

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018NTH017
<b>DA Number</b>	DA 2018/0115
<b>LGA</b>	Nambucca Shire Council
<b>Proposed Development</b>	6 Lot Industrial Subdivision
<b>Street Address</b>	81 Red Ash Road
<b>Applicant/Owner</b>	Jed Civil/ Nambucca Shire Council
<b>Date of DA lodgement</b>	29/05/2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Council Related Development - CIV greater than \$5million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP 44 - Koala Habitat Protection</li> <li>• SEPP 55 - Remediation of Land</li> <li>• SEPP 62 - Sustainable Aquaculture</li> <li>• SEPP (Coastal Management) 2018</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP (State and Regional Development) 2011</li> <li>• Nambucca Local Environmental Plan 2010</li> <li>• Nambucca Development Control Plan 2010</li> <li>• Coastal Zone Management Plan for the Nambucca Shire Coastline.</li> <li>• Clause 92 of the EP&amp;A Regulation</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects – Denis Atkinson Planning Pty Ltd, December 2016 Including: <ul style="list-style-type: none"> <li>- Contamination Assessment – Coffey Geotechnics 7 August 2009</li> <li>- Aboriginal &amp; European Cultural Heritage Assessment – Mary Dallas Consulting, August 2010</li> <li>- Aboriginal &amp; European Cultural Heritage Assessment – Mary Dallas Consulting, April 2011</li> <li>- Bushfire Risk Assessment – Midcoast Building and Environmental August 2011</li> <li>- Preliminary Geotechnical Assessment – Regional Geotechnical Solutions 19 March 2018</li> </ul> </li> <li>• Application Plans - Location Plan and Drawing List Rev B - Jed Civil 08/05/2018 <ul style="list-style-type: none"> <li>- Proposed Lot Layout Rev C - Jed Civil 06/08/2018</li> <li>- General Arrangement Plan Rev C - Jed Civil 06/08/2018</li> <li>- Earthworks Cut/ Fill Contours Rev C - Jed Civil 06/08/2018</li> </ul> </li> <li>• Engineering Issues Report - Jed Civil, 30 August 2018</li> </ul>
<b>Report prepared by</b>	<b>Brad Lane – Senior Town Planner, Nambucca Shire Council</b>
<b>Report date</b>	<b>September 2018</b>

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**List of Attachments**

**Attachment 1 – Recommended Conditions**

**Attachment 2 – Application Plans**

**Attachment 3 – Statement of Environmental Effects (including Specialist Reports)**

**Attachment 4 – Secretary's Certificate – Satisfactory Arrangements for Designated State Public Infrastructure**

**Attachment 5 – Engineering Issues Report**

## **Executive Summary**

Nambucca Shire Council has received a development application from Jed Civil for a 6 Lot Industrial Subdivision of Lot 2 DP the subject site including a public utility lot and a residue lot. The proposal also includes the construction of a new public road.

The site is owned by Nambucca Shire Council and the proposal has a Capital Investment Value (CIV) of more than \$5 Million. The proposed development is properly defined as Regionally Significant Development pursuant to Clause 20 and Schedule 7 of State Environmental Planning Policy (SEPP) (State and Regional Development) 2011. Accordingly the development application is to be determined by the Joint Regional Planning Panel (JRPP).

The proposed development is the first to be undertaken in the Urban Release Area known as the Valla Urban Growth Area, which is located near the recently completed upgrade of the Pacific Highway to the north-west of the Nambucca Heads interchange and highway service centre. The proposed development will provide a number of positive social and economic outcomes for the community including the delivery of much needed industrial land and the extension of interim water and sewer infrastructure to the urban release area.

The subject site has an area of 54 ha and includes land zoned part IN1 General Industrial, part B7 Business Park, part R1 General Residential and part E3 Environmental Management. The proposed residue lot includes all of the residential environmental protection and business zoned land together with the remaining industrial land.

The application was referred to the NSW Rural Fire Service and Essential Energy who raised no objections to the proposed development, subject to conditions.

The application was notified to surrounding land owners. No submissions were received.

In relation to Clause 7 of SEPP 55 preliminary site assessment has been undertaken by environmental consultants and the site has been inspected by Council Officers. Given the extent of mixing that will result from the proposed earthworks, it is considered that the subject lots will be suitable for the intended future industrial use of the land.

