



IRF24/1245

Gateway determination report – PP-2024-1043

Rezone part of the Valla Urban Growth Area and
amend associated development controls

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment B – Council Report 11-04-2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Nambucca Valley
PPA	Nambucca Valley Council
NAME	Rezone part of the Valla Urban Growth Area and amend associated development controls
NUMBER	PP-2024-1043
LEP TO BE AMENDED	Nambucca Local Environmental Plan (LEP) 2010
DESCRIPTION	Parts of Lot 2 DP 1173066 and Lot 19 DP 755560
RECEIVED	15/05/2024
FILE NO.	IRF24/1245
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal is to implement a minor rezoning of the Valla Urban Growth Area (UGA) to provide for improved urban design.

Given the proposed amendment seeks to introduce a significant change to the centres hierarchy of the local government area (LGA), it is considered the objectives and intended outcomes of the proposal do not accurately reflect the purpose and scope of the proposal.

1.3 Explanation of provisions

The proposal seeks to rezone and amend the associated development controls applicable to part of the Valla UGA to align with the Valla UGA Development Control Plan (DCP).

The explanation of provisions contains a number of errors and contradictory advice. The amendments proposed to the Nambucca LEP 2010 are summarised in the table below and are based on subsequent information and advice provided by Council following submission of the planning proposal for a gateway determination.

Table 3 Current and proposed controls for the planning proposal area

Control	Current	Proposed
Zone	E1 Local Centre E3 Productivity Support E4 General Industrial R1 General Residential	E2 Commercial Centre E4 General Industrial R1 General Residential R3 Medium Density Residential
Maximum height of the building	Nil	E2 – 14m R1 – 8.5m R3 – 12m
Minimum lot size	Nil	E2 - Nil R1 – 450m ² R3 – 450m ²

Some of the inconsistent information contained in the planning proposal includes:

- the text in paragraph 1 incorrectly identifies the current zones that will be affected by the proposal and also references the B4 General Industrial zone which is not a Standard Instrument LEP zone;
- the land to which the planning proposal applies is inconsistently identified, with differences between the text, site map and proposed land zoning map. Council has subsequently confirmed the proposal applies to parts of both Lot 2 DP 1173066 and Lot 19 DP 755560; and
- the planning proposal seeks to change the floor space ratio (FSR) controls. However, there are no FSR controls that currently apply to the land. Council has subsequently advised the proposal does not seek to change the FSR.

The planning proposal does not contain an explanation of provisions which would assist a wide audience to clearly understand the scope and impacts of the proposal.

1.4 Site description and surrounding area

The Valla UGA comprises 317 hectares of land zoned for employment, conservation and residential purposes. As noted in section 1.3 of this report, the planning proposal inconsistently identifies the land to which the planning proposal applies. Council has verbally advised the proposal applies to parts of both Lot 2 DP 1173066 Red Ash Road and Lot 19 DP 755560 Cow Creek Road, Valla. The lots are located approximately 10km northwest of Nambucca Heads (Figure 1).

The lots comprise part of the Valla UGA. The Valla UGA was zoned for urban and employment purposes by Amendment No 9 to the Nambucca LEP 2010 in 2012.

The planning proposal area is currently zoned part E1 Local Centre, part E3 Productivity Support, part E4 General Industrial and part R1 General Residential (Figure 2). It is affected by flooding (Figure 11), bushfire (Figure 12), instability (Figure 13) and potential contamination (Figure 14).

The land surrounding the Valla UGA is zoned RU2 Rural Landscape and utilised for agricultural activities. The Pacific Highway runs parallel to Red Ash Road to the east.

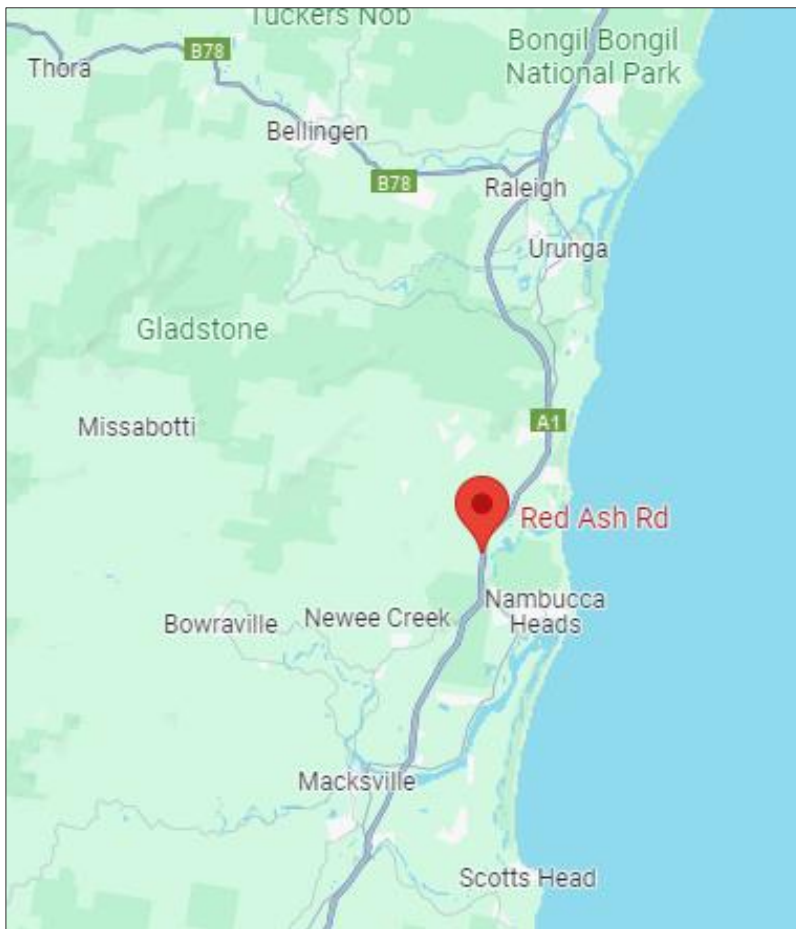


Figure 1 Site context (source: Google Maps)

