

**Coffs Harbour LEP 2013 - Additional permitted use on 6, 6A, 6B & 10 North Boambee Rd, North Boambee Valley**

|                    |                                                                                                                                                                                                                                                                                |               |          |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Coffs Harbour LEP 2013 - Additional permitted use on 6, 6A, 6B & 10 North Boambee Rd, North Boambee Valley                                                                                                                                                                     |               |          |
| Proposal Summary : | The Planning Proposal aims to amend Coffs Harbour LEP 2013 by inserting an additional use into Schedule 1 for the purpose of a vehicle sales or hire premises on Lot 3 DP 1022408 & Lots 120, 121 and 122 DP 1184992, 6, 6A, 6B & 10 North Boambee Road, North Boambee Valley. |               |          |
| PP Number :        | PP_2017_COFFS_001_00                                                                                                                                                                                                                                                           | Dop File No : | 17/05163 |

**Planning Team Recommendation**

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

- S.117 directions:
- 1.1 Business and Industrial Zones
  - 2.1 Environment Protection Zones
  - 2.2 Coastal Protection
  - 2.3 Heritage Conservation
  - 3.1 Residential Zones
  - 3.4 Integrating Land Use and Transport
  - 4.1 Acid Sulfate Soils
  - 4.3 Flood Prone Land
  - 4.4 Planning for Bushfire Protection
  - 5.1 Implementation of Regional Strategies
  - 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
  - 6.3 Site Specific Provisions

- Additional Information :
1. The Planning Proposal be supported.
  2. The Planning Proposal be exhibited for 28 days.
  3. The Planning Proposal be completed within 12 months.
  4. The Planning Proposal be amended prior to consultation to:
    - correctly reference the subject land as Lot 3 DP 1022408 and Lots 120, 121 and 122 DP 1184992, 6, 6A, 6B, and 10 North Boambee Rd, throughout the proposal;
    - update the objectives and explanation of provisions to correctly refer to the subject land and clarify that the proposed 5 year sunset clause only applies to Lot 3 DP 1022408 and Lot 120 DP 1184992, 6B and 10 North Boambee Rd;
    - remove references to Mid North Coast Regional Strategy and the draft North Coast Regional Plan and replace with a discussion regarding consistency with the North Coast Regional Plan 2036; and
    - correctly refer to the subject land being affected partly by Class 3 and 5 Acid Sulfate soils.
  5. Prior to undertaking consultation, a flora and fauna assessment of the subject land, including a site based assessment of Koala habitat should be undertaken. This material should be placed on public exhibition with the planning proposal;
  6. The Secretary (or her delegate) note the current unresolved inconsistencies with Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection.
  7. The Secretary (or her delegate) agree that the inconsistency of the proposal with S117 Directions 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 5.4 Commercial and Retail Development along the Pacific Highway, North Coast and 6.3 Site Specific Provisions are justified in accordance with the terms of the directions.
  8. That consultation be undertaken with the following agencies:
    - NSW Rural Fire Service;
    - Roads and Maritime Services;
    - Office of Environment and Heritage; and
    - Local Aboriginal Land Council.
  9. A written authorisation to exercise delegation be issued to Coffs Harbour City Council.

**Coffs Harbour LEP 2013 - Additional permitted use on 6, 6A, 6B & 10 North Boambee Rd,  
North Boambee Valley**

Supporting Reasons : The proposal seeks only to reintroduce the former additional permitted use under Coffs Harbour LEP 2000 to allow the continued operation and expansion of the existing motor vehicle showroom, and to allow its possible expansion onto the adjoining Lot 120. This is considered appropriate and will help continue to provide important employment opportunities for the local economy.

**Panel Recommendation**

Recommendation Date : 10-Apr-2017

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The proposal is considered to be of local significance and can be appropriately considered by the Director Regions, Northern.

**Gateway Determination**

Decision Date : 10-Apr-2017

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 12 months

Gateway Determination : 1. Prior to consultation, the planning proposal is to be amended to:

- (a) correctly reference the subject land as Lot 3 DP 1022408 and Lots 120, 121 and 122 DP 1184992, 6, 6A, 6B, and 10 North Boambee Rd, throughout the proposal;
- (b) update the objectives and explanation of provisions to correctly refer to the subject land and clarify that the proposed 5 year sunset clause only applies to Lot 3 DP 1022408 and Lot 120 DP 1184992, 6B and 10 North Boambee Rd;
- (c) remove references to Mid North Coast Regional Strategy and the draft North Coast Regional Plan and replace with a discussion regarding consistency with the North Coast Regional Plan 2036;
- (d) correctly refer to the subject land being affected partly by Class 3 and 5 Acid Sulfate soils; and
- (e) include a flora and fauna assessment of the subject land that as a minimum considers and addresses SEPP 44 Koala Habitat Protection.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days;
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- Roads and Maritime Services
- New South Wales Rural Fire Service
- Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

**Coffs Harbour LEP 2013 - Additional permitted use on 6, 6A, 6B & 10 North Boambee Rd,  
North Boambee Valley**

Signature:



Printed Name:

Craig Diss

Date:

10/4/17