Clause 6.1 of the Nambucca LEP 2010 requires the consent authority to be satisfied that satisfactory arrangements have been made to contribute to the provision of designated State Public Infrastructure in relation to that lot. The Department of Planning has confirmed that a contribution is not applicable in relation to the subject development.

The development involves significant earthworks to create the level industrial lots, however this was anticipated in the development control plan. The earthworks design provides the recommended 20m buffer to "cut" earthworks from the northern boundary which adjoins a former aboriginal reserve. Otherwise the subject site and proposal is not subject to constraints related to Aboriginal or European heritage.

An assessment of the proposed development has been undertaken against the relevant environmental planning instruments and the Nambucca DCP 2010. The proposed development complies with the development standards contained within the Nambucca LEP 2010 and is entirely consistent with the zone objectives.

The proposed lot layout and design of public roads is generally consistent with the Road Hierarchy Plan contained within the DCP. A variation to the plan is included where Proposed Lot 3 will be provided with access to a "type B" (main) road, rather than a "type D" local road. The alternative of requiring access from the existing alignment of Boggy Creek Road was considered, however since the planning for the area includes the closure of that section of Boggy Creek Road, the preferred access to Proposed Lot 3 is via Red Ash Road.

Subject to the implementation of the recommended conditions of consent the site is considered to be suitable for proposed development. The proposed variation to the road hierarchy plan of the Nambucca DCP 2010 is considered to be satisfactory as it will affect access to only 1 lot, for which alternative arrangements have been identified.

On this basis the development application is recommended for approval subject to the conditions provided as **Attachment 1**.

## **Internal Referrals**

Engineering – Council's Manager of Technical Services has reviewed the application and provided recommended conditions of consent.

## **Government Departments**

NSW Rural Fire Service – The NSW RFS has provides a deemed Bushfire Safety Authority

## **Easements/Infrastructure**

The proposed development requires the relocation electricity and telecommunications infrastructure that is located within the site.

## **Description of the Site and Surrounds**

The subject land is legally described as Lot 2 in DP 1173066 and is known as 81 Red Ash Road, Valla. The subject land has a total area of 54.05ha and is located on the western side of Red Ash Road see **Figure 1**.

Red Ash Road is a two lane bitumen sealed road, which is accessed from the western roundabout of the Nambucca Heads interchange on the Pacific Highway bypass. The site has a secondary frontage to Boggy Creek Road, which is an unsealed rural road that passes through the site, separating a part of the central/ southern area of the site.

The site contains an older 3 bedroom dwelling and ancillary farm buildings located towards the eastern part of the property. The remaining part of the site comprises undulating open grazing land with three dams and scattered paddock trees.

To the north of the site is rural property including a dwelling house located approximately 18m from the boundary.

To the east of the site on to opposite side of Red Ash Road is the recently the Pacific Highway. Further to the east are rural residential land use, the North Coast Railway line and Deep Creek.

To the south east of the site is the Nambucca Heads Highway Service Centre. To the south of the site are rural properties, some of which are zoned for future industrial development associated with the Valla Urban Growth Area.

To the west of the site are rural land uses including cleared grazing land.

