



Planning Proposal
Lot 3 DP 1022408, Lot 120, 121 & 122 DP 1184992,
6, 6A, 6B and 10 North Boambee Road
North Boambee Valley

V1.1 Gateway Determination
April 2017

CONTENTS

Introduction	1
Purpose.....	1
Property details	1
Site context and setting and current zoning	2
Part 1 - Objectives / Intended Outcomes	5
Part 2 - Explanation of Provisions	5
Part 3 – Justification.....	5
Section A - Need for the Planning Proposal	5
Section B - Relationship to strategic planning framework.....	6
Section C - Environmental, social and economic impact	34
Section D - State and Commonwealth interests.	39
Part 4 – Community Consultation.....	41
Part 5 – Indicative timetable	42
Summary and Conclusions	43
 Introduction	 1
Purpose	1
Property details	1
Site context and setting and current zoning	2
Part 1 - Objectives / Intended Outcomes.....	5
Part 2 - Explanation of Provisions	5
Part 3 – Justification	5
Section A - Need for the Planning Proposal	5
Section B - Relationship to strategic planning framework.	6
Section C - Environmental, social and economic impact.....	34
Section D - State and Commonwealth interests.	39
Part 4 – COMMUNITY CONSULTATION.....	41
Part 5 – Indicative timetable	42
Summary and Conclusions.....	43

INTRODUCTION

Purpose

The purpose of this planning proposal is to amend Coffs Harbour LEP 2013 so that a development application can be lodged to expand an existing vehicle sales or hire premises located at 6 & 6A North Boambee Road, North Boambee Valley (Lot 121 & 122 DP 1184992) onto adjacent lands located at 6B and 10 North Boambee Road (Lot 3 DP 1022408 & Lot 120 DP 1184992). A vehicle sales or hire premises is currently a prohibited use in the R1 General Residential zone and the R2 Low Density Residential zone under Coffs Harbour LEP 2013.

The Planning Proposal involves an amendment to Schedule 1 (Additional Permitted Uses) of Coffs Harbour Local Environmental Plan (LEP) 2013 by way of an additional “use of certain land” for the purpose of a vehicle sales or hire premises and an associated sunset clause consisting of 5 years. The proposed amendment is sought over the entire site, being Lot 3 DP 1022408, Lot 120, 121 & 122 DP 1184992

Property details

The planning proposal affects land located at 6, 6A, 6B and 10 North Boambee Road, North Boambee Valley (Lot 3 DP 1022408, Lot 120, 121 & 122 DP 1184992), the location of which is shown in Figure 1. This locality is situated approximately 3.5 kilometres south of the Coffs Harbour City Centre.



Figure 1 – Location of Subject Site

Site context and setting and current zoning

6B North Boambee Road contains hardstand in its southern portion, and an elevated cleared area to the north, which contains perimeter vegetation and scattered trees. It has frontage to the Pacific Highway along its eastern boundary.

10 North Boambee Road is a largely flat property, grassed, and containing a child care centre in its western portion, and an elevated, vegetated area in its northern portion. A drainage channel from the Lakes Estate to the west extends along its western boundary.

The combined site (6, 6A, 6B and 10 North Boambee Road) has frontage to the Pacific Highway of approximately 248m, and a frontage to North Boambee Road of approximately 176m. Access to all of the properties is via driveways to North Boambee Road. A single driveway provides access to 10 North Boambee Road and a further driveway provides access to 6, 6A and 6B North Boambee Road.

The land is currently zoned R2 Low Density Residential (Lot 120 DP 1184992) and R1 General Residential (Lot 3 DP 1022408, Lot 121 & 122 DP 1184992) under LEP 2013 as shown in Figure 2:

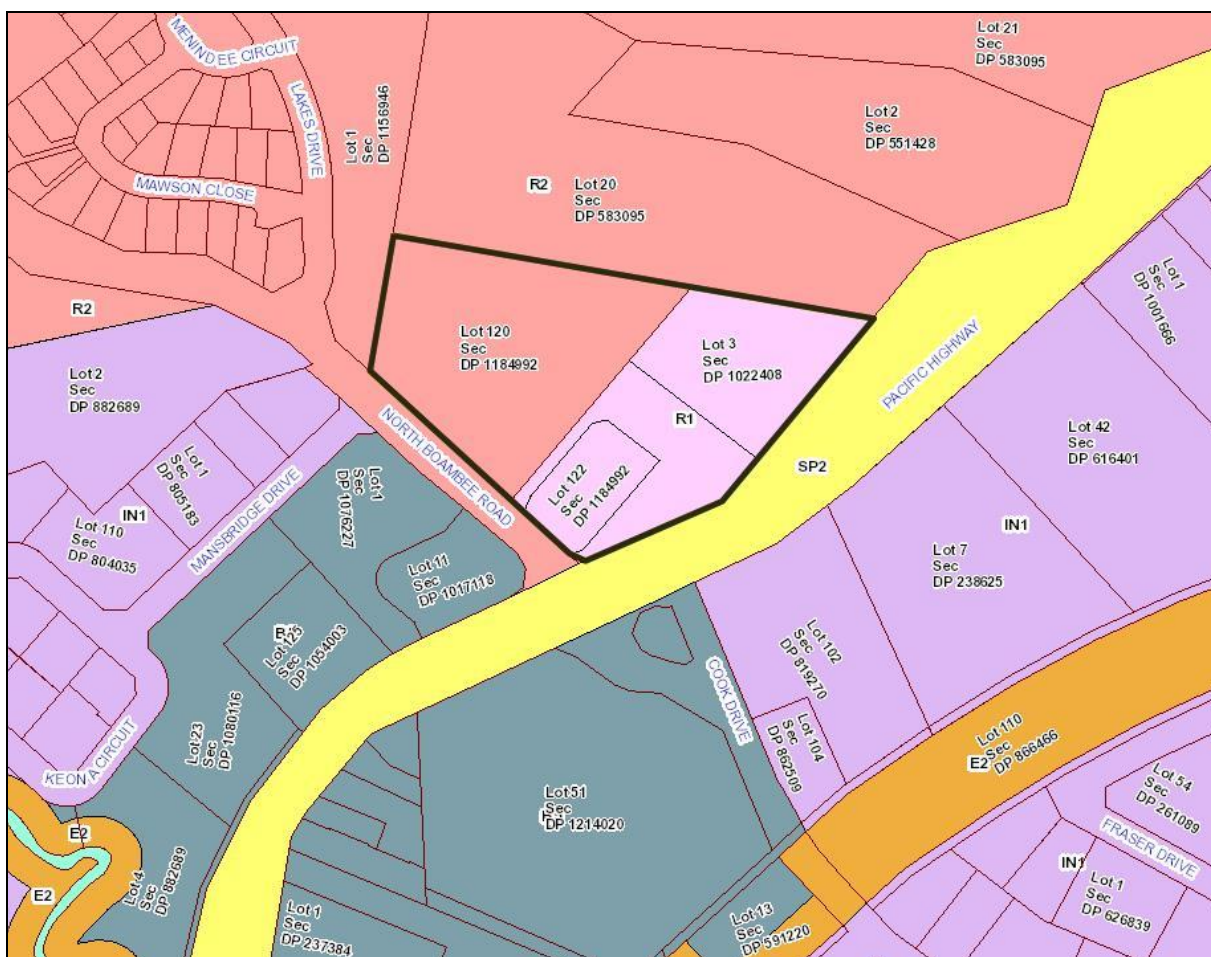


Figure 2 – Existing zone under LEP 2013

History of the use of the site

The existing Watsons Caravans business occupies 6 and 6A North Boambee Road, North Boambee Valley (Lots 121 and 122 DP1184992 respectively). The properties the subject of this Proposal adjoin these properties, and are known as 6B and 10 North Boambee Road, North Boambee Valley (Lot 3 DP1022408 and Lot 120 DP1184992 respectively).

The existing Watsons Caravans site (6 and 6A North Boambee Road, North Boambee Valley) was previously occupied by a McDonalds restaurant. Between 2000-2004, 6 and 6A North Boambee Road were purchased by Watsons Caravans and development consent was granted to establish the Watsons Caravans business (Development Consent No.s 1345/00 and 1065/04). 6B North Boambee Road, North Boambee Valley was later purchased in August 2012. No development consent exists permitting the Watsons Caravans business to operate from 6B North Boambee Road.

In January 2014, 10 North Boambee Road site was purchased by Watsons Caravans. This property had previously been used as a school. In this regard, on 25 August 1976 Council issued Development Consent 28/76 for the erection of a school at the site.

On 21 May 2015 Coffs Harbour City Council issued Development Consent 0645/15DA to use the school premises as a child care centre.

Prior to the issue of Development Consent 1345/00 and 1065/04 to establish the Watsons Caravans business, Coffs Harbour Local Environmental Plan 2000 (LEP 2000) was amended and the site included in clause 24 (an 'exceptions' clause), so as to permit consent to issue and allow the Watsons Caravans business to operate from the site. This was because under LEP 2000, 6, 6A and 6B North Boambee Road were zoned 'Residential 2E Tourist', and the Watsons Caravans business was prohibited in the Residential 2E Tourist zone. Clause 24 of LEP 2000 provided:

"24 Exceptions

Objective of provision

To allow for land use exceptions to the development control table which meet the overall aims and objectives of this Plan.

