject to the "Gateway Determination" from NSW Planning and Environment, Council place the Draft Coffs Harbour Development Control Plan (Component E16) North Boambee Valley (West) on public exhibition.*
4. *Subject to the "Gateway Determination" from NSW Planning and Environment, Council place the Draft North Boambee Valley (West) Developer Contribution Plan on public exhibition.*
5. *A further report be considered by Council, concerning the outcome of the public exhibition.*
6. *Landowners in the North Boambee Valley (West) Investigation Area be informed of Council's decision.*

The PP was subsequently referred to P&E on 5 February 2015. P&E issued a conditional Gateway Determination on 11 April 2015, permitting the public exhibition of the PP. Under the terms of the Gateway Determination, P&E issued an authorisation for Council to exercise its delegation to make the subsequent amendment to *Coffs Harbour Local Environmental Plan (LEP) 2013*. The exhibited PP included:

- a new residential precinct (of approximately 88 hectares) accessed by North Boambee Road;
- a new industrial precinct (of approximately 37 hectares) accessed by a proposed link road between North Boambee Road and Englands Road; and
- a revision of the extent of Zone E2 Environmental Conservation under *Coffs Harbour Local Environmental Plan (LEP) 2013*.

The PP was placed on public exhibition 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 outcome of the exhibition was reported to Council on 10 December 2015. That report discussed the issues raised by the community and Government agencies during the public exhibition period, including:

- potential impacts of a proposed quarry haul road;
- provision of a stormwater detention basin and options for funding;
- implications of predicted traffic increases; and
- a requirement by Roads and Maritime Services (RMS) for further traffic modelling to be undertaken.

At that meeting of 10 December 2015, Council resolved:

That the matter be deferred subject to further information being provided.

In response to Council's resolution, Council has undertaken additional investigations comprising ongoing consultation with Government agencies and the community, including:

- a micro traffic modelling report (required by NSW Roads & Maritime Services);
- a review of Indigenous Cultural Heritage (undertaken by Coffs Harbour & District Local Aboriginal Lands Council);

- Council's adoption of the Boambee Newports Creek Flood Risk Management Study and Plan;
- a review of the extent of the proposed rezoning; and
- requirement to forward fund a large detention basin.

This report presents a revised PP to the original PP that was placed on public exhibition based on the additional investigations that have been carried out, and covering just the residential planning area component.

The Locality and Planning Area:

Figure 1 illustrates the extent of the broader North Boambee Valley (West) Investigation Area.

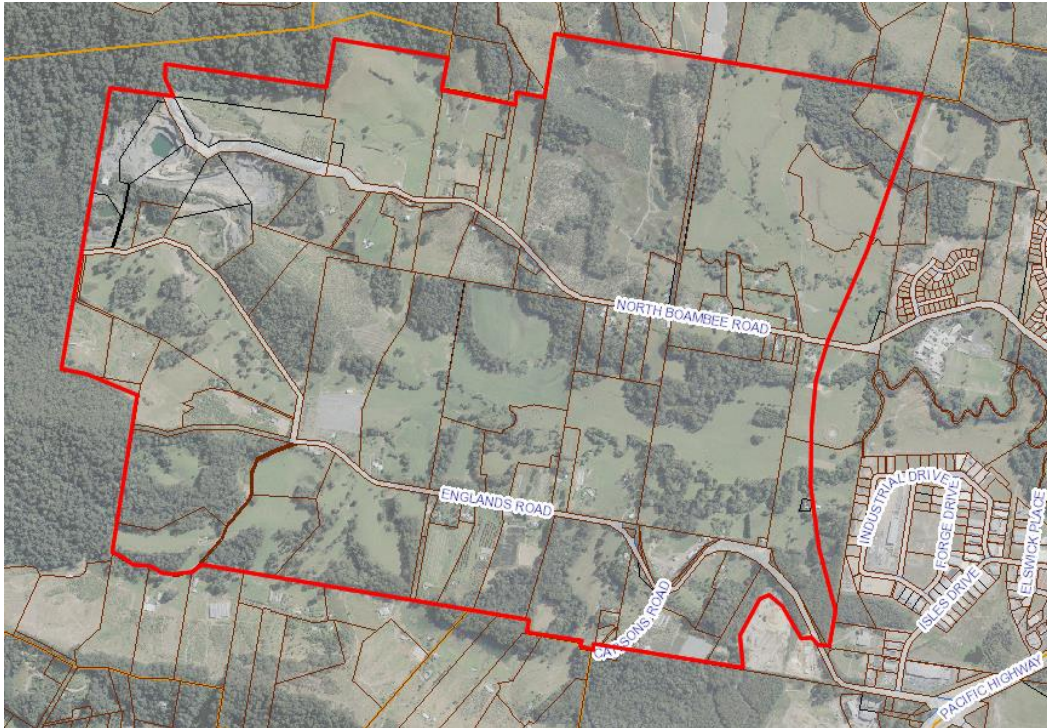


Figure 1 – North Boambee Valley (West) Investigation Area

Figure 2 illustrates the original PP which was exhibited during 2015, including the proposed industrial precinct (shown in purple).