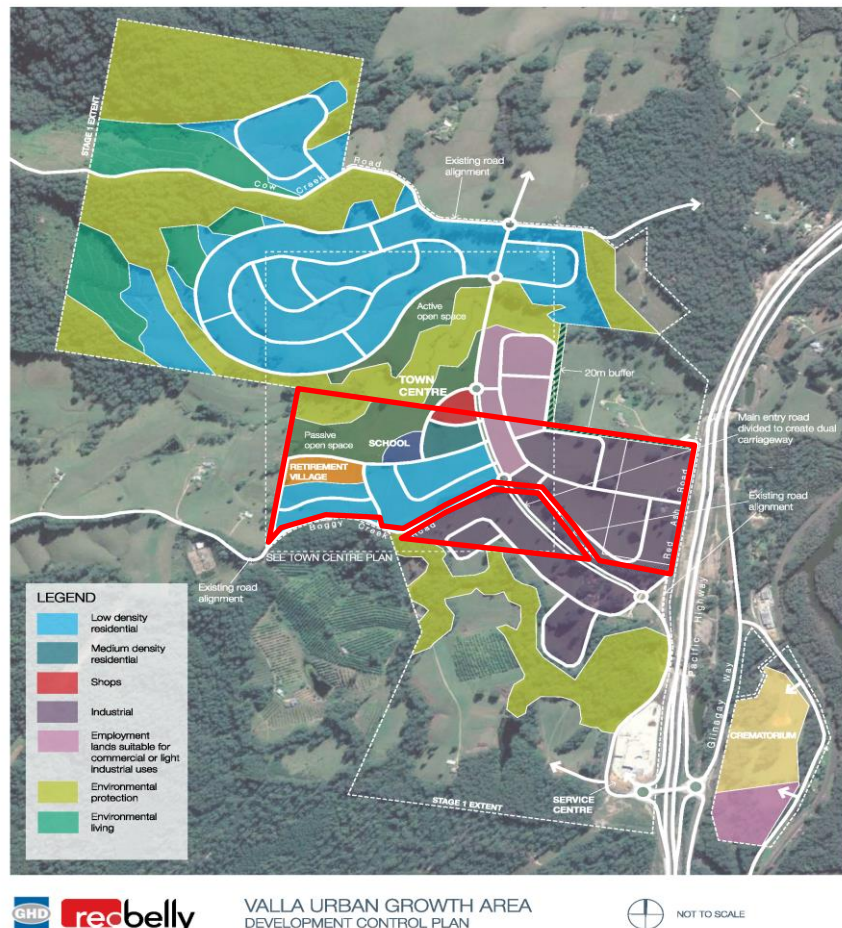


**FIGURE 1 – Site Location**  
Source of Base Map – Nambucca GIS

## **Background to the Proposal and Relationship to the Valla Growth Area**

The site forms part of the Urban Release Area known as the “Valla Urban Growth Area”, which in total has an area 574ha and involves multiple land holdings. The growth area has been zoned for various residential, commercial and industrial purposes but at present remains unserved and undeveloped.

The subject site (54ha) is located at the south-eastern side of the growth area (see **Figure 2**). The development of the Council owned land will provide interim arrangements for infrastructure including water and sewer, to facilitate further development within the growth area.



**FIGURE 2 – Site Location in Context of Valla Urban Growth Area**  
Source of Base Map – Nambucca DCP 2010 - Part O

## **Description of the Proposal**

Complete details of the application are provided in the application plans provided as **Attachment 2**, the statement of environmental effects and associated documents provided as **Attachment 3**.

The proposed development is to undertake a 6 lot subdivision of the subject site. Proposed Lots 1 – 4 are industrial lots ranging in size from 1ha to 4.2ha. Proposed Lot 5 is to provide for a future sewer pump station site and Proposed Lot 6 is a residue lot of 37.5ha.

The proposed subdivision includes the construction of a new public road and subdivision work to install and relocate services as well as bulk earthworks to create level pads for future industrial development.

The proposed new road to be constructed to the West from Red Ash Road will be a 16m wide carriageway with kerb and gutter with 5m verges.

The proposal includes the realignment of services within the site including Essential Energy overhead power lines, Telstra infrastructure including the main Sydney to Brisbane fibre optic cable.

The bulk earthworks will be created from a balanced cut to fill volume to remove the need for off-site haulage. The earthworks will require 200,000m<sup>3</sup> of material to be cut from the western part of the site and placed as fill.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ASSESSMENT

The proposed development is assessed against the relevant sections of the *Environmental Planning and Assessment Act 1979* as follows:

### **Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

It is considered that sufficient information is available to satisfy Council that the proposed development will not be contrary to the matters for consideration outlined in this section subject to the recommended conditions of consent. As such, it is not considered that the proposal will have any significant effects on threatened species, populations, communities or their habitats.

### **Section 4.14 - Consultation and development consent—certain bush fire prone land**

The proposed development is integrated development and a Section 100B Bushfire Safety Authority has been provided by the NSW Rural Fire Service (RFS).

**Section 4.15(1) In determining a development application a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:**

**(a)(i) The provisions of any environmental planning instrument (EPI)**

#### **NAMBUCCA LOCAL ENVIRONMENTAL PLAN 2010**

The proposed development is assessed against the relevant clauses of the *Nambucca Local Environmental Plan 2010* in the following table:

Clause	Complies	Comments
2.3 - Zone objectives and land use table	<b>Yes</b>	The subject land contains IN1 General Industrial zoned land located towards the eastern side of the site, approximately 8.5ha of B7 Business Park zoned land in the central part of the site, approximately 13ha of R1 General residential zoned land at the western end of the site and approximately 2.5ha of E3 Environmental Management zoned land at the north western corner and south-central part of the site. The proposal will create the first 4 industrial lots at the site's eastern frontage to Red Ash Road, together with a separate lot which is to be dedicated as a sewerage pump station and a residue lot.  The proposed subdivision is permissible, with consent, and is considered to be entirely consistent with the zone objectives as it will make land available that is suitable for a range of industrial uses and will encourage employment opportunities. The proposed lot layout and new road alignment will also facilitate the future development and access to the residue land.
4.1 – Minimum subdivision lot size	<b>Yes</b>	No minimum lots size development standard applies to the part of the site zoned IN1 and B7.  Minimum lot size development standards of 450m <sup>2</sup> and 40ha applies to the land zoned R1 and E3 respectively. The residue lot will contain less than 40ha of E3 zoned land, however it will comply with Clause 4.1B of the Nambucca Local Environmental Plan (NLEP) 2010.
4.1B – Minimum subdivision lot size for certain split zones	<b>Yes</b>	The residue Lot (proposed Lot 6) contains all of the land within zone E3 and more than 450m <sup>2</sup> of R1 zoned land. Accordingly the proposed development is consistent with this clause.
5.10 - Heritage conservation	<b>Yes</b>	The subject site does not contain a registered aboriginal object or place and is not identified in Schedule 5 of the NLEP 2010. A former aboriginal reserve is located to the north of the site as detailed in the cultural heritage assessments (included within <b>Attachment 3</b> ) and a 20m buffer has been provided too "cut earthworks along the northern boundary of the site to avoid any disturbance of that site. The recommended conditions include

		procedures to be implemented in the event that a relic is discovered during site works.
6.1 – Arrangements for Designated State Public Infrastructure	<b>Yes</b>	The Secretary's delegate, has certified that satisfactory arrangements have been made to the contribution of designated State public infrastructure. A copy of the Secretary's Certificate of satisfactory arrangements is provided as <b>Attachment 4</b> .
6.2 – Development control plan	<b>Yes</b>	Nambucca Development Control Plan 2010 (NDCP) Part O applies to the Valla Urban Growth Area.
7.1 – Acid Sulfate Soils	<b>Yes</b>	The eastern part of the site is identified as Class 5 soil on the Acid Sulfate Soil Map. Since the proposed earthworks over that part of the site will not lower the water table in any adjacent Class 1-4 Class land, an acid sulfate soil management plan is not required.
7.3 – Flood Planning	<b>Yes</b>	The proposed industrial and sewer pump station lots will be finished with a level above the 1 in 100 year flood event.
7.4 - Public utility infrastructure	<b>Yes</b>	The provision of services to the site is addressed in the engineering report provided as <b>Attachment 5</b> . In summary electricity and telecommunications are located in the vicinity and will be relocated to suit the proposed layout. The site is presently not serviced by reticulated water or sewer services. A concept design for the provision of water and sewer infrastructure has been prepared. Due to the scale of the Valla Growth Area and the very small population associated with the subject industrial subdivision an interim water and sewerage strategy has been prepared to supply water from the existing main at Foxes Road and a pressure sewer system to connect to the existing sewerage pump station located at Railway Road. These arrangements are considered to be satisfactory subject to recommended conditions of consent include that connection of essential services to each lot is completed prior to the issue of a subdivision certificate.
7.6 - Earthworks	<b>Yes</b>	<p>The proposed development includes earthworks that are ancillary to the proposed industrial subdivision. Assessment comments in response to the matters for consideration under 7.6(3) are provided as follows.</p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p>The engineering assessment accompanying the application indicates that the proposed earthworks will maintain the natural water catchments as far as practical. The earthworks are accompanied by a geotechnical assessment which concludes that the proposed batter slopes will be stable.</p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p>The proposed earthworks are to be undertaken with Level 1 construction monitoring and testing. This will ensure that the land remains suitable for future industrial development.</p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p>The proposed fill material (on-site residual clay) has been tested and found suitable for use as engineered fill.</p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p>The proposed fill batter at the north eastern corner of the site will result in a high batter (11m in height at the corner) tapering back to natural ground level to approximately 200m to the west. The dwelling house on the adjoining land to the</p>

		<p>north will be located approximately 35m away from the batter. The height of the batter, when viewed perpendicular to the dwelling on the adjacent land would be 3m above natural ground level.</p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p>The proposed earthworks have been designed to achieve a balanced on-site cut to fill. No imported or exported material is required.</p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p>Having regard to the cultural heritage assessments that have been undertaken and the setback of “cut” earthworks from the northern boundary, it is unlikely that relics would be disturbed.</p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p>The proposed earthworks are not located in proximity to a significant watercourse, drinking water catchment or an environmentally sensitive area.</p>
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#### STATE ENVIRONMENTAL PLANNING POLICIES