Regardless of the table to clause 9, the following development is allowed with development consent in accordance with the following table:

Land Use Exceptions Table

Address/Area	Land Description	Development
Intersection of Pacific Highway and North Boambee Road, Coffs Harbour	That part of Lot 22, DP593053 that is within the Residential 2E Tourist Zone	Development for the purpose of a motor showroom

It should be noted that 6, 6A and 6B were all created from Lot 22 DP593053, referenced in the Table above.

On 27 September 2013 Coffs Harbour Local Environmental Plan 2013 (LEP 2013) was gazetted. Under LEP 2013, 10 North Boambee Road was zoned R2 Low Density Residential, while 6, 6A and 6B North Boambee Road were zoned R1 General Residential.

Under LEP 2013 the Watsons Caravans business would be defined as:

"vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there."

A "vehicle sales or hire premises" is prohibited in both the R2 Low Density Residential and R1 General Residential zones.

LEP 2013 includes clause 2.5, which provides:

“2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with development consent, or*
 - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.**
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.”*

The site (and use) is not listed in Schedule 1 of LEP 2013. Effectively, its inclusion in clause 2.5 of LEP 2013 was not ‘carried over’ in the repeal of LEP 2000 by LEP 2013. While presently the Watsons Caravans business operates by virtue of Section 106 of the Environmental Planning and Assessment Act 1979 (EP&A Act), with its lawful beginnings established via Development Consents 1345/00 and 1065/04, it does so only over 6 and 6A North Boambee Road. The effect of this change is that the Watsons Caravans business can now no longer expand northward into 6B North Boambee Road, while the recently purchased land at 10 North Boambee Road is also now included in desired expansion plans. A conceptual layout showing the desired expansion of the business over the subject allotments is shown in figure 3 below.

The proponent has determined that the most appropriate means of securing options for the future development of the business is to lodge a Planning Proposal seeking an amendment to Schedule 1 (Additional Permitted Uses) of LEP 2013. A sunset clause will provide an impetus for the development to proceed in a timely manner.

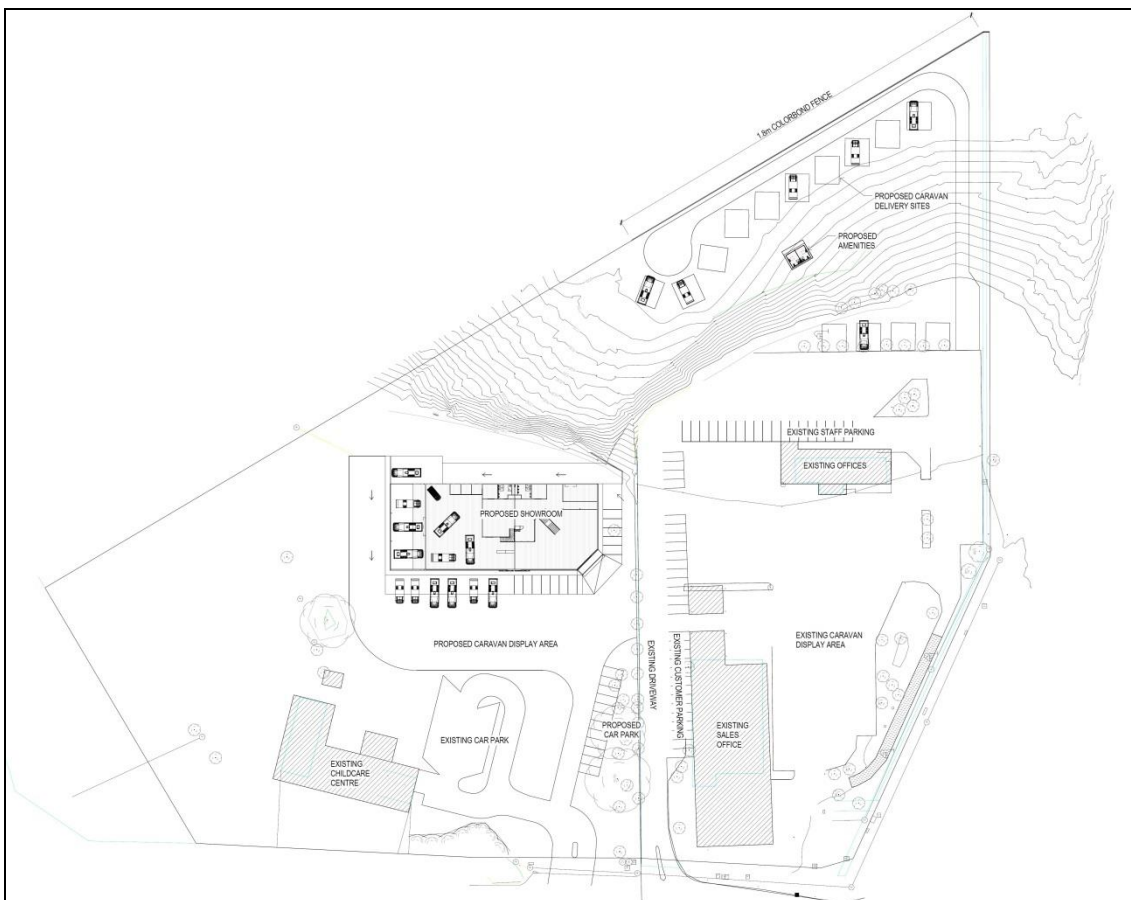


Figure 3 – Desired expansion of Watsons Caravans

PART 1 - OBJECTIVES / INTENDED OUTCOMES

The objectives of this planning proposal are:

- To seek a site specific amendment to Schedule 1 of LEP 2013;
- To enable an expansion of the existing vehicle sales or hire premises at 6 and 6A North Boambee Road, North Boambee Valley, to adjoining land known as 6B and 10 North Boambee Road, North Boambee Valley; and
- To ensure the development of the land is in accordance with its environmental and servicing capacity.

The intended outcomes of the planning proposal are:

- The establishment of an expanded vehicle sales or hire premises that can compete within the region;
- The provision of a development that will provide employment opportunities during construction and post construction;
- Completion of a development upon the land that meets the environmental, flooding and bushfire hazard objectives of Council and the NSW Rural Fire Service; and
- To achieve broad community acceptance.

PART 2 - EXPLANATION OF PROVISIONS

The intended outcomes of the planning proposal will be achieved by amending Coffs Harbour LEP 2013 instrument by adding a new item in Schedule 1 of the LEP as follows:

XX Use of certain land at 6B and 10 North Boambee Road, North Boambee Valley

- (1) This clause applies to land at 6B and 10 North Boambee Road, North Boambee Valley, being Lot 3 DP 1022408, Lot 120, 121 & 122 DP 1184992, shown as “XX” on the Additional Permitted Uses Map.
- (2) Development for the purpose of a vehicle sales or hire premises is permitted with consent.
- (3) Development consent under Subclause (2) must not be granted after 5 years from the commencement of Coffs Harbour Local Environmental Plan 2013 (Amendment No XX).

The existing zones that apply to the subject land will remain unchanged and the related planning controls in the LEP will also remain unchanged.

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 has been commissioned in response to a landowner’s request and at the landowner’s expense; it is not underpinned by any strategic study or report.

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

An addition to Schedule 1 (Additional Permitted Uses) is considered to be the most appropriate means of achieving the outcome and objectives of the Planning Proposal. In this regard such an approach recognises that the rezoning is for a very limited (targeted) purpose, which has limited planning ramifications both for the immediate locality and the wider City.

Alternative planning approaches to this Planning Proposal include:

- **A rezoning of the site from R1 General Residential / R2 Low Density Residential to B5 Business Development**

This is not considered to be an appropriate method of enabling an expansion to the caravan park similar to that previously approved by Council. It would open up a range of other permitted uses (with development consent) which may not have been anticipated to the area, especially at 10 North Boambee Road.

- **The addition of “vehicle sales or hire premises” to the R1 General Residential / R2 Low Density Residential Zone land use table**

This would be unacceptable in most other residential areas as it would introduce a potentially incompatible land use to usually quiet residential flavoured environments. This particular location is seen as an exception to this due to its proximity to the Pacific Highway and existing business environment.

3. Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government’s publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to planning proposals that promote significant increased residential areas or densities, or significant increased employment areas or the like. This planning proposal will permit the expansion of an existing use on adjoining land and will not change the land use zone under Coffs Harbour LEP 2013. The adjacent use already exists and other sites are not under consideration. The proponent’s consultant has therefore stated that the criteria in the Net Community Benefit test cannot be properly applied to this planning proposal.

Section B - Relationship to strategic planning framework.