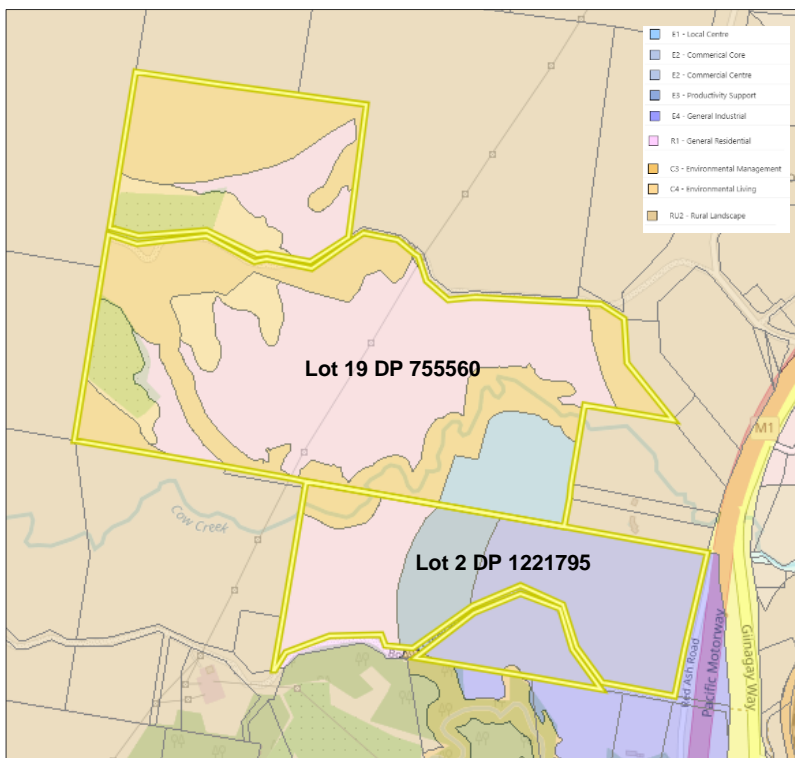


Figure 2 Extract of current land zoning map (source: Spatial viewer)

1.5 Mapping

The maps contained in the planning proposal are not suitable to identify the effect of the planning proposal and the area to which it applies. As noted previously in this report, the land to which the planning proposal applies is inconsistently identified, with differences between the text, site map and proposed land zoning map

A proposed land zoning map has been included, but this map does not show the whole area proposed to be rezoned within Lot 19 DP 755560 and omits land zone labels (Figure 3) for the surrounding lands to provide context.

No proposed minimum lot size or height of building maps have not been included in the planning proposal. These maps have, however, been subsequently supplied by Council and included in this report (Figures 4 and 5).

An extract of the Valla UGA DCP masterplan (Figure 6) has been included in the proposal, but it cannot be determined from the map provided to which part of the land the proposal applies.

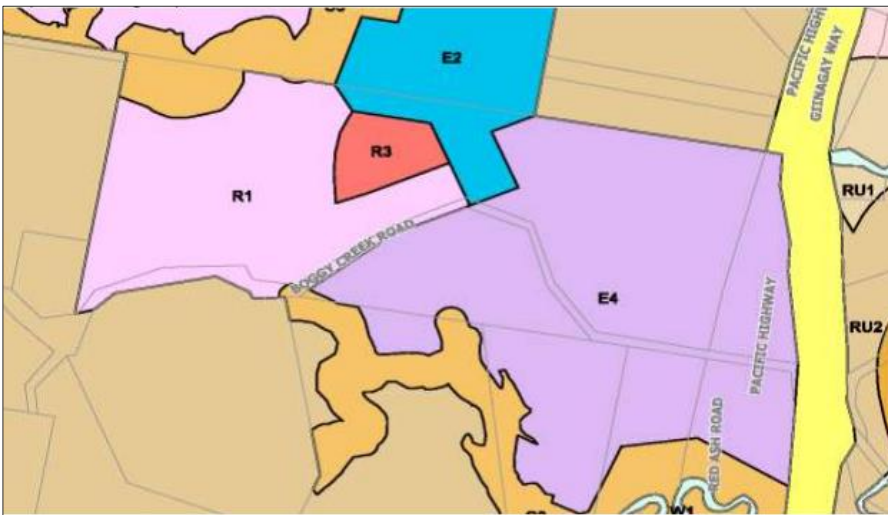


Figure 3 Proposed zoning map (source: Spatial viewer)

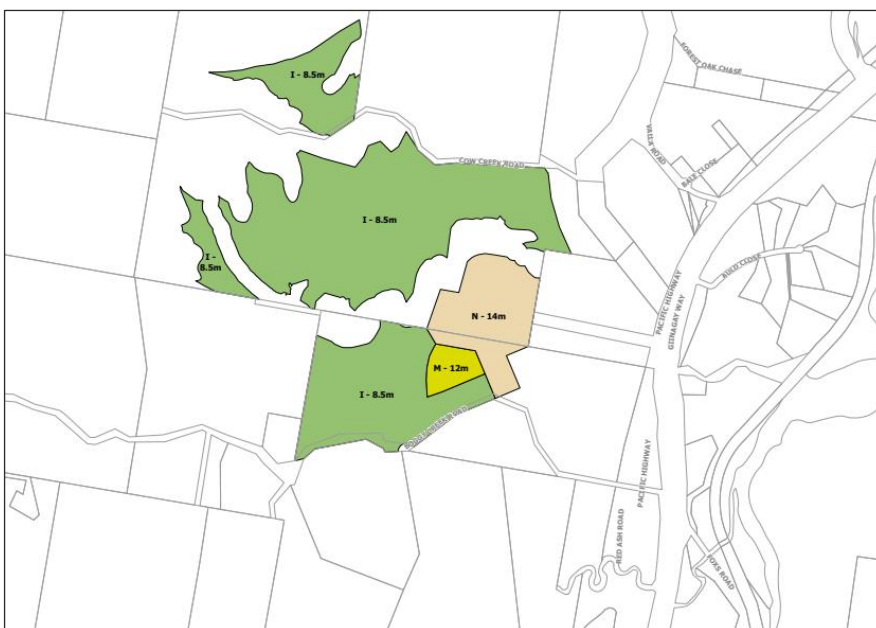


Figure 4 Proposed height of building map (source: Council by email)

