

SC21/32	PLANNING PROPOSAL FOR AN ADDITIONAL PERMITTED USE (STORAGE AND HIRE OF SHIPPING CONTAINERS) - LOT 13 DP 1109077, HULBERTS ROAD TOORMINA - VERSION 1 PRE-EXHIBITION
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MyCoffs: B.1 A thriving and sustainable local economy
Attachments: ATT1 SC21/32 Planning Proposal - Hulberts Road, Toormina - Version 1 Pre-Exhibition

EXECUTIVE SUMMARY

A proponent-led application has been received by Council to amend Coffs Harbour Local Environmental Plan (LEP) 2013 for Lot 13 DP 1109077, Hulberts Road, Toormina to facilitate an additional permitted use on the land. The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend Schedule 1 Additional Permitted Uses of Coffs Harbour LEP 2013 to allow the storage and hire of shipping containers to be permitted with development consent on the subject land.

RECOMMENDATION:

That Council:

1. Endorse and forward a planning proposal (Attachment 1) to amend Schedule 1 Additional Permitted Uses of Coffs Harbour LEP 2013 for Lot 13 DP 1109077, Hulberts Road, Toormina to the NSW Department of Planning, Industry and Environment seeking determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979 (Gateway Determination).
2. Request that the Secretary of the NSW Department of Planning, Industry and Environment issue written authorisation to Council to exercise delegation of the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.
3. Resolve to publicly exhibit the planning proposal and undertake government agency consultation based on the Gateway Determination issued by the NSW Department of Planning, Industry and Environment.
4. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal.
5. Inform the landowners of the subject land and their consultant of Council's decision.

REPORT

Description of Item:

A proponent-led application has been received by Council to amend Schedule 1 Additional Permitted Uses of Coffs Harbour LEP 2013 for Lot 13 DP 1109077, Hulberts Road, Toormina to allow the storage and hire of shipping containers to be permitted with development consent on the subject land.

The application has merit, as the subject land is relatively unconstrained and Zone IN1 General Industrial is considered to be an appropriate location for such development. In this regard, a planning proposal has been prepared in accordance with Section 3.33 of the *Environmental*

Planning and Assessment Act 1979 ('The Act') to initiate an amendment to Coffs Harbour LEP 2013 (Attachment 1).

- The Subject Land:**

The application to amend Coffs Harbour LEP 2013 affects land at Hulberts Road (Lot 13 DP 1109077), Toormina (Figure 1).



Figure 1 – Subject Land

The subject land has an area of approximately 1.6 hectares and has been the subject of a number of approvals for industrial land uses over the past seventeen years. The land has been cleared and filled in accordance with Development Consent 0851/06DA for the construction of industrial units on the eastern portion of the site. The subject land is contained within Zone IN1 General Industrial under Coffs Harbour LEP 2013 as shown in Figure 2.

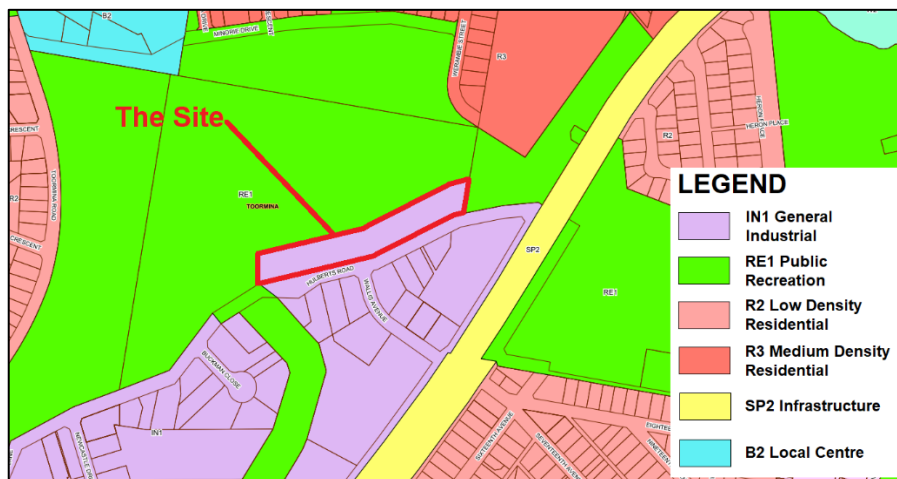


Figure 2: Land Use Zones – Coffs Harbour LEP 2013

Issues:

- Additional Permitted Uses**

Council is able to permit additional uses for specific sites within Coffs Harbour LEP 2013 (in addition to the land uses already identified in the land use table of the plan). Additional permitted uses are included in Schedule 1 of Coffs Harbour LEP 2013.

The NSW Department of Planning, Industry and Environment's Draft LEP Practice Note on Schedule 1 Additional Permitted Uses states that Schedule 1 of an LEP should only be used in exceptional circumstances, where Council can demonstrate that there is no other acceptable solution to progress the matter.

The storage and hire of shipping containers does not meet any of the definitions for industrial land uses within the Standard Instrument – Principle LEP 2006. It is captured within the broad definition of a 'specialised retail premises' (bulky goods), which is a prohibited land use in Zone IN1 General Industrial.

This issue was explored in developing the Coffs Harbour Local Growth Management Strategy 2020 – Chapter 8 Employment Lands. In this Chapter, it is recommended that specialised retail premises are limited within industrial areas, so as not to detract from commercial centres.