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

The Mid North Coast Regional Strategy (MNCRS) applies to the Coffs Harbour LGA. The Proposal is considered to be consistent with the MNCRS insofar as it will:

“... facilitate employment growth in the major regional centres and major towns ...” In this regard the Proposal will simply provide for an expansion of the existing business (land use), located in a major regional centre.

The site is included in the “urban growth area” which forms part of the City of Coffs Harbour. The Draft North Coast Regional Plan (Draft Plan) has recently been publicly exhibited and will apply to the whole LGA.

The Proposal is considered to be generally consistent with the Draft Plan with respect to Direction 4.4; the Proposal will effectively result in a continued well-located and serviced supply of (pseudo) employment land to expand industry investment. In this regard, while the underlying residential zonings will remain, the proposal will provide for a targeted, existing commercial use to expand.

5. Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Coffs Harbour 2030 Community Strategic Plan

In 2012, Council updated its 20-year Community Strategic Plan (2030). The plan is based on five key themes, being: Learning and Prospering, Places for Living, Moving Around, Looking After our Community, and Looking After our Environment.

The planning proposal is generally consistent with the following relevant objectives from Learning and Prospering:

LP 2 We have a strong and diverse economy	LP 2.1 Maximise opportunities for workforce participation
	LP 2.2 Encourage the provision of facilities and services which attract, create and support career opportunities for young people

Other Local Strategic Plans

Given the location of the site, and the objectives and intended outcomes sought by the Planning Proposal (that being the expansion of an existing commercial use), of the above studies/reports, those of relevance include:

- Our Living City Settlement Strategy;
- Business Centres Hierarchy Review;
- Business Lands Strategy;
- Gateway Strategy; and
- Land Capacity Assessment.

Prior to addressing the above studies/reports, it is useful to note that the existing business would likely be defined - as a land use term - as a “vehicle hire or sales premises” under LEP 2013. It therefore falls under the group term of “retail premises”.

Our Living City Settlement Strategy

The Our Living City Settlement Strategy (OLC Strategy) is part of Council’s Local Growth Management Strategy (LGMS) and was prepared in 2007. The OLC Strategy was prepared pursuant to Clause 38(3) of the North Coast Regional Environmental Plan 1988, and sets out a future for the growth and development of the LGA until 2031. The goal of the OLC Strategy is to foster healthy urban

communities which contribute to delivering the Vision for the City, with this Vision described as: The Healthy City, the Smart City and the Cultural City for our future.

The OLC Strategy projects a population of 99,000 people by 2031 with 94,000 accommodated in existing zoned areas and the balance of 6000 people expected to be accommodated in Greenfield sites. The OLC Strategy states that “Projected population growth indicates that, at existing rates of consumption, additional land will be required for residential purposes by the period 2016-2021 in proximity to the Coffs Harbour Township [City].”

The OLC Strategy is presented in 5 parts. Part 3 of the Strategy contains the overall Strategy, and provides details on development areas and recommended priority releases for each area. The Strategy concentrates growth in the City’s Central Business District (CBD) and key centres. It offers a hierarchy of Coffs Harbour as Coastal City; Woolgoolga, Moonee and Sawtell/Toormina/Boambee as Coastal Towns; and other settlements generally as Coastal and Hinterland Villages.

Detailed strategies are provided for each urban area along with recommendations for future Place Management Plans for each of these areas. Part 3 also contains a supply and demand supply analysis based on population projections, and a servicing analysis.

Part 4 of the OLC Strategy provides mechanisms for implementing the Strategy. A priority program and monitoring and review mechanisms are detailed to ensure the Strategy is kept on track.

Part 3 of the OLC Strategy refers to a series of maps, contained in Part 5, which include detailed strategies for each urban area within the LGA. These identify future development areas, expected limits to growth and key strategic actions for each area. In addition, each Map includes a series (A, B and C), which provide for each urban investigation area:

- expected lot yields;
- development areas; and
- constraints.

Map 7 of the OLC Strategy includes Coffs Harbour and includes the site. 10 North Boambee Road is uncoloured on the Map. 6, 6A and 6B North Boambee Road are mapped as “Zoned Urban Areas – Developed”, which is accurate insofar as 6 and 6A North Boambee Road are concerned. The designation of 6B North Boambee Road being developed is however erroneous.

Map 7A (dealing with expected lot yields), again leaves 10 North Boambee Road uncoloured, while 6B North Boambee Road is identified as a “Developed Urban Area”.

Map 7B identifies development areas, and has both 6B and 10 North Boambee Road uncoloured, which is typical of most of the zoned, developed land in the City.

Map 7C deals with constraints, and this identifies a small portion of the north eastern corner of 10 North Boambee Road as containing Primary Koala Habitat.

Business Centres Hierarchy Review

The Business Centres Hierarchy Review was prepared in 2011 and had 4 aims, with these being to:

- Identify whether the existing hierarchy, which protects the Coffs Harbour CBD as the primary retail and commercial centre of the LGA, is appropriate for future growth of Coffs Harbour as a regional city;
- Recommend modifications to the existing Business Centres Hierarchy as appropriate;

- Analyse how the new Standard Instrument business zones should best be applied to the recommended Business Centres Hierarchy for various business zone locations throughout the LGA; and
- Provide recommendations as to resultant zoning and built form controls for all B6 Enterprise Corridor zones within both the CBD and the wider LGA.

Of these aims, the first two are of some relevance to the Proposal.

The Review found that considerable research has been undertaken by Coffs Harbour City Council into commercial centres and employment land. This research has identified a clear hierarchy of centres.

The existing research has consistently found that Council's land use policies should ensure that development in other centres should not detract from the primacy of the Coffs Harbour CBD. The research found that Coffs Harbour CBD lacked critical mass and that additional development was important to enable it to achieve the vitality and vibrancy of a regional centre. These findings are supported by the Review.

There is sufficient capacity in the Coffs Harbour CBD to accommodate considerable additional retail and office development. The CBD generally has a low intensity of development, and planning controls permit a much higher intensity of development. A number of sizeable sites exist in a single ownership, facilitating redevelopment.

It is considered that this Planning Proposal will not have a detrimental effect on the Coffs Harbour CBD.

Business Lands Strategy

The Business Lands Strategy was prepared in 2010 to provide Council and the community with a strategic planning framework to guide the future development of business lands within the LGA. The Strategy was prepared to form the Business Lands component of the Coffs Harbour LGMS.

The Strategy recommended applying six business zones in the draft LEP: B1 Neighbourhood Centre, B2 local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development and B6 Enterprise Corridor.

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

The Strategy acknowledged that retailing in Coffs Harbour is characterised by a range of different types of retailing including Big Box Retailing, Bulky Goods retailing and Main-street retail activities and all have different land use needs. These different broad land-use needs should be reflected in the local planning policy and controls. For bulky goods type retailing, typified by this proposal, such enterprises typically require large, flat lots with good highway access and exposure.

The Strategy acknowledged the development of bulky goods retailing in the 4A Industrial zone and recommended targeted areas to be zoned for bulky goods retailing (i.e. B5 Business Development).

The Strategy formed the basis of the provisions of LEP 2013. Much of the land surrounding the Pacific Highway in the North Boambee area is zoned B5 and accommodates bulky goods land uses. A vehicle sales or hire premises is seen as a compatible land use in this area.

Gateway Strategy

The Coffs Harbour Gateway Strategy (Planning Workshop 2005) provides a comprehensive assessment of urban design and public domain issues along the Pacific Highway through the Coffs Harbour CBD and its approaches. It also makes a number of useful observations and recommendations about land use issues along the Highway corridor. In relation to the site, included in what the Strategy calls the 'southern precinct', it identified that visual clutter should be improved amongst the myriad of light industrial and related uses, and improved landscaping to screen developments from the Highway. Any subsequent development application lodged over the subject sites offers the opportunity to address this aspect of the Gateway Strategy.

Land Capacity Assessment Audit

The Audit was prepared in 2014 and formed part of the Stage 2 review of Coffs Harbour City Council's LGMS prepared in 2007. Councils are required to have a local growth management strategy before proceeding with any significant rezoning of lands. This Audit sought to provide a snapshot of land capacity to assist Council in making good planning decisions. The Audit established baseline data in terms of the supply of land for various land types by providing a situational analysis and overview of land stock for land zoned for rural-residential, residential, business, industrial and tourist purposes.

In terms of business lands the Audit considered land zoned B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development and B6 Enterprise Corridor. The Audit found that there remains significant capacity, from an LGA perspective, for further commercial and retail development within existing zoned lands. With the exception of business lands in Cook Drive, near the subject land, all centres have some theoretical capacity for further development for retail and commercial floor space; business lands in the Bray Street and Boambee localities are however nearing capacity.

In terms of the R2 Low Density Residential zone the Audit found that this zone has the potential to accommodate a further 2970 dwellings.

Coffs Harbour Local Environmental Plan

The Proposal is for an amendment to LEP 2013 by way of an additional permitted use added to Schedule 1 of LEP 2013 with respect to Lot 120 DP1184992 which is zoned R2 Low Density Residential, and Lot 3 DP1022408 which is zoned R1 General Residential.