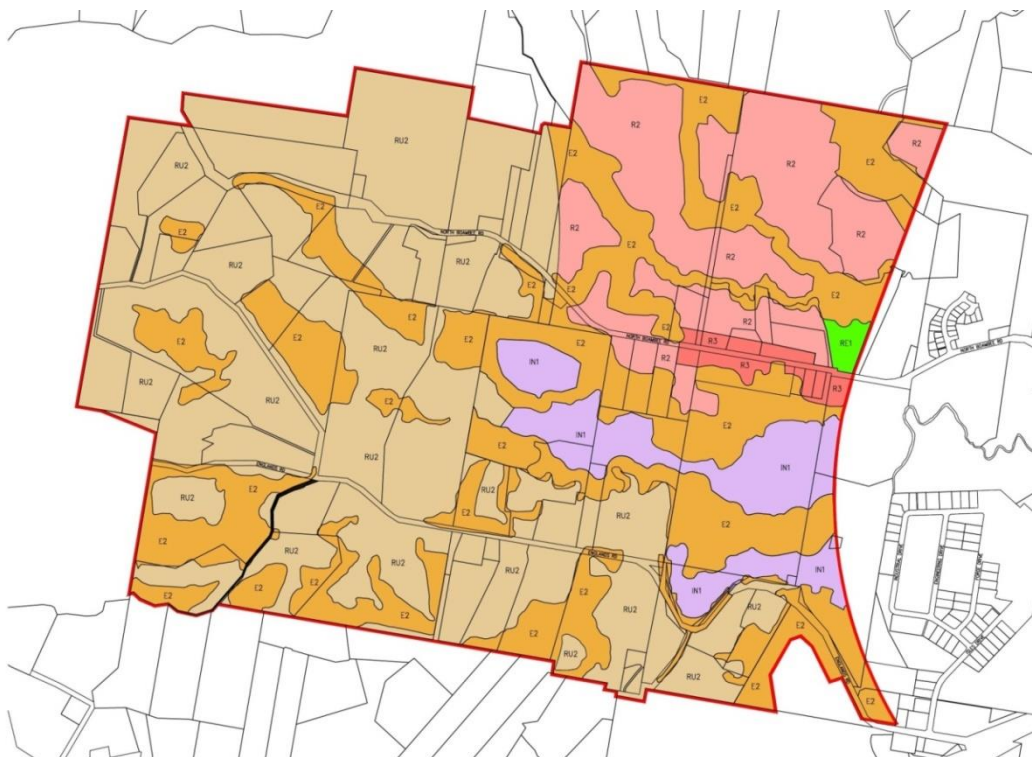


Figure 2 – North Boambee Valley (West): Original Planning Proposal (as exhibited)

Figure 3 illustrates the extent and existing land use zones of the revised North Boambee Valley (West) Residential Planning Area, which is located in the north-eastern part of the broader Investigation Area.

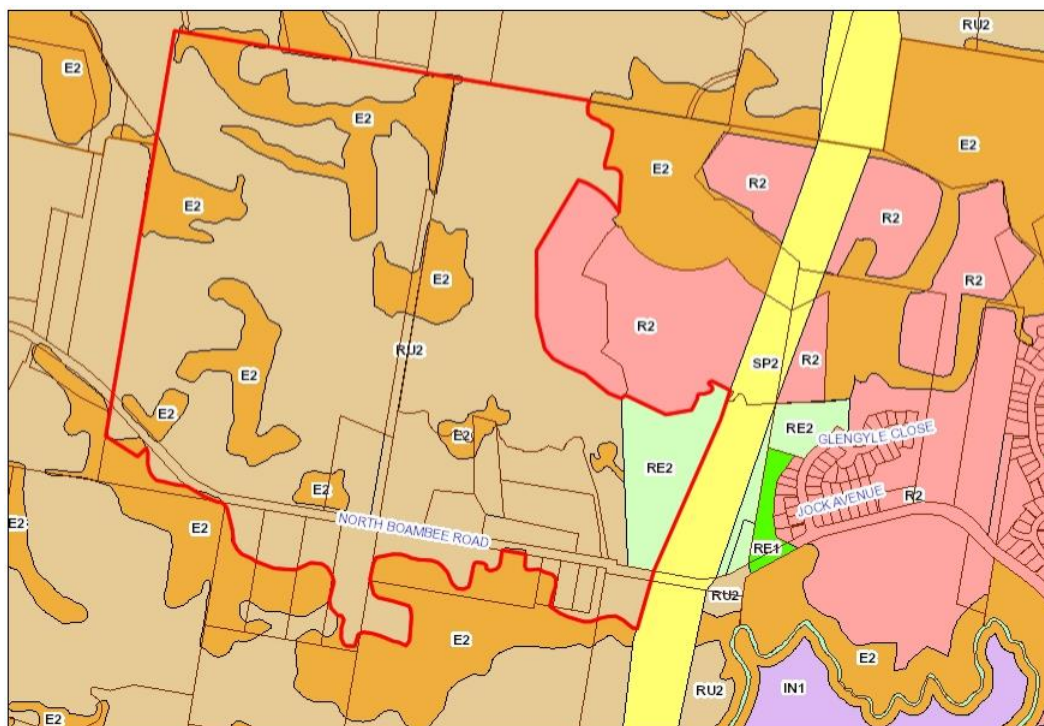


Figure 3 – North Boambee Valley (West) revised Residential Planning Area with current land use zones