Specialised retail premises are permitted with development consent in Zone B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B5 Business Development under Coffs Harbour LEP 2013. These zones are generally located in more visually prominent areas of the Coffs Harbour LGA and businesses within these commercial zones rely on visually presentable retail shop fronts to attract customers.

The proposal to utilise the subject land for the storage and hire of shipping containers is considered to be industrial in nature, particularly due to its visual representation, associated loading/unloading requirements and truck movements. The use is not deemed to be suitable for the commercial zones within the Coffs Harbour Local Government Area in which specialised retail premises are permitted with consent. It is for this reason that an 'additional permitted use' is recommended as the preferred solution and not the inclusion of specialised retail premises broadly within Zone IN1 General Industrial.

- **Amenity Impacts**

Coffs Harbour Local Growth Management Strategy 2020 – Chapter 8 Employment Lands states that the 'Hulberts Road Precinct' has the potential to transition to Zone IN2 Light Industrial, due to its proximity to residential land and the dominance of lower-impact uses that would align with a light industrial zoning.

The subject land is within the 'Hulberts Road Precinct' and is considered to be suitable for the storage and hire of shipping containers due to the lands topography and surrounding vegetation/open space, which would minimise amenity impacts on nearby residential land uses.

Options:

Council has a number of options available in relation to this matter. They include:

1. Resolve to adopt the recommendations of this report.
2. Resolve to undertake an alternative approach.

Option 1 is recommended as the suitable course of action.

Sustainability Assessment:

- **Environment**

Environmental sustainability issues are summarised in the planning proposal (Attachment 1). Environmental sustainability issues are also required to be addressed as part of any future development application should the planning proposal be initiated.

- **Social**

Social sustainability issues are addressed in the planning proposal (Attachment 1). The use of the subject land for the storage and hire of shipping containers is unlikely to result in any social impact, due to the lands topography and surrounding vegetation/open space, which would minimise amenity impacts on nearby residential land uses.

- **Civic Leadership**

The planning proposal accords with relevant objectives and associated strategies of the MyCoffs Community Strategic Plan, including B1.1 We champion business, events, innovation and technology to stimulate economic growth, investment and local jobs; and B1.2 We attract people to work, live and visit in the Coffs Harbour local government area.

- **Economic – Broader Economic Implications**

The proposal will enable the establishment of a new business and thus will provide for local employment opportunities. The proposal will also provide for additional services and support for associated businesses (i.e. construction companies).

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

The proposed amendment to Coffs Harbour LEP 2013 is a proponent-led application and therefore Council's adopted fees and charges apply. In this regard, there are no implications for Council's Delivery Program or Operational Plan as this process is funded by the applicant.

Risk Analysis:

The planning proposal (Attachment 1) addresses the constraints that affect the land, sufficient to allow Council to initiate the planning proposal to the next stage of the plan making process (Gateway Determination), which involves community and stakeholder consultation, thereby minimising risk to Council.

Consultation:

Should Council resolve to initiate the planning proposal and a Gateway Determination is subsequently issued by the NSW Department of Planning, Industry and Environment, the proposal is required to be exhibited in accordance with the determination and relevant provisions of the Act. Consultation with government agencies and other stakeholders may also be required if specified within the determination. Consultation will be undertaken in accordance with Council's Community Participation and Engagement Plan 2019, as follows:

Project Stage	Inform	Consult	Involve	Collaborate
Pre-lodgement Discussions	x	x	x	
Initiate Planning Proposal	x	x		
Public Exhibition	x	x		
Post Exhibition Report to Council	x	x		
Post Endorsement Notification	x			

Place Score:

In early 2019, Council undertook extensive community consultation using the Place Score place-making tool. This 'place experience' measurement tool enabled residents and visitors within the Coffs Harbour Local Government Area to share what they most value in their neighbourhood and then to rate how their neighbourhood is performing against such values. The 2019 Place Score report was presented to Council on 11 April 2019.

Toormina received a Place Score of 58, which is below the NSW average of 72 for liveability. The Toormina community nominated 'elements of natural environment' as being the community's most important attribute. This includes natural features, views, vegetation, topography, water and wildlife etc. The proposed amendment to Coffs Harbour LEP 2013 will provide a mechanism to allow a relatively low impact, light industrial land use that will interface with surrounding open space, hence protecting such highly valued attributes.

Related Policy, Precedents and / or Statutory Requirements:

This planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 and Regulation 2000*. A number of other relevant policies and statutory documents have also been considered in the preparation of the planning proposal.

Implementation Date / Priority:

Should Council resolve to initiate the planning proposal, Gateway Determination will subsequently be sought from the NSW Department of Planning, Industry and Environment to enable the proposed LEP amendment to proceed to the next stage of the plan making process. The timeframe for the completion of this planning proposal is governed by the Act and thus is determined by the NSW Department of Planning, Industry and Environment.

Conclusion:

The purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to amend Coffs Harbour LEP 2013 to facilitate an additional permitted use (storage and hire of shipping containers) on Lot 13 DP 1109077, Hulberts Road, Toormina.

The proposed amendment to Coffs Harbour LEP 2013 has planning merit, as the subject land is relatively unconstrained and is located within an industrial zone, which is considered to be appropriate for such land use. The proposal accords with the North Coast Regional Plan 2036 and Coffs Harbour Local Growth Management Strategy 2020.