LEP 2013 has a number of provisions that provide for the orderly development of the land and any future development of the land; the relevant clauses are 2.3, 2.5, 4.1, 4.3, 7.1, 7.8, 7.11, 7.12, 7.13 and these are addressed below.

Clause 2.3 Zone Objectives and Land Use Table

This clause requires the consent authority to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The Proposal represents an exception to the permitted uses in the R1 General Residential and R2 Low Density Residential zones that apply to the land and any future development of the land for caravan sales (i.e. vehicle sales or hire premises) will sit outside these objectives. However, any development of the land for a use permitted under the zoning will be subject to the following objectives under the R1 General Residential and R2 Low Density Residential zone.

R1 General Residential zone objectives:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the provision of appropriately scaled tourist and visitor accommodation and tourist related development in locations where it can be adequately provided with services and where the scale and intensity of the development does not detrimentally impact on adjoining, predominantly residential land uses.
- To support active and safe mixed uses at street level compatible with residential living.

R2 Low Density Residential zone objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Clause 2.5 Additional permitted uses for particular land

This clause outlines that development on particular land that is described or referred to in Schedule 1 may be carried out with development consent, or without development consent (if the Schedule so provides) in accordance with any conditions specified in the Schedule in relation to that development. It also states that Schedule 1 has effect despite anything to the contrary in the Land Use Table or other provision of LEP 2013.

Clause 4.1 Minimum Subdivision Lot Size

Under this clause the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. Presently 10 North Boambee Road is subject to a minimum lot size of 400m² and 6B North Boambee Road is subject to a minimum lot size of 1200m². This Proposal will not alter the minimum lot sizes applying to either 6B or 10 North Boambee Road.

Clause 4.3 Height of Buildings

Under this clause the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Both 6B and 10 North Boambee Road are subject to an 8.5m height limit and this is considered appropriate. Any future development will be subject to this height limit which will need to ensure that the scenic quality of nearby residential areas (to the north) can be protected.

Clause 5.5 Development within the coastal zone

This clause sets out a number of matters relating to the coastal zone to be considered. The table below outlines the matters to be considered and a comment with respect to the listed matters.

Matters to Consider	Comment
Existing public access along the foreshore is to be retained and opportunities for new public access to the foreshore to be considered.	The Proposal will have no impact upon public access to the foreshore.
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	The additional land uses permitted can be developed within the environmental capacity of the land.
Any detrimental impacts upon foreshore	The land is set away from the foreshore. The

amenity, including overshadowing of foreshores or loss of significant views and scenic qualities of the NSW Coast.	Proposal as outlined will result in a development that is set well back from public viewing areas and is not expected to have any significant adverse impact upon the scenic qualities of the coast.
Measures to conserve biodiversity and ecosystems including native coastal vegetation and existing wildlife corridors, rock platforms, water quality of coastal water bodies, and native fauna and native flora, and their habitats,	The Proposal is located away from sensitive natural areas.
The cumulative impacts of the proposed development and other development on the coastal catchment.	Future development of the land will be subject to the controls in Council's LEP and DCP to protect the Newports Creek catchment.
The consent authority is to be satisfied that: the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore.	The Proposal will have no impact upon access to the coastal foreshore.
The consent authority is to be satisfied that: if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform,	Reticulated sewer services are available to the land.
The consent authority is to be satisfied that the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.	Any future development will be subject to Council's WSUD policies to protect Newports Creek.
The consent authority is to be satisfied that: the proposed development will not: • be significantly affected by coastal hazards, or have a significant impact on coastal hazards, or • increase the risk of coastal hazards in relation to any other land.	The land will not be significantly affected by coastal hazards such as sea level rise. It is within a low risk area in terms of these hazards.

Clause 7.1 Acid Sulfate Soils

Under this clause development consent is required for the carrying out of works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water-table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The subject land is partly mapped as a low risk (i.e. Class 4 and 5) of potential acid sulphate soils. Given the nature of the likely development which will not involve any considerable excavation, it is considered that any development of the land is likely to have neutral impact in terms of acid sulphate soils disturbance.

Clause 7.3 Flood Planning

This clause applies to land mapped as flood prone land. Under this clause development consent must not be granted unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard that applies to the land, and

- Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood, and
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Flood mapping indicates that the site will be affected by the estimated 1 in 100 year flood extent.

A Flood Assessment has been prepared by GHD Pty Ltd to assess the impact of the Proposal in relation to flooding.

The Assessment found that flooding at the site occurs due to the complex interaction of flooding from Newports Creek overflows and flooding from the Lakes Estate tributary. A flood model was used to simulate flood events and to determine potential flood impacts of the development (showroom component on 10 North Boambee Road) and this showed:

- The impact of the building pad for the development on the 100 Year ARI flood event is less than 15mm for the majority of the area.
- Some minor afflux of approximately 30mm is noted immediately east of the Cook Drive Intersection. This afflux is located in the drainage channel between the realigned Cook Drive and the Bunnings car park. This is attributed to a minor increase in peak flood level upstream of the intersection, resulting in a small increase in flows across the intersection at the peak of the flood event.
- All floor levels of structures are 0.5m above the 100 year ARI flood level.
- The entries and exits to proposed buildings are located outside the low flood hazard areas and flood free evacuation is achievable to the higher ground to the north.

The Flood Assessment concluded that the development would have a negligible effect on flooding, and the future building (showroom component) is suitably located with respect to flood categories and flood hazard and the site satisfies the required clauses of the Coffs Harbour City Council Floodplain Development and Management Policy 2013.

Council's Flooding Engineer has provided the following comments on the Flood Assessment that accompanied the Planning Proposal:

"The model used to assess flood impacts is the one developed for council for the Boambee Newport's Creek Flood Study and Floodplain Risk Management Study and Plan. This model is the latest and best available for assessing flooding in this area. The 100-year ARI flood level for the proposal area is approximately 6.6m AHD and covers the majority of the proposal area. Filling is proposed to raise the area above the 100-year ARI flood level. The lowest ground level that requires filling is approximately 6.0m AHD. Thus flooding of the proposal area is relatively shallow and would require a maximum fill depth of approximately 0.6m. The flood report has assessed the impact of the proposed filling. Impacts for adjoining properties are minor with changes in flood level being less than 15mm. There is a small exception on the eastern side of the highway where a small area has impacts of 30mm with no existing buildings affected. Overall the impact are considered minor and of an acceptable level. Normal access would be via existing access points off North Boambee Road. These are affected by flooding in the 100-year ARI event. The proposal area does have direct access to areas above the 100-year ARI flood level providing emergency egress to flood free land and pedestrian access to the highway. Access is considered adequate. The proposal does provide more commercial land to an established business. Flood mitigation measures with minimal impacts on adjoining properties are proposed and are considered adequate to address flood constraints."

Clause 7.8 Koala Habitat

This clause requires the Coffs Harbour City Koala Plan of Management (KPoM) to be taken into account. The KPoM applies to the whole of the LGA and applies to land mapped as koala habitat and land adjoining land mapped as primary koala habitat. The KPoM maps koala habitat in terms of the level of importance with 'Primary Habitat' being the most important resource for koalas and 'Tertiary Habitat' being the least important. A patch of vegetation near the northern boundary of the site and along the eastern boundary of the site is mapped as Primary Koala Habitat.

Sandpiper Ecological Surveys were engaged by the applicant to assess the ecological impacts of the Proposal and likely development of the land and to make recommendations to mitigate any impacts. The report prepared by Sandpiper Ecological Surveys made the following observations and recommendations:

- The development would remove approximately 5500m² of modified grassland habitat, which would include the removal of up to 12 native trees.
- The trees to be removed did not contain any hollows or nests, and the native flora species to be removed are common and widespread in the locality and region.
- The koala habitat mapping contained in the KPoM identifies the development footprint as being located on land adjoining primary koala habitat.
- The development would not require construction of any physical barriers to koala movement through the study area.
- The development would not require the erection of additional boundary fencing.
- The access to the caravan familiarisation area would service very low volumes of traffic at very low vehicle speeds. Therefore lighting and koala exclusion fencing would not be appropriate measures for protecting koalas on site. A traffic speed limit of 15kmh would be recommended along the access.
- The development would require the removal of up to nine tallowwoods from the site. All other preferred koala food trees would be retained on site. Although the development footprint would not remove any areas of Primary or Secondary Koala Habitat as mapped in the KPoM, it is recommended that the proponent provide compensatory koala food tree plantings at a replacement rate of 1:5 given the very close proximity of the development to Primary Koala Habitat and the proposed removal of at least one tree with evidence of recent use by a koala.
- A traffic speed limit of 15kmh is recommended along the access, to reduce the risk of vehicle strike, by installation of traffic-calming devices (e.g. signage, speed humps).
- It is recommended that tallowwood, a preferred koala food tree species, be planted at a 1:5 replacement rate (i.e. for every one tree removed five will be planted) on the site for any preferred koala food tree species removed as part of the Proposal.
- The development would not increase the occurrence of dogs in the study area. Furthermore, the development would not improve access for dogs or foxes into nearby or adjacent areas of koala habitat.
- Any fire protection zone required for the development would need to be provided outside of areas on site identified as primary koala habitat in the KPoM.
- It is recommended that pre-clearing inspections by an ecologist, experienced in surveying koalas, of trees to be removed. Inspections should be undertaken immediately prior to clearing to ensure no koalas are present.
- It is recommended that the access be aligned to minimise tree removal, particularly removal of tallowwood, flooded gum and swamp mahogany.