The proposed development is assessed against the relevant State Environmental Planning Policies in the following table:

State Environmental Planning Policy	Complies	Comments
SEPP 44 - Koala Habitat Protection	<b>Yes</b>	The site is predominantly cleared grazing land. The site is not considered to be core koala habitat as defined in the SEPP.
SEPP 55 - Remediation of Land	<b>Yes</b>	<p>The application is supported by a preliminary site investigation report that was undertaken for the wider release area. The subject site has historically been used for cattle grazing and potentially some horticultural activities. The site is not affected by any records on Council’s contaminated land register.</p> <p>Based on the results of these investigations, and an inspection of the site, it is concluded that no significant contamination is likely to be present. However, in accordance with the recommendations provided in the consultant’s report, a condition of consent will require soil testing to validate that the site is not contaminated, prior to commencement of earthworks.</p>
SEPP 62 - Sustainable Aquaculture	<b>Yes</b>	The site will be connected to reticulated sewer and is therefore unlikely to contribute to any adverse impact upon the aquaculture industry in the region.
SEPP (Coastal Management) 2018	<b>Yes</b>	<p>The site is partially within Coastal Use Area and Coastal Environment Area on the maps accompanying the SEPP.</p> <p>Assessment comments to the matters for consideration under Clause 13 of the Policy are provided as follows:</p> <p><i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i></p> <p>The proposed development is to be undertaken on the predominantly cleared former grazing land.</p> <p><i>(b) coastal environmental values and natural coastal processes,</i></p>

		<p>The site is not affected by coastal processes.</p> <p>(c) <i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i></p> <p>Subject to normal sediment and erosion controls, for which conditions are provided, the impacts of the development will be negligible.</p> <p>(d) <i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i></p> <p>The site does not contain marine vegetation. The vegetation on the site is predominantly improved pastures. The proposed development is unlikely to result in any adverse ecological impact.</p> <p>(e) <i>existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p> <p>The subject site does not have frontage to the foreshore.</p> <p>(f) <i>Aboriginal cultural heritage, practices and places,</i></p> <p>The proposed earthworks (cut) has been setback 20m from the northern boundary of the former aboriginal reserve, in accordance with the DCP and the aboriginal cultural heritage assessment recommendations.</p> <p>(g) <i>the use of the surf zone.</i></p> <p>The proposed development will not impact upon the use of the surf zone.</p> <p>Assessment comments to the matters for consideration under Clause 14 of the Policy are adequately addressed by the comments provided above.</p>
SEPP (Infrastructure) 2007	<b>Yes</b>	<p>In relation to Clause 101 of the Policy, the site is located adjacent to the Pacific Highway corridor, however vehicular access is provided via Red Ash Road. In this regard the proposed development is unlikely to affect the safety efficiency or ongoing operation of the classified road. In addition the future use of the proposed industrial subdivision would not be sensitive to traffic noise or vehicle emissions.</p> <p>The proposal is not a development that is affected by Clause 102.</p> <p>The scale of the proposed development does not exceed the "relevant size or capacity" of development referred to in Clause 104 of the Policy. Consultation with RMS was not required.</p>
SEPP (State and Regional Development) 2011	<b>Yes</b>	<p>The proposal is a Council related development (Council is the owner of the land) with a CIV of more than \$5 Million. The application is therefore Regionally Significant Development. The application is being reported to the Northern Region Joint Regional Planning Panel for determination.</p>

**(a)(ii) The provision of any draft environmental planning instrument (EPI)**

There are no draft environmental planning instruments relevant to the proposed development.