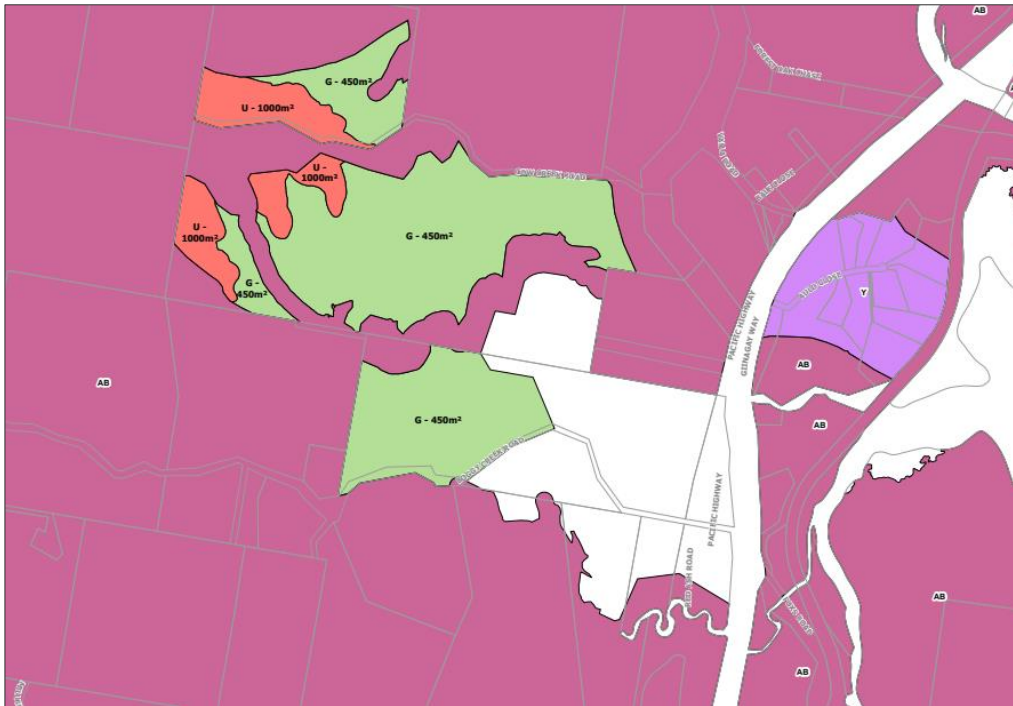


Figure 5 Proposed minimum lot size map (source: Council by email)

1.6 Background

Amendment No. 9 to the Nambucca LEP 2010 rezoned the Valla UGA for urban and employment land uses in accordance with the Mid North Coast Regional Strategy and Employment Lands component of the Local Growth Management Strategy.

The Valla UGA DCP was prepared to satisfy clause 6.2 of the Nambucca LEP 2010 which was introduced as part of Amendment No 9. The masterplan within the DCP was prepared based on a review of opportunities and constraints in the UGA. Council has confirmed no detailed investigation or analysis was undertaken to inform preparation of the DCP.

2 Need for the planning proposal

The planning proposal is neither the result of a strategy nor a study. The proposal has been justified by Council on the basis it is consistent with the Valla UGA DCP. The Valla UGA DCP contains a preferred masterplan which focuses around a town centre and includes a staging plan and environmental, infrastructure, industrial, commercial and residential strategies. It has been prepared based on a review of opportunities and constraints (Figure 6).

Whilst the importance of setting out the vision and planning framework for an area through master planning exercise is acknowledged, the purpose of a DCP is to provide detailed planning and design guidelines to support the planning controls in the LEP. As such, the need for the proposal and alignment with the NSW strategic planning framework has not been demonstrated.

The strategies, studies and reports relevant to the proposal are discussed in sections 3.1 and 3.2 of this report. The proposal is inconsistent with these documents.

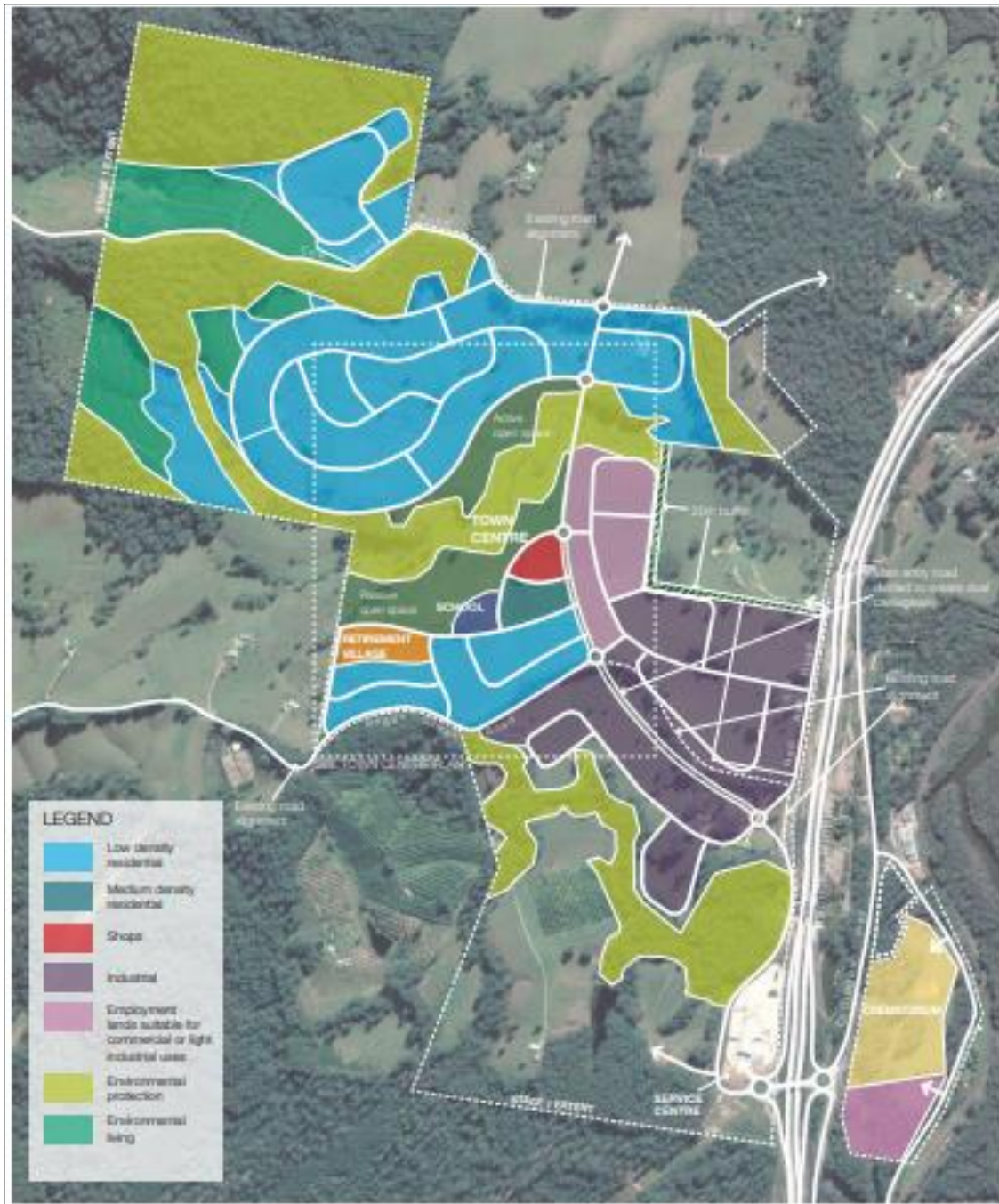


Figure 6 Valla UGA DCP masterplan (source: Valla UGA DCP)