Council's Senior Biodiversity Officer has assessed this information and provided the following comments:

“The vegetation on the site has been mapped as Foothills and Escarpment Blue Gum Tallowwood – Turpentine Wet Shrubby Forest, and Coast and Escarpment Blackbutt Dry Forest in the Coffs Harbour Fine Scale (class 5) Vegetation Mapping, with a small amount of native remnant adjacent to North Boambee Road.

The site contains both Primary Koala Habitat and buffers to Primary Koala Habitat. The planning report also mentions that there is active use of at least 1 one feed tree on the site meaning that the site is part of an active home range.

The planning proponent is not seeking to change the zoning rather an amendment of Schedule 1 (Additional Permitted Uses) of Coffs Harbour Local Environmental Plan 2013 (LEP 2013) by way of an additional “use of certain land” to facilitate an expansion of the existing business. This expansion would involve vegetation removal that would impact on the home range of the resident koalas.

It must also be noted that the existing koala habitat mapping is several years old and was based on older vegetation mapping. It is likely that more areas are primary Koala habitat than is actually mapped on the site. Although the area of impact may be small the koala habitat mapping and usage should be reviewed post any favourable gateway determination. This should also involve consideration of the DCP controls regarding offsetting, and Koala Plan of Management actions to determine if there is enough land on the site to meet the requirements. This will help to inform if the eventual development application is viable.

Conclusion:

Proceeding to a Gateway Determination is supported subject to a recommendation that a site based assessment of Koala habitat (as per the CH KPOM 1999 methodology) and assessment of Koala usage is submitted as part of a full flora and fauna report post gateway to accurately determine if any eventual development can meet the requirements of the CH DCP 2015 and the KPOM, and to more accurately assess the level of impact.”

Clause 7.11 Essential Services

This clause requires that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation, and
- suitable road access.

The land has adequate services for the current and future development of the site as envisaged.

Clause 7.12 Design Excellence

This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies. The clause states that development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

In considering whether the development exhibits design excellence, the consent authority must have regard to the listed matters, which include:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- whether the development detrimentally impacts on view corridors,
- the requirements of the Coffs Harbour DCP,
- how the development addresses the following matters:
 - the suitability of the land for development,
 - existing and proposed uses and use mix,
 - heritage issues and streetscape constraints,
 - the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - bulk, massing and modulation of buildings,
 - street frontage heights,
 - environmental impacts such as sustainable design, overshadowing, solar access, wind and reflectivity,
 - the achievement of the principles of ecologically sustainable development,
 - pedestrian, cycle, vehicular and service access, circulation and requirements, and
 - the impact on, and any proposed improvements to, the public domain.

These matters are appropriately addressed at any development application stage and would be relevant for any new buildings.

Clause 7.13 Central Business District

Under this clause consent must not be granted to development on any land unless the consent authority has considered whether the development maintains the primacy of the CBD as the principal business, office and retail hub of Coffs Harbour. The CBD covers the land in the area identified as “CBD” on the Central Business District Map as the principal business, office and retail hub of Coffs Harbour; the land is outside the CBD.

The primacy of the CBD is derived from the collective functions of civic services, retail outlets, recreation facilities, and entertainment facilities. The CBD has the largest commercial area in the LGA and it contains the Regional Art Gallery, City Library, Council Administration Centre, large Swimming Centre, extensive retail areas and some medium and high density housing. The CBD hosts the farmer’s market and other festivals and is to be embellished with a City Park and Performance Centre in the future. The CBD is also the centre of a number of community and social service facilities.

The Proposal is to allow the expansion of a caravan sales business which is appropriately located outside of the CBD and as such will have a neutral impact upon the primacy of the CBD and its function as the foci for business, community and social services. In this context the Proposal maintains the primacy of the CBD.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The State Environmental Planning Policies (SEPP) relevant to the Planning Proposal are identified in Table 1 and discussed in the following section.

Table 1: Consistency with SEPP's

State Environmental Planning Policy	Consistency
SEPP No 64 – Advertising and Signage	Consistent. See additional comments below
SEPP No 71 – Coastal Protection	Consistent. See additional comment below

SEPP No 64 – Advertising and Signage

SEPP No 64 applies to advertising and signage within NSW and the relevant aims of the policy as it applies to this Planning Proposal are:

- (1) This Policy aims:
- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
 -
 - (d) to regulate the display of advertisements in transport corridors, and
 - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The development approvals previously issued by Council for the business have addressed matters relating to signage on the Pacific Highway. Any subsequent development application can also address this issue. As there are no specific amendments relating to advertising or signage, the Planning Proposal is considered to be consistent with the SEPP.

SEPP No. 71 – Coastal Protection

State Environmental Planning Policy (SEPP) is of relevance to this Proposal is SEPP No. 71 – Coastal Protection. This SEPP applies to the land as it is within the coastal zone. Coffs Harbour City Council is required to take into account the matters listed in clause 8 of the Policy when preparing a Draft Local Environmental Plan. These are listed below together with a response on how the Proposal meets the requirement.

Matters to Consider	Comment
Aims of the Policy which seek to protect and better manage the NSW Coast.	The Proposal is for a development in keeping with Council's OLC Strategy which in turn has been prepared in keeping with coastal management policies.
Existing public access along the foreshore is to be retained.	The Proposal will have no impact upon public access to the foreshore.
Opportunities for new public access to the foreshore to be considered.	N/A.
Suitability of development in terms of type, location and design and its relationship with surrounding areas.	The site is suitable for this scale of development anticipated and is in keeping with the surrounding land uses along this part of the Highway corridor.
Any detrimental impacts upon foreshore amenity, including overshadowing of foreshores or loss of significant views.	The Proposal will have no impact upon the foreshore.

Scenic qualities of the NSW Coast.	The Proposal is expected to have a neutral impact upon the scenic qualities of the coast.
Measures to conserve animals (including fish and marine vegetation) and existing wildlife corridors.	Habitat areas are to be managed to protect native flora and fauna as outlined in the ecological report.
The likely impact of coastal hazards and processes.	The land is not subject to any significant coastal hazards or processes; flooding issues are addressed above.
Measures to reduce potential conflict between land-based and water based coastal activities.	There are no land or water based conflicts to deal with.
Measures to protect Aboriginal culture.	The measures to protect Aboriginal culture are discussed in a later section of this report.
Likely impact on the water quality of coastal water bodies.	The land can be developed to have a positive to neutral impact in terms of water quality with the imposition of WSUD measures.
Conservation and preservation of heritage items.	This matter is discussed in a later section of this report.
Encouragement of compact towns and cities.	The Proposal assists in creating a compact Town Centre; it is a logical extension of the adjoining caravan sales use.
Cumulative impacts upon the environment and measures to ensure water and energy efficiency.	The Proposal is in keeping with the Council's OLC Strategy that has considered the wider cumulative impacts. The Proposal will be subject to Section J of the BCA to ensure any new building is energy efficient.

In light of the above it is considered that the Proposal is consistent with SEPP 71.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency with the s117 Directions is assessed in the following Table 2.

Table 2 Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	This planning proposal does not affect land within an existing or proposed business or industrial zone. The Proposal seeks a site specific amendment to Schedule 1 of LEP 2013 to allow an existing business to expand. It provides for a minor land use change that will allow for some additional employment opportunities related to an existing business. The 'local strategies' acknowledge that retailing of bulky goods will necessarily occur outside of the main business centres where sufficient land area and exposure to passing trade is available. The Proposal provides for an extension of an existing business and will have no discernible impact upon the viability of the business centres in the LGA. The Proposal is in keeping with the objectives and the requirement to retain existing business zones, and will add to employment opportunities in the South Coffs locality. The Proposal is in keeping with the business centres hierarchy as expressed in Council's LGMS discussed earlier.	Consistent
2. Environment and Heritage			
2.1 Environment Protection Zones	(4) A planning proposal must include provisions that facilitate the protection and conservation of	This planning proposal does not affect land within an existing or proposed environment protection zone.	More detailed information required post Gateway