The revised residential planning area is approximately 140 hectares in area and is situated approximately four kilometres south-west of the Coffs Harbour Central Business District. The eastern extent of the revised planning area is bounded by the proposed Pacific Highway bypass and existing land already within Zone R2 Low Density Residential under *Coffs Harbour LEP 2013*.

Proposed Zones

Should Council resolve to adopt this PP (Attachment 1), the proposed changes to *Coffs Harbour LEP 2013* will consist of:

- Zoning of approximately 94 hectares of land as Zone R2 Low Density Residential;
- Zoning of approximately 16 hectares of land as Zone E2 Environmental Conservation;
- Zoning of approximately 18 hectares of land as Zone E3 Environmental Management; and
- Zoning of approximately 2.6 hectares of land as Zone RE1 Public Recreation.

The proposed Zone RE1 Public Recreation under *Coffs Harbour LEP 2013* is in proximity to the North Boambee Valley (East) precinct and is of a sufficient size to accommodate a range of structured and passive recreational activities.

Figure 4 shows the extent of the proposed zones, as described in the revised PP.

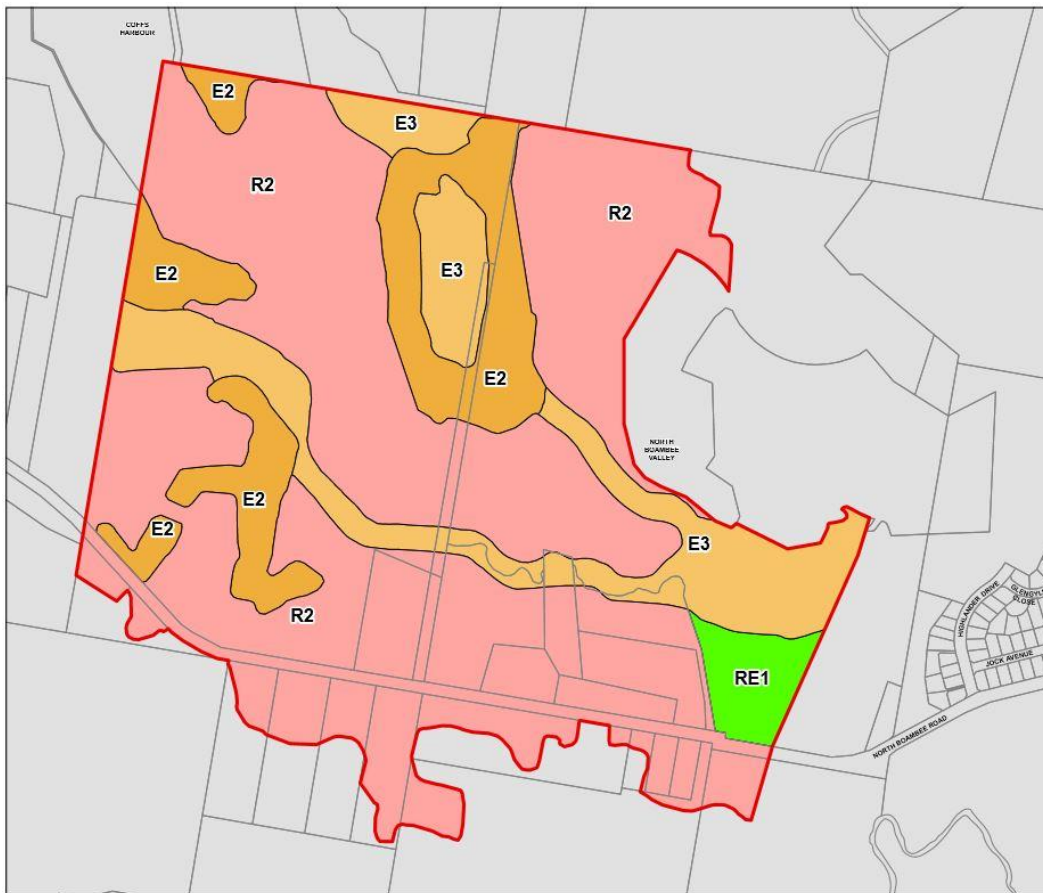


Figure 4 – North Boambee Valley (West): Draft proposed land use zones (revised)

A draft Masterplan has been prepared to guide future development within the North Boambee Valley (West) planning area, including an indicative road layout, a formal pedestrian/cycle shareway which links the planning area to the Pacific Highway, and indicative locations for future neighbourhood facilities. The draft Masterplan is included in draft Chapter G8A North Boambee Valley (West) of proposed draft amendments to *Coffs Harbour DCP 2015* (Attachment 2).