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1 – Provide well located homes to meet demand	<p>This Objective directs growth to within the urban growth area boundaries to balance urban expansion, protect coastal and other environmental assets, help maintain the distinctive character of the region, and direct growth away from important farmland, sensitive ecosystems, cultural heritage, natural hazards and steep land. The Valla UGA comprises 317 hectares of land already zoned land for employment, conservation and residential purposes and is within the urban growth area boundary.</p> <p>This Objective also encourages housing diversity to ensure greater housing choice is available and requires when preparing planning proposal that councils consider and ensure that development controls, such as minimum lot sizes, support the delivery of more diverse housing.</p>
Objective 1 – Provide well located homes to meet demand cont.	<p>The proposal seeks to rezone part of the land to R3 but does not discuss how this zone and the proposed development controls will support the delivery of more diverse housing, noting that the existing R1 zone permits residential accommodation which encompasses a variety of housing types such as boarding houses, residential flat buildings, dwellings, dual occupancies and seniors housing. The Valla UGA DCP which is identified by Council to be the basis for the planning proposal focuses on local character and building design for future residential development. It's vision is for a mix of dwelling types dominated by one to two storey, detached buildings.</p> <p>Council has indicated the proposed changes could help facilitate an additional 100 homes in the Valla UGA. Council's Local Strategic Planning Statement (LSPS) identifies there is already 74 hectares of vacant land zoned for residential purposes within the Valla UGA which is estimated will deliver 888 lots. Council owns 15 hectares of the residential zoned land.</p> <p>The Local Strategic Planning Statement (LSPS) identifies the current level of residential land supply between existing urban areas and release areas is ample to meet the housing demand due to forecast population growth in the Nambucca Valley.</p>
Objective 2 – Provide for more affordable and low cost housing	<p>This Objective aims to deliver, maintain and promote housing affordability. The proposal does not detail how the proposal may help assist with housing affordability. As noted above, the Valla UGA DCP focuses on local character and building design for residential development and the R1 zone currently permits residential accommodation which encompasses a variety of housing types. One of the visions of the DCP is to provide for a mix of dwelling types dominated by one to two storey, detached buildings.</p>

<p>Objective 5 – Manage and improve resilience to shocks and stresses, natural hazards and climate change</p>	<p>This Objective requires consideration of natural hazard risk. The planning proposal states that it will not result in any increase in housing supply within areas exposed to significant threats from bushfire, floods or coastal hazards. This statement contradicts the proposed land zoning maps which shows the proposed R1 and E2 zones will be impacted by the 1% AEP flood event (Figure 11).</p> <p>The proposal is inconsistent with this objective because there has been no consideration given to the suitability of the proposed future land uses or how the flood hazard can be mitigated or managed to an acceptable level. This is discussed in further detail in section 4.1 of this report.</p>
<p>Objective 11 – Support cities and centres and coordinate the supply of well-located employment land</p>	<p>In accordance with this Objective, new commercial precincts, outside of existing centres should be of an appropriate size and scale relative to the area they will be servicing. Further, proposals must demonstrate how they will benefit the community and the regional economy, as well as how they will:</p> <ul style="list-style-type: none"> • respond to retail supply and demand • respond to innovations in the retail sector • maximise the use of existing infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and • enhance the value of the public realm <p>The planning proposal is inconsistent with this Objective as it seeks to vary the established centres hierarchy by creating a new and substantial commercial centre and it does not demonstrate the change is consistent with the requirements of this Objective.</p>
<p>Local Government Narratives</p>	<p>Activation of the Valla UGA is a key priority for the Nambucca Valley LGA. The planning proposal aligns with the intent to deliver housing and employment lands at Valla. It may, however, be more difficult to achieve this priority, noting the potential for increased land use conflict created by the proposed convergence of residential and industrial land uses.</p> <p>Another key priority is to deliver job opportunities that support Nambucca's growing economy and diverse industrial base. The proposal does not examine the potential for negative impacts to economy caused by a change to the established centres hierarchy.</p>
<p>Settlement Planning Principles</p>	<p>Settlement planning principles and settlement planning guidelines aim to ensure land use planning reflects the aims and strategies of the regional plan. One of the principles is to ensure the location and scale of new employment zones should not undermine the viability of existing centres and the maintenance of strong multi-functional central business precinct.</p> <p>The proposal is inconsistent with this principle because it does not examine the demand for urban growth and change, based on population and employment projections, and assess supply and demand of suitable land to accommodate growth. It would be appropriate for an economic impact assessment to be prepared to demonstrate the suitability of the proposal and justify the change. This is discussed further in section 4.2 of this report.</p>