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	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 <i>"Rural Lands"</i>.	However, the Coffs Harbour City Koala Plan of Management (KPOM) applies to the site. The site contains both Primary Koala Habitat and buffers to Primary Koala Habitat. The planning report also mentions that there is active use of at least 1 one feed tree on the site meaning that the site is part of an active home range. The planning proposal is not seeking to change the zoning rather an amendment of Schedule 1 (Additional Permitted Uses) of Coffs Harbour Local Environmental Plan 2013 (LEP 2013) by way of an additional "use of certain land" to facilitate an expansion of the existing business. This expansion would involve vegetation removal that would impact on the home range of the resident koalas. Although the area of impact may be small the koala habitat mapping and usage should be reviewed post any favourable gateway determination, as noted earlier in this report. This should also involve consideration of the DCP controls regarding offsetting, and Koala Plan of Management actions to determine if there is enough land on the site to meet the requirements. This will help to inform if the eventual development application is viable.	Determination.
2.2 Coastal	Direction applies when a relevant	The Proposal is consistent	Consistent

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
Protection	planning authority prepares a planning proposal that applies to land in the coastal zone. (4) 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).	with these policy documents as it incorporates the following: • management of environmental hazards; • protection of sensitive areas; • connection with existing urban areas; • consistency with settlement strategies for the creation of compact towns; • conservation of habitat links and habitat areas; and • efficient connection to services, including transport, water and sewer services. The Proposal is considered consistent with this Direction.	
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an	Consultants were engaged to examine the cultural heritage attributes of the site, having regard to the proposed development. The Aboriginal Cultural Heritage Assessment produced involved: • a search of relevant Aboriginal heritage registers; • consultation with the Aboriginal community in line with the Office of Environment and Heritage ('OEH') Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010). • an archaeological investigation of the Project Area; • a brief review of the archaeological and cultural heritage assessments pertinent to	More detailed information may be required post Gateway Determination.

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	the potential heritage values associated with the Project Area; • a review historic aerial photographs of the Project Area; and • an assessment of the potential for the Project Area to contain significant Aboriginal heritage and the impact that the Project may have on said heritage, consistent with the OEH Due Diligence Code for the Protection of Aboriginal Objects in NSW (2010). The Assessment identified an isolated artefact within the site. The Assessment provides: <i>“Having consideration for the predictive model and the constraints to the archaeological survey, it is unlikely that the ridge crest comprises a spatially extensive or dense artefactual deposit and that the site characteristics will be consistent with other low density open campsites located in the area. The site meets the criteria for a Potential Archaeological Deposit (PAD).</i> ... <i>The Planning Proposal will not, in itself, result in harm to Aboriginal objects. However, this study has determined that future works on the site have the potential to result in harm to Aboriginal objects, in the form of damage to the site. Based on the results of the</i>	

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		<i>archaeological survey it is unlikely that the site will be of a size (either in terms of spatial extent or artefact density) or significance that would warrant development of a conservation area, as was the case for the site. The site does not contain artefacts, such as burials, modified trees or middens which are typically of high conservation value. As there are no ground disturbance works which will result from the Planning Proposal an AHIP is not recommended at this stage."</i> The Proposal is not compliant with the Direction insofar as it does not, at this stage, facilitate the conservation of the artefact (or establish the precise extent of the PAD identified). Notwithstanding, compliance with this Direction is not considered appropriate at this stage, given that: • the rezoning will not result in harm to Aboriginal objects; • the area containing the artefact also forms a limited part of the site; and • further investigation of the significance of the identified PAD may be explored as part of any detailed development (via a development application), and any management strategies can be implemented at that stage. Although the area of impact may be small the issue may need to be reviewed post any	

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		favourable gateway determination following referral to relevant external agencies. This will also help to inform if the eventual development application is highly constrained.	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. (4) 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, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or	The planning proposal will not alter the current provisions for housing under the residential zones that apply to the land. Should the use of the site as a vehicle sales or hire premises be abandoned in part or completely then the land will be able to be used for a residential purpose as permitted under the existing zones. The Proposal will not alter any of the existing provisions under LEP 2013 relating to design excellence, permitted housing types, housing density or the need for infrastructure services.	Consistent.

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	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.		
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. 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) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	The planning proposal provides the following measures to integrate land use and transport planning in accordance with the DUAP documents: • Land is located with 500m of main arterial road for transport; • Land is connected to available pedestrian and cycleway networks; and • Land is within close proximity to the Cook Drive and Mansbridge Drive business zones.	Consistent
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the	As stated earlier the site has a very low risk of containing acid sulphate soils as the land is within Class 4 and 5 of the acid sulphate soils risk maps. Given that the main expected disturbance will be for a building pad services and access, no significant excavations are expected and no adverse impacts from the development of the land in terms of groundwater quality or water-table issues are anticipated. For these reasons the	Justifiably inconsistent for reasons listed

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	planning proposal that are inconsistent are: (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance.	provisions of the planning proposal that are inconsistent are considered to be “of minor significance”. An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. 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 <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). 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. 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	Some of the land affected by this planning proposal is flood affected. This issue has been addressed earlier in this report with the Flood Assessment concluding that the proposed development would have a negligible effect on flooding, with the new showroom suitably located with respect to flood categories and flood hazard and the site satisfies the required clauses of the Coffs Harbour City Council Floodplain Development and Management Policy 2013. An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	Justifiably inconsistent for reasons listed

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	(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. 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). 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 <i>Guideline on Development Controls on Low Flood Risk Areas</i>) 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).		
4.4 Planning for Bushfire Protection	Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. 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	The proposal will affect areas of land identified as being bushfire prone. However, it will not impact on the existing planning controls that address the issue of bushfire hazard on this land. These matters are addressed in Section C below. The Gateway Determination will likely require Council to consult with the NSW Rural Fire	More detailed information may be required post Gateway Determination.

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, A planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. 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	Service.	

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for 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.		
5. Regional Planning			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	As stated earlier in this report, the Proposal is consistent with the Mid North Coast Regional Strategy; the Proposal provides for a logical extension of an existing business use and is in keeping with the objectives of providing additional employment opportunities in close proximity to new release areas (i.e North Boambee and South Coffs Release Areas).	Consistent
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway. (5) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that: (a) new commercial or retail development must not be established near the Pacific Highway if this proximity	This Proposal provides for an extension of the existing business; the Proposal does not provide for the rezoning of the land for business purposes and therefore avoids ‘ribbon development’. The Proposal envisages a low scale building being built on the land away from the Highway frontage. Given the location and scale	Consistent

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	would be inconsistent with the objectives of this Direction. (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway. (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 (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater. (6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities.	of development and access arrangements, no significant impacts upon the Level of Service of the Highway and the intersection with North Boambee Road are expected. As the land has good access to a signalised intersection (Pacific Highway/North Boambee Road/Cook Drive) with significant capacity it will have no significant adverse impact upon the safety and efficiency of the Highway. A Traffic Impact Assessment by Bitzios Consulting has been carried out to assess the traffic impacts of the Proposal. The key findings of the Assessment are as follows: - background traffic has been factored to future years using conservative growth rates, the background traffic used in the assessment includes traffic generated by expected residential developments in North Boambee Valley; - the eventual development is expected to generate 37 vehicle trips in the AM peak hour and 39 vehicle trips in the PM peak hour. The traffic generated by the development is equal to a 1% increase to the net background traffic at the Pacific Highway/North Boambee Road intersection using 2015 traffic volumes; - the SIDRA intersection	

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		assessment indicates that the intersection is approaching operational capacity for a signalised intersection in the 2017 base scenario and the intersection is operating overcapacity for a signalised intersection in the 2027 base scenario. Detailed analysis of the SIDRA • results determined that the addition of the development traffic has a minor impact on the intersection's performance with minor increases in DOS, delays and queues; • RMS has plans to construct a 'bypass' of Coffs Harbour which is expected to decrease through movement volumes on the Pacific Highway. The bypass is not expected to be completed prior to 2027. Once the bypass is complete it is expected to reduce through movement volumes on the Pacific Highway, which would yield benefits to the subject intersection's operational performance; • the carpark and internal road layout is designed with regards to the Australian Standards AS2890 and Council's DCP; • swept paths show that both service vehicles, the RCV and HRV, are able to enter and exit the site in a forward gear; and • the development is in	

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		close proximity to public transport facilities and surrounding pedestrian connections. The Assessment concluded that: “The proposed development provides sufficient transport components with respect to Council’s Guidelines and Australian Standards and does not result in any significant adverse traffic impacts that would preclude its approval on transport planning grounds by way of reasonable and relevant conditions.” In light of the above the Proposal is considered consistent with this Direction.	
6. Local Plan Making			
6.3 Site Specific Provisions	Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that	The previous local planning instrument that applied to the area - Coffs Harbour Local Environmental Plan 2000 (LEP 2000) included the site within clause 24 (an ‘exceptions’ clause), so as to permit consent to allow the Caravans sales and hire business to operate from 6-6A-6B North Boambee Road. This particular exception was not carried over into LEP 2013, however now the owners of the land have requested that this land use exception be reinstated by way of this Schedule one amendment. 6-6A-6B North Boambee Road are currently zoned R1 General Residential and Council considers that this is a suitable long term zone for this location, given the presence of an adjacent	Justifiably inconsistent for reasons listed

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal. (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.	motel, immediately to the north, and a caravan park adjacent to the motel. Similarly, 10 North Boambee Road is currently zoned R2 Low Density Residential and Council considers that this is a suitable long term zone for this location, given the other R2 zoned land to the west of this particular property. The presence of the current route of the Pacific Highway and surrounding business and industrial development also lend the site to this particular use (vehicle sales and hire) in the interim. The sunset clause will provide an impetus for the development to proceed in a timely manner, as well as not “clogging up” schedule one unnecessarily should the development not proceed. The Development Concept Plan has been submitted with the Planning Proposal to provide context to the planning proposal and indicate where a potential expansion could occur. Detailed / altered plans responding to site constraints would need to be submitted with any future Development Application. The planning proposal will not alter the existing zone of the land and any future development application/s can propose different development configurations of the same land use, or other uses in accordance with the zone. For these reasons, the departure from this particular	

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		s117 Direction is considered to be of minor significance. An approval for a variation to this s117 Direction is considered to be reasonable under the circumstances.	