Additional Attribute Mapping

The revised Planning Proposal will also necessitate updating the Lot Size Map (LSZ), Terrestrial Biodiversity Map (CL2), and Land Reservation Acquisition Map (LRA) attribute maps in *Coffs Harbour LEP 2013*. These draft attribute maps form part of the proposed rezoning and will be exhibited accordingly should Council resolve to progress the PP and should P&E endorse the exhibition via Gateway Determination.

Expected Lot Yields

After environmental considerations and economic feasibilities were taken into account by the technical studies which informed the revised PP, an estimated yield of 820 new low density residential allotments is expected to be realised in the residential planning area subject to the revised PP. These lots are proposed to be Zone R2 Low Density Residential under *Coffs Harbour LEP 2013* (with a minimum lot size of 400m²) as outlined in the PP.

The original exhibited PP included Zone R3 Medium Density Residential land under *Coffs Harbour LEP 2013* on North Boambee Road. Following further review of this proposed zone, it was determined that the locality is not in proximity to existing services and would not be in keeping with the remainder of the residential precinct. This land is now proposed to be Zone R2 Low Density Residential under *Coffs Harbour LEP 2013*. This change does not have a significant impact on the estimated lot yield which can be generated within the residential precinct.

Issues:

- Strategy Timeframes

The North Boambee Valley (West) Investigation Area is identified by the Coffs Harbour Local Growth Management Strategy (LGMS) Urban Lands Component 2008 as a Priority 1 (Short Term 2006-2011) Special Investigation Area. In this regard, the timing of this proposal is consistent with the strategic timeframes within Council's LGMS.

It is also noted that the land is an identified urban growth area in the recently released *North Coast Regional Plan 2036* prepared by P&E.

- Findings of the Technical Studies

The technical studies which inform the revised PP prepared for the North Boambee Valley (West) Investigation Area (in October 2014) identify and address constraints in each candidate area. Specific assessments included ecology, flood prone land, acoustics, buffers to the rock quarry, acid sulfate soils, topography, geotechnical assessment, potentially contaminated land, bushfire risk, traffic movement and access considerations, servicing considerations, European and indigenous cultural heritage and a visual amenity assessment.

The environmental studies recommend that land with high ecological value within the North Boambee Valley (West) Investigation Area be included in Zone E2 Environmental Conservation under *Coffs Harbour LEP 2013*. It is also proposed to establish land within Zone E3 Environmental Management under *Coffs Harbour LEP 2013* to provide for areas of compensatory habitat and long term interconnection between retained areas within the proposed Zone E2 Environmental Conservation under *Coffs Harbour LEP 2013*.

The extent of land which is currently within Zone E2 Environmental Conservation under *Coffs Harbour LEP 2013* has been rationalised and considered in the overall context of the proposed residential development of the North Boambee Valley (West) Investigation Area. Lands identified as comprising high terrestrial biodiversity and/or watercourse values are afforded additional protection through Clauses 7.4 Terrestrial Biodiversity and 7.6 Riparian Land and Watercourses of *Coffs Harbour LEP 2013*.

- Economic Feasibility

The technical studies supporting the revised PP include engineering and economic feasibility analysis to identify the future subdivision potential for low density residential development within the North Boambee Valley (West) Investigation Area. These investigations have determined that future subdivision potential is limited by the existing subdivision pattern and the location of existing dwellings; flood prone land and flood mitigation; and the location of land considered to be of environmental significance.

Provision of new infrastructure will be required for new residential development in North Boambee Valley (West), including new or upgraded roads; flood mitigation and filling of flood prone land; reticulated water and sewer services; and neighbourhood parks. The draft North

Boambee Valley (West) Developer Contributions Plan (Attachment 3) provides a mechanism to fund infrastructure for the orderly residential development of North Boambee Valley (West).

- **Council Resolution of 10 November 2015**

As stated earlier in this report, at Council's Ordinary Meeting of 10 November 2015, Council resolved that the matter be deferred subject to further information being provided. In response to this resolution, Council has undertaken additional investigations comprising consultation with Government agencies and the community. This work has included preparation of:

- A micro traffic modelling report (required by NSW Roads & Maritime Services);
- A review of Indigenous Cultural Heritage (undertaken by Coffs Harbour & District Local Aboriginal Lands Council); and
- A review of the content of the proposed rezoning, and
- Feasibility of forward funding options for a large detention basin.

It is considered that the additional work undertaken provides Council with sufficient information to progress the revised PP for the residential component of the investigation area.

- **Reduction in the Extent of the Planning Area**

Following review of the original PP and completion of additional investigations, it has been determined that it is not feasible to include the industrial precinct in the planning area for the PP at this point in time.

Council has applied for grant funding (see discussion later in this report) to undertake investigation and design of a large detention basin to mitigate flooding in the southern section of the North Boambee Valley (West) Investigation Area, and downstream at the hospital. Due to the uncertainty of this funding and unknown timeframe it is considered that the planning strategy for the industrial precinct should be addressed as part of a separate PP pending the outcome of the grant application and further investigation and design.