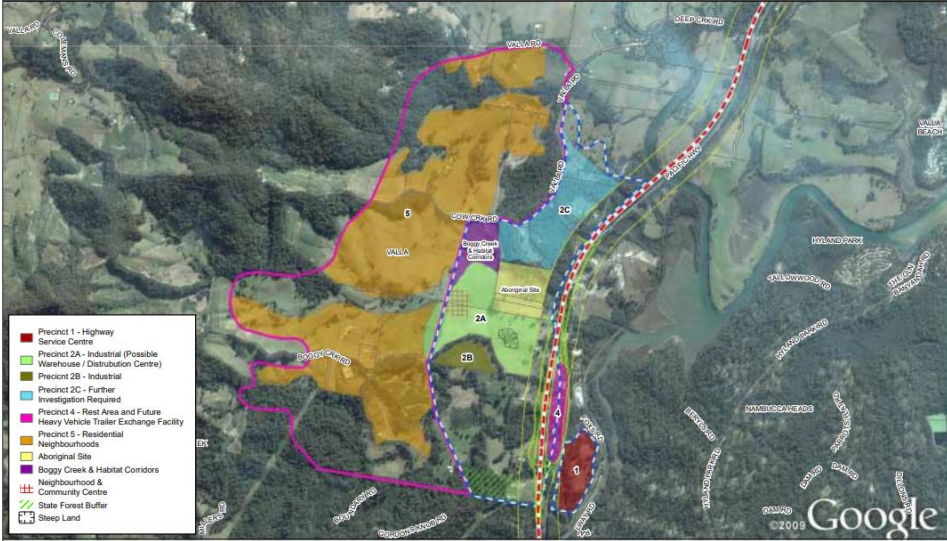
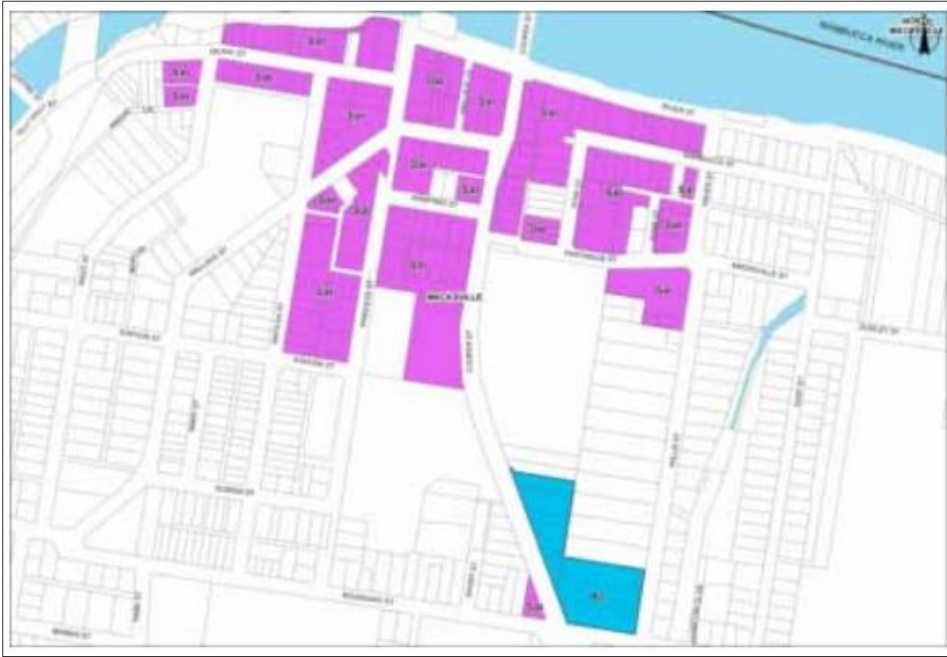
Appendix A: Settlement Planning Guidelines	<p>As noted above, the settlement planning principles and settlement planning guidelines aim to ensure land use planning reflects the aims and strategies of the regional plan. The Key Strategy Aims relevant to the proposal include the need to identify growth needs and opportunities and to identify a direct suitable land to accommodate planned growth. The planning proposal is not supported by a strategy or a study. This is discussed in section 3.2 of this report. Furthermore, the proposal does not manage the potential for land use conflict between future likely adjoining land uses. This is discussed further in section 4.1 of this report.</p>
North Coast Employment Lands Audit (August 2023)	<p>The North Coast Employment Lands Audit undertaken by HillPDA was prepared to deliver a key action of the North Coast Regional Plan 2041. The report was prepared to assist both the Department and councils ensure that enough employment land can be delivered in a sustainable and coordinated way.</p> <p>The audit estimates the North Coast would demand around 255 hectares of employment land between 2021 and 2041. Of this total demand, the Mid North Coast would require 105 hectares of employment land to accommodate the projected growth in employment.</p> <p>To assist in alleviating some of the pressure on employment land across the wider North Coast, the audit made a number of recommendations. Those relevant to the planning proposal are reproduced below:</p> <ul style="list-style-type: none"> • councils with existing or future employment land along the Pacific Motorway should consider introducing a minimum lot size provision to protect land for larger floor plate uses such transport and distribution, manufacturing and warehousing that are more dependent on efficient road access; and • councils should consider reviewing or removing building height parameters, particularly for E4 General Industrial land, to maximise the flexibility of typology and use that can operate on the site. <p>Specifically, with regard to the Nambucca Valley it is identified the LGA is important from sub-regional perspective to alleviate supply pressure in surrounding local government areas. The planning proposal does not consider or address the audit or its recommendations.</p>


3.2 Local

The strategies relevant to the planning proposal are discussed in the table below. These have not been considered or addressed by Council in the planning proposal.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Nambucca Shire Local Growth Management Strategy Employment Lands - November 2010 (LGMS)	<p>The LGMS was conditionally endorsed by the Department of Planning on 14 April 2011. It is the current Department endorsed local strategy intended to guide and manage future industrial and commercial development in the LGA until 2051. The LGMS identifies the demand for industrial land use far exceeds the demand for residential land use in the Valla UGA.</p> <p>The LGMS contains a concept plan which identifies the extent of areas in the UGA suitable for future urban development (Figure 7). The proposal to rezone land from E3 to R1, R3 and E2 is inconsistent with concept plan, which recommends the land be utilised for industrial land uses with possible opportunities for warehouses and distribution centres. The current zone boundaries broadly align with concept plan in the LGMS. It should be noted that Precinct 2C was not approved for release by the Department's conditional endorsement of the LGMS.</p> <p>The LGMS includes an urban centres hierarchy that gives direction to the existing and future size, role and function of the urban areas in the LGA. It also defines a settlement hierarchy to encourage development that recognises and complements the different roles and functions of the settlement and to ensure towns maintain important elements of urban form and township character. Macksville and Nambucca Heads are identified as the two town centres in the hierarchy.</p> <p>The proposal does not nominate the area of land to which the planning proposal applies or the size of the current and proposed land zones for comparison. The Department estimates the area of the proposed E2 zone could be up to 15 hectares. The Macksville commercial precinct which comprises a mixture of employment zones (E1, E2, E4, MU1) is identified by the LGMS to be 16 hectares in area (Figure 8) and the commercial area along Bowra Street at Nambucca Heads zoned E2 is 5.2 hectares (Figure 9).</p> <p>The LGMS identifies that a commercial development larger than a neighbourhood centre in the Valla UGA will reduce the viability of the major centres within the LGA. It also states that out of centre development is inconsistent with the strategic intent of LGMS as it will diminish town viability and detract from economic growth by diluting investment in centre related activities.</p> <p>The planning proposal is contrary to the intent of the LGMS with no justification provided for the inconsistencies, analysis of the economic demand for the changes proposed, examination of the suitability of the proposed E2 zone or consideration for the implications of drawing primary and secondary trade away from Macksville and Nambucca Heads.</p>

Local Strategies	Justification
Nambucca Shire Local Growth Management Strategy Employment Lands - November 2010 (LGMS) cont.	<p>The potential for land use conflict is also a significant concern given the proximity of proposed residential and industrial land uses. The LGMS aims to ensure existing and future employment activities can continue and establish unencumbered by conflicting land uses on adjoining land by advocating for evaluation and resolution of environmental issues early in development process to resolve potential conflicts and avoid delays at the development application stage.</p> <p>The proposal includes a statement that potential for land use conflict will be reduced as a consequence of the amendment. However, this statement has not been substantiated by supporting information or analysis. This is discussed in section 4.1 of this report.</p>
	
	<p>Figure 7 Valla UGA Concept Plan (source: LGMS)</p>
	
	<p>Figure 8 Macksville Commercial Precinct (source: LGMS)</p>

Local Strategies	Justification
<p>Nambucca Shire Local Growth Management Strategy Employment Lands - November 2010 (LGMS) cont.</p>	 <p>Figure 9 Nambucca Heads Commercial Precinct (source: LGMS)</p>