Section C - Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The ecological assessment of the site by Sandpiper Ecological Surveys included a search of the OEH Atlas of NSW Wildlife database which identified 38 threatened fauna species and 25 threatened flora species previously recorded in the locality (i.e. within 10 kilometres of the study area). The study area provided known habitat for one threatened fauna species, koala, and potential habitat resources for 16 threatened fauna species. No suitable habitat existed on site for any threatened flora species previously recorded in the locality.

The ecological assessment noted that the vegetation types recorded in the study area are not representative of any State or Federally listed Threatened Ecological Community. The assessment included a seven part test, in accordance with the Threatened Species Conservation Amendment Act 2002, and replaced by seven factors, which are contained within Section 5A of the EP&A Act. This test concluded that the proposed development would be unlikely to have a significant effect on threatened species or populations likely to occur in the study area due mainly to:

- the limited extent and/or sub-optimal quality of habitat resources to be affected; and
- the high mobility of the threatened fauna species likely to occur on site.

The Environment Protection and Biodiversity Conservation Act 1999 threatened species assessment provided in the ecological assessment concludes that the proposed development is unlikely to have a significant impact on nationally listed threatened species, and would not require referral to the Commonwealth Department of Environment.

This issue has also been addressed in Section B(5) of this planning proposal report.

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

The Proposal has potential impacts in terms of the following:

- Bushfire;
- Koala habitat;
- Traffic;
- Cultural heritage; and
- Flooding;

Bushfire

A Bushfire Assessment was prepared by GHD Pty Ltd to assess the bushfire hazards associated with the Proposal and the measures required to meet the Planning for Bushfire Protection Guidelines 2006.

The main findings and conclusions of the Assessment are as follows;

- The bushfire prone land maps revealed that the site contains some category 1 bushfire prone land along the northern and eastern boundaries.
- According to PBP 2006, the showroom is considered “other” development which there is no specific requirements for but should aim to meet the aims and objectives of PBP 2006.
- The caravan delivery centre may be considered a special fire protection purpose (SFPP) development.
- Adequate space is available to meet the APZ requirements in all directions on the site, but some vegetation removal would be required to the north of the proposed showroom.
- It is reasonable to conclude that the proposed protection measures (colorbond) fencing, boundary access road providing separation between fence and caravan sites, and close, safe evacuation locations immediately upon any notification of smoke, or fire on adjacent land or issue of bushfire warnings) will mean:
 - radiant heat shielding to levels less than 5 kW/m² can be achieved for the proposed caravan sites modelling indicates that no flame contact is credible at caravan locations, nor the vehicle access and egress provided (which has a turnaround area),
 - safe on-site emergency assembly areas are available readily accessible from the caravan familiarisation area.
- The internal roads (two-wheel drive, sealed and all-weather), including the perimeter road, would have a trafficable width of at least 6m, as requested by RFS. The dead end perimeter road is greater than 100 metres from a through road but it does have a suitable turning circle.
- A 12 metre outer radius turning circle at the end of the dead end perimeter road.
- Traffic management devices that are constructed to facilitate access by emergency service vehicles.
- A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches, is provided.
- Curves that have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.
- Access roads with a minimum distance between inner and outer curves is six metres.
- Access roads where maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees and cross fall of the pavement is not more than 10 degrees.
- Roads that do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- Roads that would be clearly sign-posted and bridges clearly indicate load ratings.
- Road surfaces and bridges that would have a capacity to carry fully-loaded fire fighting vehicles (15 tonnes).
- An Emergency and Evacuation Management Plan should be developed by an Emergency Planning Committee that complies with the RFS Guidelines for the ‘Preparation of Emergency and Evacuation Plan.

The Bushfire Assessment concludes that:

“... the bushfire protection provisions proposed for the development, as well as accompanying recommendations outlined in this report, generally comply with the “Acceptable Solutions” for each Protection Measure contained within the relevant section of PBP 2006. The caravan familiarisation area does not achieve some of the required APZs but following a meeting with RFS, additional

measures have been incorporated as an alternative. The dead end perimeter road is greater than 100 metres from a through road but it does have a suitable turning circle.”

It is also noted that the Gateway Determination will likely require Council to consult with the NSW Rural Fire Service.

Koala Habitat

As discussed above the consultant assessment suggests that the proposal will likely result in the removal, for the development itself and for bushfire protection of the development, of approximately 5500m² modified grassland habitat, which would include the removal of up to 12 native trees which include 9 Tallowwoods. Although the proposed development footprint would not remove any areas of Primary or Secondary Koala Habitat as mapped in the CKPoM, the proponent has acknowledged the need to provide compensatory koala food tree plantings at a replacement rate of 1:5. It is also acknowledged that the following measures be implemented at the development application stage to protect the habitat values of the land;

- A traffic speed limit of 15km/h along the proposed access and exit roads ,to reduce the risk of vehicle strike, by installation of traffic-calming devices (e.g. signage, speed humps).
- The access road be aligned to minimise tree removal, particularly removal of tallowwood, flooded gum and swamp mahogany.
- That pre-clearing inspections by an ecologist, experienced in surveying koalas, of trees to be removed. Inspections should be undertaken immediately prior to clearing to ensure no koalas are present.

These measures could be implemented for any future development upon the land and suggest that the land can potentially be developed in accordance with the KPoM following the LEP amendment as proposed.

However, it must also be noted that the existing koala habitat mapping is several years old and was based on older vegetation mapping. It is likely that more areas are primary Koala habitat than is actually mapped on the site. Although the area of impact may be small the koala habitat mapping and usage should be reviewed post any favourable gateway determination. This should also involve consideration of the DCP controls regarding offsetting, and Koala Plan of Management actions to determine if there is enough land on the site to meet the requirements. This will help to inform if the eventual development application is viable.

Traffic

The intersection modelling undertaken for the development allowed by this planning proposal indicates that the intersection is approaching operational capacity for a signalised intersection in the 2017 base scenario and the intersection is operating overcapacity for a signalised intersection in the 2027 the base scenario. Detailed analysis of the modelling results determined that the addition of the development traffic has a minor impact on the intersection’s performance with minor increases in DOS, delays and queues. However, once the Pacific Highway bypass is complete it is expected to reduce through movement volumes on the Pacific Highway, which would yield benefits to the subject intersection’s operational performance.

The Traffic Assessment concludes that the development provides sufficient transport components with respect to Council’s Guidelines and Australian Standards and does not result in any significant adverse traffic impacts that would preclude its approval on transport planning grounds by way of reasonable and relevant conditions.

Cultural Heritage

As stated above, consultants were engaged to examine the cultural heritage attributes of the site, having regard to the development.

The Assessment identified an isolated artefact within the site.

The Assessment provided:

“Having consideration for the predictive model and the constraints to the archaeological survey, it is unlikely that the ridge crest comprises a spatially extensive or dense artefactual deposit and that the site characteristics will be consistent with other low density open campsites located in the area. The surrounding ridge crest meets the criteria for a Potential Archaeological Deposit (PAD).

...

The rezoning will not, in itself, result in harm to Aboriginal objects. However, this study has determined that future works on the site have the potential to result in harm to Aboriginal objects on the site. Based on the results of the archaeological survey it is unlikely that the site will be of a size (either in terms of spatial extent or artefact density) or significance that would warrant development of a conservation area, as was the case for the identified site. The site does not contain artefacts, such as burials, modified trees or middens which are typically of high conservation value. As there are no ground disturbance works which will result from the rezoning application an AHIP is not recommended at this stage.”

Given that the Planning Proposal will not result in harm to Aboriginal objects; that the location containing the artefact also forms a limited part of the site; and, its further investigation may be explored as part of any detailed development (via a development application), the findings of an Aboriginal artefact on part of the site may be appropriately managed. In this regard, the Assessment submitted with the Planning Proposal provides three recommendations, which provide:

Recommendation 1: Additional Archaeological Investigation and AHIP

The assessment identified that previously recorded AHIMS site is situated partially within the Project Area. As described in Section 2 of this report, an activity that will result in harm to Aboriginal Objects requires an Aboriginal Heritage Impact Permit under Section 90 of the National Parks and Wildlife Act 1974 (NSW).