The extent of the planning area subject to the revised PP has therefore been amended by the removal of the industrial precinct south of North Boambee Road. The proposed residential precinct has been retained in the revised Planning Proposal as flood impacts in this precinct can feasibly be mitigated.

The revised residential precinct consists of approximately 94 hectares of land proposed as Zone R2 Low Density Residential under *Coffs Harbour LEP 2013*, which is approximately five additional hectares of residential land to that in the original (exhibited in 2015) PP. The original PP also included approximately six hectares of land as Zone R3 Medium Density Residential under *Coffs Harbour LEP 2013* on North Boambee Road. This zoning has since been revised to Zone R2 Low Density Residential under *Coffs Harbour LEP 2013* given that North Boambee Valley (West) is:

- Not in close proximity to major service centres (such as Coffs Harbour CBD);
- Existing development in the broader locality is primarily low density residential housing; and
- The projected population is not in character with medium density housing precincts in established centres.

Additionally, land that is already within Zone R2 Low Density Residential under *Coffs Harbour LEP 2013* has been excluded from the planning area subject to the revised PP. However this existing residential land has been included in draft Chapter G8A North Boambee Valley (West) of *Coffs Harbour DCP 2015* (Attachment 2) and draft North Boambee Valley (West) Developer Contributions Plan 2017 (Attachment 3), as they are integral to the new urban release area and associated infrastructure under the revised PP.

- Proposed Detention Basins / Flood Mitigation

Provision of flood mitigation works and filling of flood prone land is critical to development taking place in the North Boambee Valley (West) planning area. The draft Masterplan exhibited with the original PP in 2015 identified possible locations for detention basins as follows:

1. One large detention basin (Detention Basin 1 on the exhibited Masterplan). This was situated to alleviate flooding events in both the proposed residential and industrial precincts, and it also offered significant benefits to mitigation of flooding in the wider Boambee-Newports creek catchment including the recently upgraded North Boambee Road/Pacific Highway intersection and Coffs Harbour Health Campus; or
2. Two separate smaller detention basins (Detention Basins 2 and 3 on the exhibited Masterplan) which independently provide detention for the proposed residential and industrial precincts respectively. Detention Basin 2 provides benefits to the proposed residential area that is the subject of this revised PP.

On 9 June 2016, Council adopted the Boambee Newports Creek Flood Risk Management Study and Plan which includes recommendations to provide flood mitigation measures for the broader North Boambee Valley West Investigation Area, including the construction of a large detention basin described in Point 1 above. The total capital cost to construct this detention basin (which will provide flood mitigation for the wider Boambee - Newports Creek catchment) was estimated in 2015 as approximately \$9.4 million. Approximately 22% of the total volume of this detention basin is required to compensate for the broader North Boambee Valley (West) Investigation Area. The remaining volume provides downstream flood mitigation benefits and offsets the proposed highway embankment. Council's adoption of the Study and Plan means that Council has been able to apply for grant funding for the initial investigation and design phase of this detention basin through the Office of Environment and Heritage Floodplain Management Program 2015-2016. This grant application is currently being assessed.

Due to the high costs associated with this large detention basin and the uncertainty associated with the funding and timeframes for investigation, design and construction, the revised PP comprises the residential component only and is reliant on the provision of a smaller detention basin (described as Detention Basin 2 above) and filling of flood prone land to maximise residential development within the revised planning area. This basin (and basin wall) is proposed to be situated in a similar location to Detention Basin 2 exhibited with the original planning proposal.

The cost of this smaller detention basin is estimated at approximately \$2.8 million which is a substantial investment in infrastructure. It will be necessary for Council to forward fund this detention basin, which is a financial risk to Council due to the uncertain timing of development taking place. The cost of this detention basin is included in the draft North Boambee Valley (West) Developer Contributions Plan (Attachment 3) to enable the funds to be recovered as the North Boambee Valley (West) planning area is developed. It is also recommended that further investigation be undertaken to confirm the location, size and performance requirements for the design and construction of the basin.

The industrial precinct which was included in the original PP has been removed from the revised planning area, as it is reliant on flood mitigation from the large detention basin described in Point 1 above. It is proposed that the industrial precinct is progressed through a separate PP depending on the outcome of a future grant funding application for its construction.

- Potential Impacts on Traffic Movement

When the original PP was exhibited, Council referred it to Government agencies seeking feedback. NSW Roads and Maritime Services (RMS) was concerned that the traffic modelling which supported the PP indicated that the Englands Road approach to the Pacific Highway would be at full capacity after development of North Boambee Valley (West). RMS considered that scenario to be unsatisfactory as the likely result would place increased demand on the North Boambee Road/Pacific Highway intersection as road users are likely to avoid the

Englands Road intersection. RMS recommended that demand traffic modelling be undertaken, focusing on the Englands Road and North Boambee Road intersections to the Pacific Highway.