**(a)(iii) The provision of any Development Control Plan**

## NAMBUCCA DEVELOPMENT CONTROL PLAN 2010

The proposed development is assessed against the relevant clauses of the *Nambucca Development Control Plan 2010* in the following table:

NAMBUCCA DCP 2010	Complies	Comments
Notification and advertising (Part A)	Yes	Adjoining land owners have been notified in accordance with the plan. No submissions were received.
Environmental context (Part A)	Yes	These matters predominantly relate to controls in other planning instruments and have been adequately considered elsewhere in this report.
Site Analysis (Part A)	Yes	The application plans and the reports accompanying the development application adequately identify and respond to the sites opportunities and relative constraints.
Subdivision (Part B)	Yes	<p>The application plan showing the proposed subdivision layout adequately addresses the controls in Part B including lot size, frontage and utility services.</p> <p>B2.1 Design Principles - The proposed layout provides appropriate frontages to each of the lots and the new road connecting to Red Ash Road will provide appropriate connectivity with the future land release to the west.</p> <p>B2.2 Lot Orientation - The proposed lots are large industrial lots and provide opportunity.</p> <p>B2.3 Road Networks and Design - The proposed new road will be constructed with a carriageway width of 16m and a verges of 5m either side, which is consistent with Part O of NDCP 2010.</p> <p>B2.4 Pedestrian and Cycleway Networks - The consent will be conditioned to require a 1.2m wide concrete footpath to one side of the proposed new internal road.</p> <p>B2.5 Bus Services - The subdivision will access bus services external to the site. The proposed new road while being capable of accommodating a bus is not intended to be a bus route. A future bus route will be provided on the collector road.</p> <p>B2.6 Public Open Space – The industrial subdivision does not increase demand for open space.</p> <p>B2.7 Water and Sewerage - All proposed lots will provided with water and sewer services. Connection to Councils reticulated water and sewer services will be required prior to the issue of a Subdivision Certificate.</p> <p>B2.8 Stormwater Drainage - The development consent will contain conditions in relation to the construction of adequate stormwater drainage to maintain pre-development flows.</p> <p>B2.9 Electricity - The development consent will contain a condition in relation to the provision of underground electricity supply.</p> <p>B2.10 Telecommunications - The development consent will contain a condition in relation to the provision of telecommunications to each lot.</p> <p>B2.11 Service Easements - Easements will be required over Council services and electricity infrastructure where located on private land.</p> <p>B2.14 Wildlife Management and Landscape Ecology – The site is highly disturbed farmland and has limited natural features. Due to the nature of the development and the need to undertake earthworks, the retention of existing vegetation is not practical.</p> <p>B3.2 Commercial Special Use and Industrial Subdivision - All proposed lots are to comply with the DCP control for a minimum 1500m<sup>2</sup> lots size and are capable of accommodating future</p>

		<p>industrial development and use of those lots.</p> <p>B4.3 Subdivision Construction – Conditions of consent have been applied from Councils engineering section regarding standards of construction.</p>
Sediment and erosion control (Part D)	<b>Yes</b>	Requirements for erosion and sediment controls have been included as recommended conditions of consent.
Industrial developments (Part G)	<b>Yes</b>	The proposed lots are of an adequate size and will facilitate future development being undertaken in accordance with Part G of the DCP.
Waste Minimisation and Management (Part N)	<b>Yes</b>	Construction waste can be controlled by a condition of consent. The future lots are within the area serviced by Council's waste collection route.
Valla Urban Growth Area (Part O)	<b>Yes</b>	<p>2.1 Vision and Master Plan – The proposed lot are consistent with the vision character statement as it will create the industrial lots that are intended to provide a buffer between the highway and future commercial and residential uses further to the west.</p> <p>2.2 Vision and Master Plan – The proposed industrial subdivision is generally consistent with the DCP Master Plan which identifies the location of the proposed industrial land and the proposed new road from Red Ash Road.</p> <p>2.3 Staging – The proposal is identified in Stage 1 of the DCP and includes the creation of a sewer pump station lot which is required to service the site and future stages. The upgrade of Red Ash Road is to be completed with further development of the residue lot, as traffic volumes increase demand.</p> <p>3.1 Environmental Strategy – The proposed subdivision will not affect the mapped wildlife corridors which are located on land located to the north and south of the subject site. The industrial land is not considered to be a sensitive receptor and therefore the vegetative (rural) buffers are not required. The flood, bushfire, contamination, aboriginal cultural heritage and earthworks issues raised within the DCP have been discussed elsewhere in this report.</p> <p>3.2 Traffic and Transport Strategy – The proposed road is consistent with the DCP road hierarchy and minimises the extent of cut and fill. The design does not incorporate the construction of an internal road type D, however this may be included in a future staged release to the south. Proposed Lot 3 will be required to provide access from Red Ash Road so that the future development of land to the south (including the closure of Boggy Creek Road) remains possible. Maintaining Boggy Creek Road in the long term would undermine the road hierarchy intended by Figure 3.7 of the Plan.</p> <p>3.3 Infrastructure Supply – Water supply and reticulated sewerage is to be provided to each of the lots within the subdivision. The construction of the water and sewerage infrastructure to cater for the ultimate development of the Valla Growth Area will be brought to the site under separate approvals. It is not economically or technically feasible to provide the ultimate design at this time.</p> <p>Stormwater infrastructure is to be provided within the proposed subdivision in accordance with the DCP controls.</p> <p>Electricity and telecommunications services will be conditioned.</p>

**(a) (iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.**

There are no planning agreements applying to the subject site.