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The LSPS sets out the 20-year vision for land use in the LGA and contains a number of priorities which are inconsistent with the proposal. These include:</p> <ul style="list-style-type: none"> a) existing centres are well sized and well located to serve the needs of residents; b) the intent to promote and maintain a clear hierarchy of town and village centres in accordance with the established hierarchy (Figure 15); c) the strategy to consolidate existing hierarchy rather than introduce new centres or significantly increase the size of existing centres in the short (2-5 years) to medium term (5-10 years); d) plan for a new local retail centre to serve the new industrial and residential area at Valla in the medium to long term (10+years); and e) that there is enough existing zoned land, future growth areas and urban areas to support the demand for housing at a local level in addition to growth influence in the North Coast Region. <p>The centres hierarchy in the LSPS gives direction to the existing and future size, role and function of the urban areas of the LGA. The proposal to substantially change this hierarchy has not been justified and does not consider matters such as whether the area to be zoned E2 is an appropriate size and scale relative to the area it will be servicing, how it will benefit the community and the regional economy or the implications for the current town centres for Macksville, Nambucca Heads and Bowraville.</p> <p>With regard to housing, the LSPS broadly considers the possibility there will be a need for medium to high density infill housing in Nambucca Heads and Macksville. There is no consideration of density in the Valla UGA other than a reference to the Valla UGA DCP and vision to provide housing options.</p> <p>Councils existing residential and village zone land includes many vacant land parcels which have subdivision or development potential. The LSPS estimates there is 274 hectares of existing zoned land which could deliver 2974 new lots. Specifically, there is 74 hectares of vacant land already zoned for residential purposes within the Valla UGA which is estimated to deliver 888 lots. Council owns 15 hectares of this land, which will deliver an estimated 150 lots.</p> <p>Council also has planning in place for large-scale, new release areas in close proximity to the major centres of Nambucca Heads, Macksville and Scotts Head. Collectively, these release areas have approximately 405 hectares of potential residential land equivalent to capacity for approximately 4500 dwellings, noting further investigation would be required at each of these locations to more accurately determine development yields.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Inconsistent	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in the North Coast Regional Plan 2041. The proposal is considered to be inconsistent with the regional plan as discussed in section 3.1 of this report.
4.1 Flooding	Inconsistent	The objective of this direction is to ensure the development on flood prone land is considered and addressed. The planning proposal is inconsistent with the direction as there are areas of the subject site that are flood prone and the proposal does not include provisions which give effect to the documents referenced in the direction. The inconsistency has not been justified in accordance with the terms of the direction.
4.3 Planning for Bushfire Protection	Unresolved	The objective of this direction is to protect life, property and the environment from bush fire hazards. The planning proposal is potentially inconsistent with this Direction as the land is bushfire prone. The Direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) after a Gateway Determination is issued and before community consultation is undertaken. As such, this Direction remains unresolved.
4.4 Remediation of Contaminated Land	Inconsistent	<p>This direction requires the planning proposal authority to consider whether the land is contaminated and whether it is suitable for its intended purpose with or without remediation.</p> <p>The planning proposal states the land was investigated at the time it was rezoned in 2012 and found to be suitable. This statement conflicts with the Valla UGA DCP which identifies areas of environmental concern and nominates detailed site contamination investigations are required for residential development. The inconsistency has not been justified in accordance with the terms of the direction.</p>

7.1 Employment Zones	Inconsistent	<p>This direction applies as the proposal will affect land within an existing and proposed employment zone. The proposal is inconsistent with this direction as it does not retain areas and locations of employment zones and is not in accordance with a strategy that is approved by the Planning Secretary.</p> <p>Until an economic impact assessment is undertaken to identify the key economic impacts of the proposal as discussed in section 4.2 of this report, this direction will remain unresolved.</p>
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3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

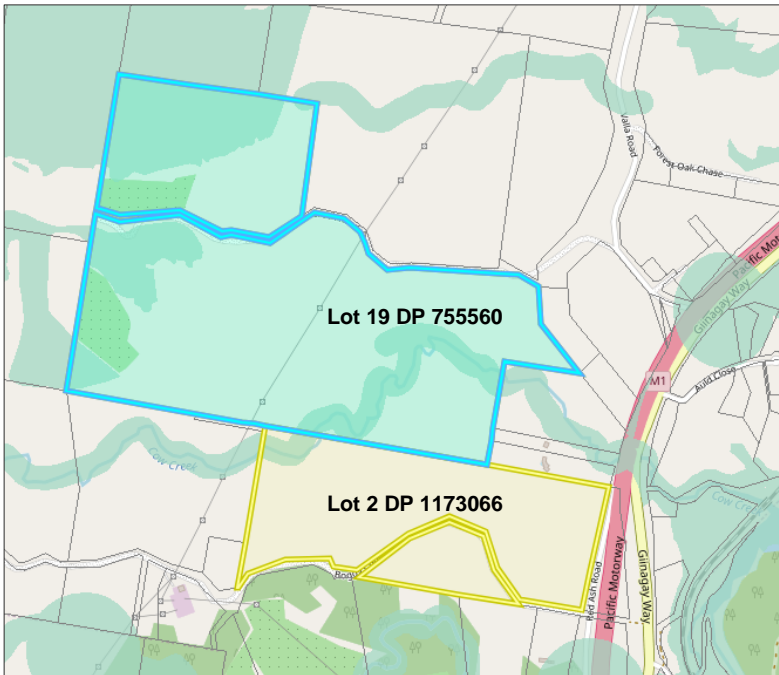
4 Site-specific assessment

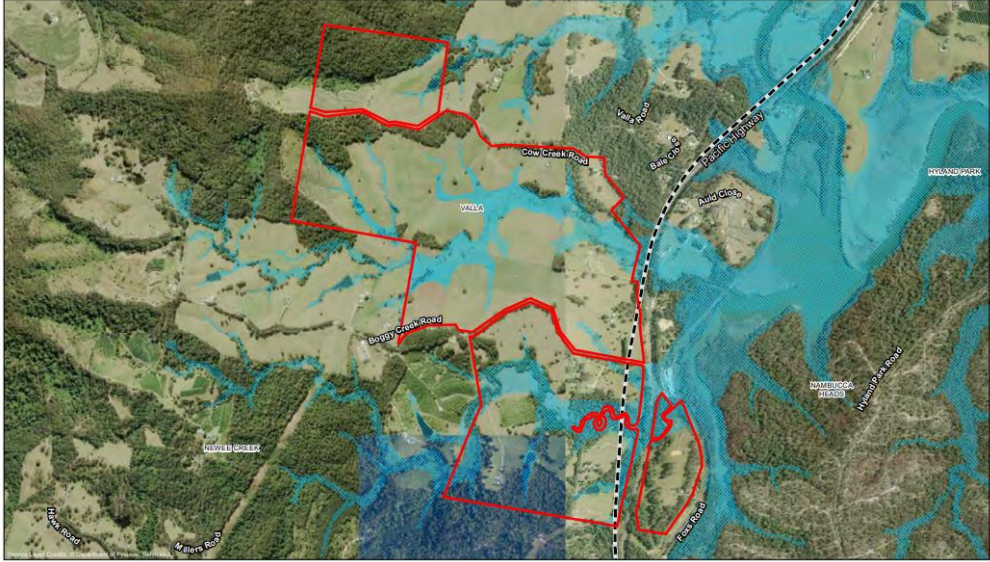
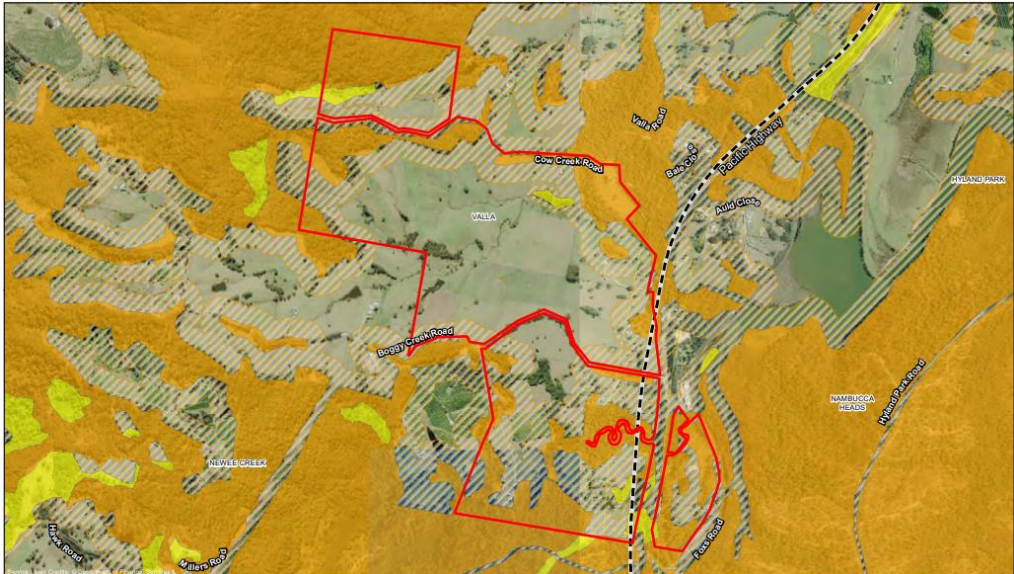
4.1 Environmental