To address the issues raised by RMS, Council engaged consultants GTA to undertake a demand traffic modelling exercise. The modelling demonstrated 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 traffic modelling exercise has also demonstrated that key improvements to facilitate the anticipated demands include provision of additional capacity, in the form of additional turning lanes at the Englands Road and North Boambee Road intersections with the Pacific Highway.

The GTA report was referred to RMS for comment. RMS have confirmed that the findings (and methodology) of the GTA report suitably addressed the issues that were initially raised by the Agency.

The PP is supported by proposed amendments to *Coffs Harbour DCP 2015* (Attachment 2), including a draft Chapter G8A North Boambee Valley (West). This draft chapter includes a requirement for the timely upgrade of the intersection at North Boambee Road and Pacific Highway. In addition, the costs of upgrading the intersection at North Boambee Road and Pacific Highway in a timely manner are addressed in Draft North Boambee Valley (West) Developer Contributions Plan 2017 (Attachment 3).

The North Boambee Valley (West) Masterplan (contained within Attachment 2) identifies a conceptual road network, road hierarchy and pedestrian/cycleway strategy for the North Boambee Valley (West) Planning Area. This road hierarchy comprises three categories of road design, which reflect the location and function of the roads. The categories are:

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

Draft Chapter G8A North Boambee Valley (West) of *Coffs Harbour Development Control Plan 2015* (Attachment 2) includes the Masterplan and cross-section designs for the road hierarchy categories. The hierarchy and cross-sections have been designed to enable safe and efficient access to North Boambee Road from all proposed residential areas, and safe access for properties which face the northern and southern sides of North Boambee Road.

- **Zone E3 Environmental Management**

The revised PP includes Zone E3 Environmental Management under *Coffs Harbour LEP 2013* which provides a buffer between residential precincts and waterways/riparian areas. Proposed Zone E3 Environmental Management under *Coffs Harbour LEP 2013* also identifies land which is not considered suitable for residential development; however has potential for environmental benefits such as habitat links or land that has visual/scenic amenity values. Proposed Zone E3 Environmental Management under *Coffs Harbour LEP 2013* is sourced from the Standard Instrument – Principal Local Environmental Plan and is to be applied to areas that may not necessarily contain extensive areas of high ecological, scientific, cultural or aesthetic values but none the less require careful consideration and/or management.

The E3 Environmental Management Zone has been applied consistent with the NSW Planning and Environment's guidelines for zoning lands which are of environmental significance.

Introduction of Zone E3 Environmental Management under *Coffs Harbour LEP 2013* will require amendment to other relevant clauses in *Coffs Harbour LEP 2013* such as: Part 2 (Permitted or prohibited development, and addition of E3 zone objectives and uses to the Land Use Table), Part 4 (Principal development standards), Part 7 (Additional local provisions) and Schedule 2 (Exempt development). These matters are addressed in the Planning Proposal (Attachment 1).

The E3 Environmental Management zones will allow low-key residential uses including dwelling houses, bed and breakfast accommodation, home-based child care and ecotourism. More intensive levels of residential use (eg multi-dwelling housing, residential flat buildings) are proposed to be prohibited uses in the E3 Environmental Management zone.

- **Review of the North Boambee Valley (West) Cultural Heritage Assessment**

The NSW Office of Environment and Heritage (OEH) provided a submission during the exhibition period of the original planning proposal in which it requested that consultation be undertaken with the Coffs Harbour and District Local Aboriginal Lands Council (LALC). During this consultation, the LALC advised Council that the cultural heritage component of the technical studies did not sufficiently address both tangible and intangible cultural heritage values.

In response to this matter, Council subsequently engaged the LALC to prepare an additional Cultural Landscape Survey to supplement the findings of the initial Indigenous Cultural Heritage assessment. Extensive consultation has been undertaken between Council and the LALC Cultural Heritage team. This work has been completed as requested and to the satisfaction of the LALC's Elders Committee.

No objection has been raised by the LALC to the revised Planning Proposal.

- **Draft Chapter G8A North Boambee Valley (West) of Coffs Harbour Development Control Plan 2015**

Draft Chapter G8A North Boambee Valley West of *Coffs Harbour DCP 2015* (Attachment 2) has been prepared to assist proponents in the preparation of development applications for development in the planning area. This draft chapter of the DCP includes a Masterplan and associated planning requirements which address:

- Environmental buffers and habitat links;
- Concept road network and street hierarchy;
- Servicing requirements;
- Visual amenity provisions;
- Open space requirements; and
- Concept plan for land acquisitions.

Draft Chapter G8A North Boambee Valley West of *Coffs Harbour DCP 2015* is to be referred to by applicants in conjunction with other relevant chapters of *Coffs Harbour DCP 2015*.

It is proposed that draft Chapter G8A North Boambee Valley (West) of *Coffs Harbour DCP 2015* will be placed on public exhibition concurrently with the revised Planning Proposal, pending endorsement by NSW Planning and Environment under the terms of the Gateway Determination.