**(a) (iv) Any Matters prescribed by the Regulation**

The proposed development is assessed against the relevant matters for consideration prescribed by the regulation in the following table:

Clause	Complies	Comments
Clause 92(1) (a) - For the carrying out of development on land to which the Government Coastal Policy applies, the provisions of that Policy.	Yes	Matters for consideration to implement the NSW Coastal Policy are provided in the SEPP – Coastal Protection. It is considered that the matters for consideration under this SEPP have been satisfactorily addressed, therefore, satisfying the requirements of the NSW Coastal Policy.

**(a) (v) any coastal zone management plan**

It is not considered that the nature or location of the proposed development will be contrary to any of the management actions outlined within the *Coastal Zone Management Plan for the Nambucca Shire Coastline*.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

Issue	Applicable	N/A	Comments
Context and Setting	x		The proposed development will result in a change from the existing rural character of the area, however the proposal is entirely consistent with the planning controls which have been prepared for the subject site, to create industrial lots associated with the Valla Urban Growth Area.  In this respect the proposed industrial development is unlikely to result in any unanticipated impacts on the existing character of the site or surrounding area.
Access, Transport and Traffic	x		The proposal will utilise the existing vehicular access from Red Ash Road. The access to this road is via the western side of the Nambucca Heads Pacific Highway interchange. The proposed new road will be designed to the ultimate width and specification. The width of Red Ash Road is adequate for the initial release of industrial land, but will require widening to accommodate the future residential development as the urban release area develops. On this basis the proposal is unlikely to significantly impact on the capacity of local road network.
Public Domain	x		It is not considered that the proposed development will result in any adverse impacts on the public domain.
Utilities	x		All urban services are to be installed within the site and a sewerage pump station is to be created. External water and sewer extensions to Nambucca Heads infrastructure are occurring under separate approvals. Telecommunications and electricity infrastructure are located within the site and are to be realigned to suit the development and service the proposed lots.
Heritage	x		Detailed cultural heritage assessments have been undertaken on the subject site and surrounding land as part of the rezoning process associated with the wider Valla Urban Growth Area. In summary, while the subject site is highly disturbed by previous tree clearing/agricultural use, a former aboriginal reserve is located on the property to the north of the subject site. In accordance with the recommendations of the cultural heritage assessment, and the controls of the Nambucca DCP (Part O), a 20m buffer has been provided to the earthworks cut area. The proposed development is considered to be consistent with the cultural heritage advice received in relation to the site. A recommended

			condition of consent provides direction in the event of the discovery of a relic during construction.
Other Land Resources	<b>x</b>		The proposed development is not considered to hinder the use of other land resources in the area.
Water	<b>x</b>		Provision of reticulated water and stormwater drainage infrastructure to the site has been included as a recommended condition of the consent.
Soils	<b>x</b>		Conditions requiring the installation and maintenance of erosion and sedimentation controls have been recommended.
Air and Microclimate	<b>x</b>		Subject to implementation of the recommended condition in relation to dust management, the proposed development is unlikely to create adverse impacts on air quality or microclimate.
Flora and Fauna	<b>x</b>		Given the predominantly cleared nature of the site, it is considered that the proposal will not have any significant impacts on threatened species, populations, communities or their habitats.
Waste	<b>x</b>		It is recommended that a condition to manage waste during the construction phase be included within the consent.
Energy	<b>x</b>		The subdivision work will be constructed to contemporary standards. Future industrial buildings will require design to achieve the energy efficiency requirements of Part J of the Building Code of Australia.
Noise and Vibration	<b>x</b>		Construction hours have been conditioned.
Natural Hazards	<b>x</b>		The site is subject to a bushfire hazard, however the NSW RFS have issued a Section 100B Bushfire Safety Authority. The RFS conditions in relation to bushfire safety have been included in the consent. The proposed industrial lots and public utility lot have been designed with finished levels above the 1in 100 year flood event.
Technological Hazards	<b>x</b>		The development is not at risk of any known technological hazard.
Safety, Security and Crime Prevention	<b>x</b>		It is considered that the design of the proposed subdivision layout is suitable for the intended end industrial users. The proposal is considered to be generally consistent with the safer by design principles contained within the DCP.
Social Impact in the Locality	<b>x</b>		<p>The proposed development will deliver serviced, flat, flood free industrial land which is in high demand in the local area to facilitate employment generating development. The proposal will also provide infrastructure services to facilitate the initial stages of development within the Urban Release Area which will bring significant social benefits including new employment opportunities and provision of an increased range of services. Having regard to the above and subject to the conditions of consent, it is not considered that the proposed development will result in adverse social impacts on the locality.</p> <p>Some negative social impacts may be experienced by the immediately surrounding land owners as the area in relation to short term construction impacts and the change from the rural character of the area as it transitions to the urban development intended by the planning controls that are currently in place. However on balance the positive social impacts associated with the proposed development are considered to out weight the potential negative social impacts.</p>