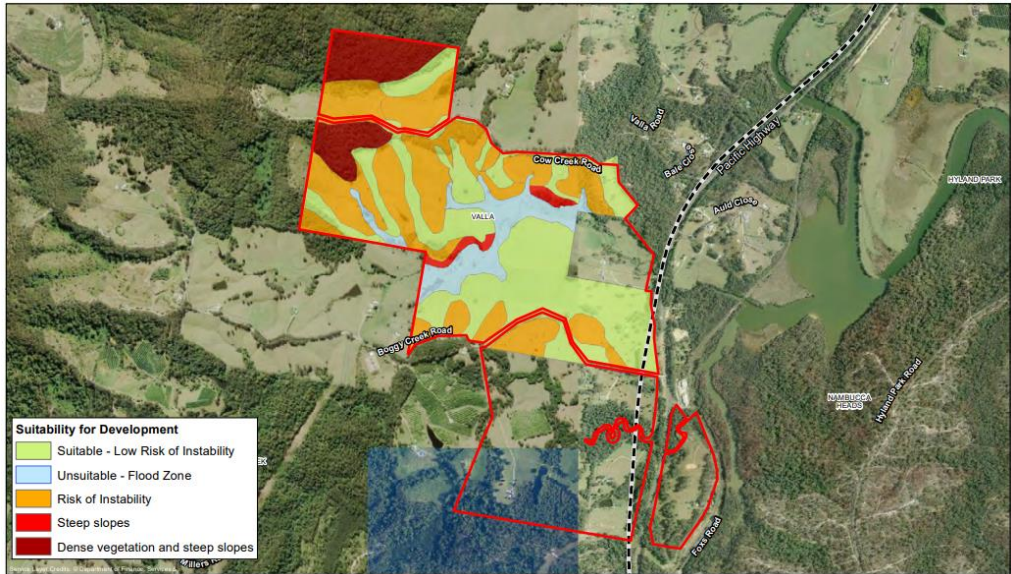
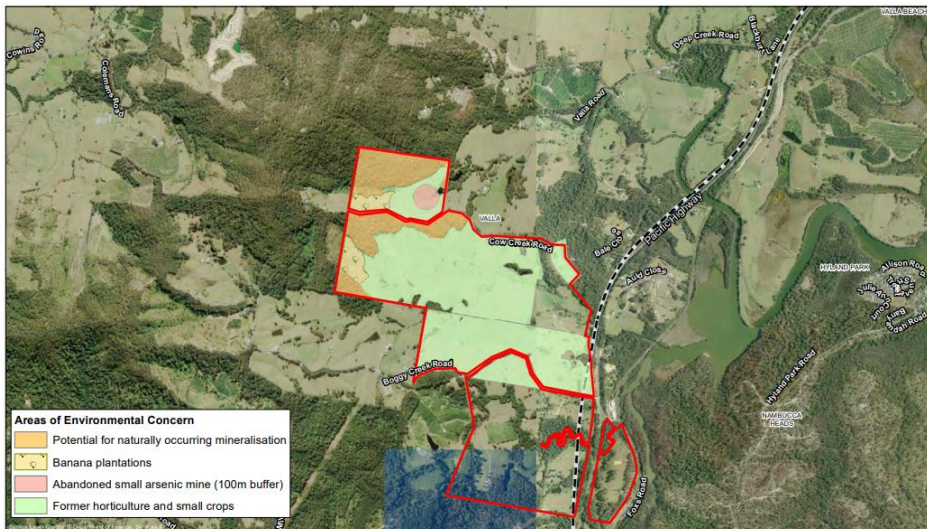
The environmental considerations for the proposal are discussed below:

Table 8 Environmental considerations

Consideration	Commentary
Land Use Conflict	<p>The proposal indicates the potential for land use conflict will be reduced as a consequence of the amendment. However, this statement has not been substantiated by supporting information or analysis.</p> <p>The E3 zone currently acts as a buffer between the residential and industrial land uses to help minimise the potential for land use conflict. It is considered the proposal has the potential to increase land use conflict as the proposed R1 and R3 zones will directly adjoin the E4 zone.</p> <p>Inappropriate land use and development can affect the safety, health and amenity of communities and it is important to ensure that zoning responds to identified risks. This approach is consistent with the objectives of the North Coast Regional Plan 2041 and LGMS.</p> <p>The planning proposal does not evaluate the risks due to the proximity of incompatible land uses. It would be appropriate that a Land Use Conflict Risk Assessment (LUCRA) be prepared, by a suitably qualified person, to consider the potential for conflict to occur between the residential and industrial land uses and to identify any methods of mitigating or managing any impacts.</p>