- **Draft Coffs Harbour Development Control Plan 2015 mapping**

Relevant maps within *Coffs Harbour DCP 2015* will also require amendment to reflect the proposed changes to landuse zones within the residential planning area. The draft amendments to the DCP maps are detailed in Attachment 2.

In summary, these changes include updates to Coffs Harbour Development Control Plan 2015 Density Map; Front Setbacks Map; Side and Rear Setbacks Map; and Preservation of Vegetation Map to reflect changes in land use zones associated with the PP.

The provisions of the revised maps will become effective when the LEP Amendment for North Boambee Valley West (Residential Component) is made by the Minister for Planning.

- **Draft North Boambee Valley (West) Developer Contributions Plan 2017**

A draft Developer Contributions Plan (Attachment 3) has been prepared for the planning area which addresses funding of public infrastructure that will be required for the planning area, in the course of development in North Boambee Valley (West).

Other objectives of the draft Developer Contributions Plan are to:

- Ensure that an adequate level of public infrastructure is provided within the North Boambee Valley (West) Release Area as development occurs.
- Ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.

- Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the North Boambee Valley (West) Investigation Area.
- Enable Council to recoup funds that it has spent in the provision of public facilities and infrastructure resulting from future development.

The draft North Boambee Valley (West) Developer Contributions Plan is based on a projected population increase of approximately 2,132 persons in the proposed residential area. A summary of the calculated contribution rates is shown in Figure 6.

Service / Facility	Net Cost to be Levied \$	Per Lot Or large dwelling \$	Per Small Dwelling \$
Transport & Traffic			
- Cycleway			
- Road Construction	6,906,025	8,421.98	5,895.38
Neighbourhood Open Space	400,000	487.80	341.46
Local Open Space	1,368,750	1,669.21	1,168.44
Development Studies	183,600	223.90	156.73
Flood Mitigation Works	2,798,208	3,412.45	2,388.72
Total Section 94 Contributions	11,656,763	14,215.34	9,950.73

Figure 6 – Projected Developer Contribution rates

The draft North Boambee Valley (West) Developer Contributions Plan also considers the provision of new infrastructure, such as a stormwater detention basin which will require forward funding from Council. The costs of this infrastructure will be recovered by developer contributions in the residential precinct. Council may be in a position to apply for grant funding to assist the funding of its construction.

Options:

Council has a number of options available to the revised Planning Proposal. They include:

1. Council relinquishes the current active Planning Proposal (PP_2013_COFFS_004_00), and submits a revised Planning Proposal (Attachment 1) to NSW Planning & Environment requesting the issue of a Gateway Determination to allow the revised Planning Proposal to be placed on public exhibition.

Comment: Flood mitigation for residential development is addressed by a detention basin shown on the draft Masterplan (within Attachment 2). Council would need to commit to forward fund the detention basin and acquisition of easements at a cost of \$2.8 million including interest on borrowings. This course of action is considered by NSW Planning & Environment to be the most appropriate means to progress the revised Planning Proposal.

2. Resolve to undertake an alternative approach to the revised Planning Proposal (Attachment 1).

Comment: Alternatives (and their implications) have not been considered in this report. The technical studies to the revised Planning Proposal (Appendices of Attachment 1) are supportive of the approach described by Option 1.

3. Resolve not to continue with the revised Planning Proposal (Attachment 1) at this point in time.

Comment: Option three is not consistent with Council's adopted Local Growth Management Strategy or the *North Coast Regional Plan 2036*.

Option 1 is considered to be the most appropriate course of action, as this will provide for the development of North Boambee Valley (West) consistent with Council's Local Growth Management Strategy and the *North Coast Regional Plan 2036*.

Sustainability Assessment:

- **Environment**

Environmental sustainability issues are addressed by the North Boambee Valley (West) Planning Proposal and include flora and fauna assessment; acid sulfate soils analysis; geotechnical assessment; bushfire hazard management report; flood prone land assessment; visual and acoustic analysis; contaminated land assessment; and archaeology (Indigenous and Post-settlement).

- **Social**

Social sustainability issues are addressed by the North Boambee Valley (West) Planning Proposal and include provision of water and sewer services; visual and acoustic analysis; provision of public open space; and opportunities for employment.

- **Civic Leadership**

Civic leadership is demonstrated in this report by the Planning Proposal addressing the following themes and indicators described in Council's *'My Coffs' Community Strategic Plan* (adopted 2017):

- A2.1: We support our community to lead healthy active lives
- 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.
- D1.2: We undertake effective engagement and are informed.
- D2.1: We effectively manage the planning and provision of regional public services and infrastructure.

- **Economic – Broader Economic Implications**

Any development generated by the revised Planning Proposal and subsequent Local Environmental Plan amendment will require significant provision of new infrastructure in North Boambee Valley (West), which will be funded by developer contributions in the residential precinct.

A decision to forward fund the provision of a small detention basin to service the proposed residential precinct is a significant investment in infrastructure. However, it is anticipated that all costs will be recovered through s.94 developer contributions over time.