It is recommended that additional archaeological investigation and Aboriginal community consultation is undertaken prior to any ground disturbance occurring on the site. Selected archaeological test-pit excavations would be an appropriate methodology to understand the nature and extent of any archaeological materials on the ridge crest. Such works should be consistent with the requirements of the OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).

Recommendation 2: Aboriginal Human Remains

Although it is unlikely that Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station (Coffs Harbour), the Coffs Harbour Local Aboriginal Land Council and the OEH Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the OEH should be consulted as to how

the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 3: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal community.

Although the area of impact may be small, the issue may need to be reviewed post any favourable gateway determination following referral to relevant external agencies. This will also help to inform if the eventual development application is highly constrained.

Flooding

The Flood Assessment concluded that the proposed development would have a negligible effect on flooding. The Assessment also found that the buildings are suitably located with respect to flood categories and flood hazard and the site satisfies the required clauses of the Coffs Harbour City Council Floodplain Development and Management Policy 2013. Council supports this view, as noted earlier in this report.

10. How has the Planning Proposal adequately addressed any social and economic effects?

To determine the socio economic effects of the Planning Proposal, consideration should be given to the direct economic impacts in terms of the supply and demand for business land in the LGA; capital investment and employment potential; and impact upon the CBD, being the prime business centre in the LGA.

The concept proposal submitted with this Planning Proposal indicates that the proposed expansion will provide for approximately 1,600m² of indoor and outdoor display and sales area and a 748m² showroom which represents less than 0.5% of the total reported retail floor space in Coffs Harbour and less than 1.5% of the total bulky goods retail floor space. This additional floor space is not seen to be of sufficient size to have any discernible impact upon the existing role and function of the business centres in the hierarchy or the general supply and demand for bulky goods land, but would make a small contribution at the local level to the provision of additional bulky goods retail space in the South Coffs area. The Proposal is very specific and will limit the retail use to vehicle (caravan) sales and sales of ancillary goods. The specificity of the proposed land use and the fact that the Proposal is to add to an existing business will further diminish the potential impacts upon the general retail patterns and business hierarchy in the LGA. It should also be acknowledged that the business serves a wider catchment than the LGA and is potentially a significant asset for the tourist industry in Coffs Harbour and beyond.

The OLC Strategy outlines significant growth around the South Coffs Harbour area including the North Boambee Valley Release Area (849 possible dwellings), South Coffs Release Area (477 possible dwellings) and Boambee Rural Residential Release Area (23 possible dwellings). These new dwellings in these release areas will increase demand for bulky goods items and light industrial uses associated with the housing construction industry and other goods such as caravans. The site is strategically placed to meet needs of this domestic population and the growing tourist population that visit Coffs Harbour and the region.

In terms of capital investment, the Proposal is expected to result in a development with a construction cost in the order of \$2.5M that will assist in an economic boost for the local economy. The construction phase will provide employment opportunities for builders, plumbers, electricians, painters, landscapers, utility technicians, plasterers, fabricators and other contractors. The Proposal will also provide post construction jobs that will further assist the local economy generally and the tourist industry specifically.

The Proposal is not expected to have any significant impact upon the primacy of the CBD. As stated above, the primacy of the CBD is derived from the collective functions of civic services, retail outlets, recreation facilities, and entertainment facilities. The CBD has the largest commercial area in the LGA and it has the Regional Art Gallery, City library, Council Administration Centre, large Swimming Centre, extensive retail areas and some high density housing. The CBD also has the farmer's market and other festivals and is to be embellished with an upgraded City Park and Performance Centre in the future.

Bulky goods retail premises, which would loosely include caravan sales centres, supplement the City's role and function as a major regional centre. This kind of retailing is appropriately located on the periphery of the CBD where land parcels are larger and access is easier for the loading and unloading of goods and the warehousing of goods. The CBD does not derive its regional status or its primacy from bulky goods retail services, despite some of these services being located within it.

The Proposal provides for less than 2400m² of vehicle (caravan) sales floor space and is not of such a scale to influence the wider CBD market.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the Planning Proposal?

Road Network and Access

The site has significant frontage to North Boambee Road. 10 North Boambee Road has a driveway to North Boambee Road, which presently serves the existing child care centre located on it.

Numbers 6, 6A and 6B have a separate driveway to North Boambee Road, which presently serves the existing Watsons Caravans business. Each of these driveways is of sufficient size and standard of construction so as to accommodate the development; it is however likely that access between the properties (10 North Boambee Road and 6, 6A and 6B North Boambee Road) would be rationalised should the development proceed.

The Traffic Assessment concludes that the development provides sufficient transport components with respect to Council's Guidelines and Australian Standards and does not result in any significant adverse traffic impacts that would preclude its approval. Council supports this view.

Electricity and Telephone

The subject site is readily serviced with access to the electrical grid and telecommunications network; both the existing business and child care centre located on 10 North Boambee Road are connected to these services.

Water and Sewerage

Reticulated water and sewerage services are already available at the site; both the existing business and child care centre located on 10 North Boambee Road are connected to these services.

Number 10 North Boambee Road has a sewer main extending into the property from the west, while 6, 6A and 6B North Boambee Road have a main that extends inside the boundary of the Highway frontage of the properties. A water main is also present along the boundary of 6, 6A and 6B North Boambee Road along its Highway frontage.

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

This requirement of the Planning Proposal will be determined following additional consultation with any State and Commonwealth Public Authorities which are identified in the Gateway Determination.

PART 4 – COMMUNITY CONSULTATION

Given the existing and previously approved development on the subject site, this Planning Proposal represents a minor change in the context of Council's LGA wide planning strategy, namely Coffs Harbour Local Environmental Plan 2013. This means that the Planning Proposal is:

- generally consistent with the pattern of surrounding land use zones and/or land uses;
- is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing;
- is not a principal LEP; and
- does not reclassify public land.

(‘A Guide to Preparing Local Environmental Plans’, S.5.5.2, NSW P&I, April 2013)

The Gateway Determination to be issued by P&E will stipulate the timeframe that the Planning proposal will need to be publicly exhibited for. P&E will also determine the State Government departments that will need to be consulted.

PART 5 – INDICATIVE TIMETABLE

The table 3 outlines the indicative timeframe for this Planning Proposal:

Table 3 Indicative timetable

Task	Estimated timeframe
Decision by CHCC to proceed	February 2017
PP referred to NSW Planning and Environment	March 2017
Finalisation of additional information as requested by Council and issuing of Gateway Determination	April - June 2017
Public exhibition / Agency consultation of Planning Proposal	July - August 2017
Review submissions	August - September 2017
Report to Council	September 2017
Preparation of a final Planning Proposal for submission to the NSW Department of Planning & Environment requesting the LEP amendment to be made	October 2017
Submission to Planning Minister	October - November 2017
Responses to Ministerial comments	November 2017

SUMMARY AND CONCLUSIONS

This Planning Proposal seeks an LEP amendment that will relate to 6, 6A, 6B and 10 North Boambee Road, North Boambee Valley so as to facilitate an expansion of an existing business, located on adjoining properties 6 and 6B North Boambee Road, North Boambee Valley.

The existing business was supported by a similar exercise with Coffs Harbour Local Environmental Plan 2000, wherein the instrument was amended so as to accommodate the expansion of the business.

The Proposal seeks to amend Coffs Harbour Local Environmental Plan 2013 by inclusion of 6, 6A, 6B and 10 North Boambee Road, North Boambee Valley within Schedule 1 (Additional Permitted Uses) for the purpose of permitting “vehicle sales or hire premises” with an associated sunset clause of 5 years. It should be noted that 6, 6A & 6B North Boambee Road, North Boambee Valley was originally included in the ‘exceptions’ clause to Coffs Harbour Local Environmental Plan 2000, but subsequently removed with the advent of Coffs Harbour Local Environmental Plan 2013.

Council and the community will benefit from the Proposal as it will:

- permit the sensible expansion of an existing vehicle (caravan) sales business in the local area, in an area already characterised by activities of a similar nature, and on a site which is considered suitable for the purpose, having good transport links and exposure; and
- allow for the expansion of the existing vehicle (caravan) sales business which will generate employment opportunities, and increase the businesses profile on a regional scale, and contribute to the local economy.

The Planning Proposal is considered consistent with Council’s Community Strategic Plan 2030 and Our Living City Settlement Strategy. The Planning Proposal is also consistent with the Mid North Coast Regional Strategy, Draft North Coast Regional Plan and is consistent with all relevant SEPP’s. It is also considered consistent with relevant Section 117 Directions, apart from a minor inconsistency with Directions 4.1 (Acid Sulfate Soils) and 4.3 (Flood Prone Land) and 6.3 (Site Specific Provisions), as discussed elsewhere in this report. An approval for a variation to these three s117 Directions is considered to be reasonable under the circumstances. Further information will also be required to support inconsistencies with Directions 2.1 (Environmental Protection Zones), 2.3 (Heritage Conservation) and 4.4 (Planning for Bushfire Protection) prior to any approval for variation to these particular Directions.