Consideration	Commentary
Potential High Environmental Value	<p>The areas of potential High Environmental Value (HEV) mapped within the land are located within the existing C3 Environmental Management zone (Figure 10). The proposal does not seek to amend the boundaries of the C3 zone.</p>  <p>Figure 10: Potential High Environmental Value (source: Spatial viewer)</p>
Flooding	<p>The planning proposal states that it will not result in any increase in housing supply within areas exposed to significant threats from floods. According to the Nambucca Floodplain Management Study 2013 (Figure 11), the proposed R1 and E2 zones are impacted by the 1% AEP flood event and have a hazard classification ranging from H1 to H5.</p> <p>In accordance with the General hazard flood vulnerability curve:</p> <ul style="list-style-type: none"> • H1 is generally safe for people, vehicles and building; • H2 is unsafe for small vehicles; • H3 is unsafe for vehicles, children and the elderly; • H4 is unsafe for people and vehicles; and • H5 is unsafe for vehicles and buildings require special engineering design and construction. <p>The proposal also nominates it will not enable development in the flood planning area or in between the flood planning area and probable maximum flood area. The maps contained in the Nambucca Floodplain Management Study 2013 show that land proposed to be rezoned is impacted by the flood planning level and PMF flood event. The study does not, however, consider the hydraulic hazard of these events.</p>

Consideration	Commentary
Flooding cont.	<p>Consistent with the findings of the NSW Flood Inquiry, the Department recommends applying a risk-based approach when addressing flooding in planning decisions. The proposal does not consider flooding or take into account the flood risk profile of the proposal as outlined in Planning Circular PS-24-001 Update on addressing flood risk in planning decisions to demonstrate the suitability of the site for the proposed land uses.</p>  <p>Figure 11: Flood prone land (source: Valla UGA DCP)</p>
Bushfire	<p>The land is identified as bushfire prone (Figure 12). In accordance with Direction 4.3 Planning for Bushfire Protection, Council must consult with the Commissioner of the NSW Rural Fire Service (RFS) after a Gateway Determination is issued and before community consultation is undertaken to confirm the suitability of the proposal.</p>  <p>Figure 12: Bushfire prone land (source: Valla UGA DCP)</p>

Consideration	Commentary
Instability	<p>The Valla UGA DCP has mapped areas of instability (Figure 13) which shows areas of instability in the southern edge of the rezoning which are located in an existing or proposed R1 zone. The planning proposal does not consider or discuss the implications of the instability for the proposed land uses.</p>  <p>Figure 13: Instability mapping (source: Valla UGA DCP)</p>
Contamination	<p>The Valla UGA DCP identifies areas of environmental concern (Figure 14) for contamination and nominates areas redeveloped as residential land require detailed site investigation. The LGMS also identifies contamination to be a consideration for the land based on past land uses. The planning proposal does not consider the suitability of the land for the proposed land uses. It would be appropriate that Council consider a preliminary contamination investigation, at minimum, to inform and support the planning proposal.</p>  <p>Figure 14: Areas of environmental concern (contamination) (source: Valla UGA DCP)</p>

4.2 Social and economic

The planning proposal suggests the amendment will result in positive social and economic outcomes. However, the impacts of the proposed changes have not been examined.

The Valla UGA comprises 317 hectares of land zoned for employment, conservation and residential purposes. This includes an E1 Local Centre zone on Lot 19 DP 755560 which is proposed to be changed to E2 Commercial Centre and expanded into Lot 2 DP 1173066.

The intent of the E1 zone is to provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. Conversely, the intent of the E2 zone is to provide a commercial focused centre for a district or regional catchment, being the centre of business, retail, community and cultural activity.

The hierarchy of centres in the Nambucca Valley is identified in the LSPS (Figure 15) and LGMS. The strategy outlined in the LSPS for business and retail is to consolidate the existing hierarchy in the short (2-5 years) to medium term (5-10 years), rather than introduce any new centres or significantly increase the size of the existing centres. It is, however, noted that in the medium to long term (10+ years) that Council will plan for a new local retail centre to serve the planned new industrial and residential area at Valla.

The LGMS identifies a commercial development larger than a neighbourhood centre in the Valla UGA will reduce the viability of the LGA's major centres and detract from economic growth by diluting investment in centre related activities.

The planning proposal is inconsistent with the LSPS and LGMS as it will significantly alter the established centres hierarchy by creating a new and substantial commercial centre in the Valla UGA (Figure 3). To determine whether the proposal is appropriate and to justify the change, an economic impact assessment prepared by a suitably qualified person should be prepared. The report would need to identify the key economic impacts of the proposal and, at minimum:

- consider the economic demand for the changes to the proposed employment land zones and areas proposed;
- examine if the proposed E2 zone is the most appropriate zone to achieve the objectives and intended outcomes of the proposal;
- demonstrate the proposed E2 zone is an appropriate size and scale relative to the area it will be servicing;
- examine implications for Macksville, Bowraville and Nambucca Heads by drawing primary and secondary trade away from established town centres;
- address the considerations in Objective 11 of the North Coast Regional Plan 2041 for creation of the new commercial centre;
- address the settlement planning principles and Appendix A: Settlement Planning Guidelines of the North Coast Regional Plan 2041 (as relevant);
- consider Ministerial Direction 7.1 Employment Zones; and
- demonstrate how the proposal will maintain the strength of the regional economy.

It is acknowledged that activation of the land is a key priority for the Nambucca Valley LGA and the Department is committed to work with Council to activate the Valla UGA. However, as the planning proposal represents a substantial change to the established centres hierarchy, without specialist analysis of the economic impacts of the proposed E2 zone, the Department cannot be satisfied it will benefit the community and will not have negative social and economic impacts on the regional economy.



Figure 15: Hierarchy of Centres (source: LSPS)

4.3 Infrastructure

In accordance with clause 6.2 of the Nambucca LEP 2010 development of the land must occur in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land. The Valla UGA DCP was prepared to satisfy this clause and it contains a staging plan to ensure the orderly, functional and practical development of the land.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days. Given it is recommended the delegate of the Minister determine the planning proposal should not proceed, no community consultation is required to be undertaken.

5.2 Agencies

The proposal nominates Council will consult with the NSW RFS in relation to the proposal. Given it is recommended the delegate of the Minister determine the planning proposal should not proceed, no agency consultation is required to be undertaken.

6 Assessment summary

The planning proposal is not supported to proceed for the reasons detailed in section 7 of this report.

7 Recommendation

It is recommended the delegate of the Minister determine the planning proposal should not proceed for the following reasons:

1. The rezoning of the land is not consistent with the North Coast Regional Plan 2041, Council's Local Strategic Planning Statement or Council's Department approved Nambucca Shire Local Growth Management Strategy - Employment Lands;
2. The planning proposal is inconsistent or has potentially unresolved inconsistencies with a number of section 9.1 Ministerial Directions;
3. The proposal does not demonstrate it will benefit the community and the regional economy; and
4. Studies are required to support the rezoning which have not yet been prepared or commenced and would not allow completion in a timely manner in accordance with the Department's Local Environmental Plan Making Guideline (August 2023).



08-08-2024

(Signature)

(Date)

Lucy Walker
Manager, Local Planning and Council Support
Hunter and Northern Region



12-08-2024

(Signature)

(Date)

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