Economic Impact in the Locality	<b>x</b>		As discussed above the proposed development is likely to provide significant positive economic impacts through the provision of well-located employment generating land which will allow local business to grow and allow the opportunity to attract new businesses. The opportunity to continue the release of urban land utilising services which are to be extended to the site is also a significant positive economic impact associated with the proposed development.
Site Design and Internal Design	<b>x</b>		The design of the proposed development is considered to be suitable, providing a range of lot sizes that will be suitable for a number of potential end uses.
Construction	<b>x</b>		Hours of work will be conditioned. As previously mentioned short term construction impacts are to be managed through the application of recommended conditions of consent.
Cumulative Impacts	<b>x</b>		The proposal implements the planning controls that have been created in consultation with the community over a number of years. On this basis the proposal is unlikely to give rise to any unreasonable or unanticipated cumulative impacts.

**(c) The suitability of the site for the development**

<i>Does the proposal fit in the locality?</i>	<b>Yes</b>	<b>No</b>
	<b>x</b>	
<i>Are the site attributes conducive to development?</i>	<b>Yes</b>	<b>No</b>
	<b>x</b>	

**d) Any submissions made in accordance with this Act or the Regulations**

No submissions were received.

**(e) The public interest**

Subject to the recommended conditions of consent, it is not considered that the proposal is contrary to the public interest because it will not result in any significant impacts on the natural, social, or economic environments.

**Section 7.11 - Contribution towards provision or improvement of amenities or services**

<b>Development Contribution Plan</b>	<b>Applicable</b>	<b>N/A</b>	<b>Contribution Amount</b>
Community Facilities and Open Spaces		<b>x</b>	
Local Roads & Traffic Infrastructure		<b>x</b>	
Surf Lifesaving Equipment		<b>x</b>	
Mines and Extractive Industries		<b>x</b>	
Upper Warrell Creek Overbridge		<b>x</b>	
Upper Warrell Creek Road		<b>x</b>	
Smiths Lane Upgrade		<b>x</b>	
Section 94A Development Contribution Plan	<b>x</b>		1% of estimated cost of Development @ \$6,205,938 = <b>\$62,059.38</b> <b>Note:</b> works undertaken by Nambucca Shire Council are <b>exempt</b> from contributions under this Plan. The consent will be conditioned to reflect this to cover any unforeseen circumstance, where the development is not implemented by Council.
Administration		<b>x</b>	

**Section 64 – Construction of Works for Developers (Local Government Act 1993)**

Section 64 of the *Local Government Act 1993* enables council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to Section 306 of the *Water Management Act 2000*.

Development Servicing Plan	Applicable	N/A	Contribution Amount
Water Supply	x		4 additional vacant industrial lots levied 1ET per Lot. Total 4ET @ \$13,221 = <b>\$52,884.00</b>
Sewerage	x		4 additional vacant industrial lots levied 1ET per Lot. Total 4ET @ \$9,988 = <b>\$39,952.00</b>

**RECOMMENDATION:**

**That the Northern Joint Regional Planning Panel as the determining authority, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant development consent subject to conditions.**

The staff member/s responsible for the preparation of the report, recommendation or advice to any person, with delegated authority to deal with the application, have no pecuniary or conflicts of interest to disclose in respect of the application.

**Reporting Officer**



.....  
**Brad Lane**  
**SENIOR TOWN PLANNER**