A planning strategy for the remainder of the North Boambee Valley (West) Investigation Area, including flood mitigation measures for the industrial precinct will be considered when the outcome of Council's application for grant funding (previously discussed in this report) has been determined.

- **Economic - Delivery Program/Operational Plan Implications**

This Planning Proposal is included in Council's Operational Plan. There will be no immediate impact on the Operational Plan if the Planning Proposal is continued.

Risk Analysis:

North Boambee Valley (West) is a key precinct in the context of Council's Local Growth Management Strategy. For development to commence in a timely manner, forward funding will be required for major infrastructure, being the construction of a detention basin located at the western extent of the planning area as shown on the Masterplan (within Attachment 2) and discussed earlier in this report.

The draft North Boambee Valley (West) Developer Contributions Plan (Attachment 3) estimates this cost to be approximately \$2.8 million, which includes interest on borrowings. This estimate includes costs to create easements on affected properties.

The construction of the detention basin is required before development can take place. Financing this infrastructure will require forward funding from Council, with monies to be recovered through Section 94 contributions. Stormwater management issues must be addressed to provide a flood-free environment for the proposed residential development precincts described by the Planning Proposal.

A detailed concept design for the proposed detention basin has not been completed. If Council commits to forward fund the detention basin, detailed design and quantity surveyor estimates will be provided to Council for endorsement in a future report prior to seeking loan funds. It is also recommended that further investigation be undertaken to confirm the location, size and performance requirements for the design and construction of the basin.

Should Council borrow funds for infrastructure, the borrowings will include a component for interest. Borrowing to facilitate the provision of infrastructure has a high risk as the timing for income streams from developer contributions to meet loan repayments is uncertain. The draft North Boambee Valley (West) Developer Contributions Plan (Attachment 3) has indicated a projected amount of approximately \$870,000 interest (at 4% rate over 20 years). The actual cost will be dependent on prevalent economic conditions.

Other Infrastructure requirements are funded through the draft North Boambee Valley (West) Developer Contributions Plan.

Consultation:

As discussed previously in this report, the original Planning Proposal (PP_2013_COFFS_004_00), draft Development Control Plan and draft Contributions Plan were placed on public exhibition from 29 April 2015 to 27 May 2015. The submissions made during this exhibition period were reported to Council at its Ordinary Meeting of 10 December 2015. Council has also begun preliminary consultation with landholders in relation to proposed Zone E3 Environmental Management under *Coffs Harbour LEP 2013*.

The revised Planning Proposal has been prepared in consultation with relevant sections within Council. Should Council resolve to proceed as per the recommendations of this report, the revised Planning Proposal will be exhibited under the provisions of the *Environmental Planning and Assessment Act 1979*, and in accordance with the terms of the Gateway Determination issued by NSW Planning & Environment.

Related Policy, Precedents and / or Statutory Requirements:

The following policies and statutory instruments are relevant to this report, and have been addressed by the Planning Proposal:

- *Coffs Harbour Local Environmental Plan 2013*;
- *Coffs Harbour Development Control Plan 2015*;
- *Our Living City Settlement Strategy 2009*;
- *North Boambee Valley (West) Structure Plan 2010*;
- *Coffs Harbour Industrial Lands Strategy (2009)*;
- *Planning for Bush Fire Protection 2006*;

- *North Coast Regional Plan 2036;*
- *Environmental Planning and Assessment Act 1979 and Regulations;*
- *'My Coffs' Community Strategic Plan (2017);*
- *Land Use Conflict in Rural Areas;*
- *Coffs Harbour City Koala Plan of Management 1999; and*
- Section 117 Ministerial Directions.

The revised Planning Proposal and associated technical Studies have been prepared in accordance with the *Environmental Planning & Assessment Act 1979 and Regulations 2000*.

Implementation Date / Priority:

The timeframe to complete a Planning Proposal is established in the Gateway Determination issued by NSW Planning and Environment.

NSW Planning and Environment requires the Planning Proposal (post-exhibition) to be submitted a minimum of six weeks prior to the date specified on the Gateway Determination to allow for sufficient time for the Local Environmental Plan Amendment to be drafted and finalised by NSW Planning and Environment.

Should Council resolve to adopt the Planning Proposal, the projected timeline is as follows:

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.

Conclusion:

The revised Planning Proposal to amend *Coffs Harbour LEP 2013* will allow for serviced residential development to be undertaken in parts of the North Boambee Valley (West) Investigation Area, whilst protecting areas of high environmental value and providing public open space for the community.

The addition of Zone E3 Environmental Management under *Coffs Harbour LEP 2013* and other associated amendments to relevant clauses of *Coffs Harbour LEP 2013* will provide clear direction to applicants concerning the permissibility of development proposals.

Draft Chapter G8A North Boambee Valley (West) of *Coffs Harbour DCP 2015* provides information to assist proponents in preparing development applications for future development in the North Boambee Valley (West) planning area.

The draft North Boambee Valley (West) Developer Contributions Plan provides information to applicants associated with funding the provision of infrastructure and community facilities to service the future population of the North Boambee Valley (West) Investigation Area.