

PGF000789

VALLEY COUNCIL

18 February 2011

Reference: CVC: 683986  
Contact: Terry Dwyer: DT

The Director General  
NSW Department of Planning  
Locked Bag 9022  
GRAFTON NSW 2460

Received

22 FEB 2011

North Coast

DW

11/03514

Dear Sir

**Planning Proposal – Lot 9 DP 233144 and part Lot 16 DP 746368, Yamba Road, YAMBA NSW 2464 (Yamba Shopping Fair)**

Council, pursuant to section 56 of the *Environmental Planning and Assessment Act 1979*, hereby seeks a Gateway Determination in respect of the attached Planning Proposal. A change to the zoning of the subject land was considered by Council at its Meeting held on 15 February 2011. A copy of the Council report and resolution is attached. Also attached is a copy of the Planning Proposal supported by Council.

Although the Gateway Determination will stipulate community and stakeholder consultation that should be undertaken Council suggests that consultation with the Roads and Traffic Authority would be appropriate.

A Gateway determination is now requested at your earliest convenience.

If you require further information please contact Terry Dwyer on telephone 6643 0243.

Yours faithfully

**David Morrison**  
Manager, Strategic and Economic Planning

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|-------------------|------------------------------------------------------------------------------|
| <b>Committee:</b> | <b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>                                 |
| <b>Section:</b>   | Strategic & Economic Planning                                                |
| <b>Date:</b>      | 8 February 2011                                                              |
| <b>Item:</b>      | <b>12.009/11 PLANNING PROPOSAL – YAMBA ROAD, YAMBA (YAMBA SHOPPING FAIR)</b> |

**ATTACHMENT****REPORT SUMMARY**

Council is in receipt of a planning proposal for land at Yamba Road, Yamba (Yamba Shopping Fair). The proposal makes a case to rezone certain land from Zone No 2(a) Residential (Low Density) Zone to either:

- B2 Local Centre under the new Clarence Valley Local Environmental Plan, now awaiting Ministerial approval following its recent submission to the Department of Planning after public exhibition; or
- 3(a) Business under the current Maclean LEP 2001, should the new Clarence Valley LEP not be approved by the Minister before the planning proposal is finalised.

The planning proposal, if it ultimately results in a change in land zoning, will facilitate the development of the land for additional car parking spaces including additional car parking required for additional retail floor space on land that is already zoned for business.

The planning proposal complies with section 55(2) of the Act and has been prepared in accordance with relevant Department of Planning guidelines. Further the planning proposal is of considerable merit and is consistent with relevant Council strategies, as well as with relevant State policies and the Mid North Coast Regional Strategy. In view of this it is considered appropriate to refer this application to the NSW Department of Planning 'Gateway' to seek a gateway determination that will enable the matter to proceed further.

**OFFICER'S RECOMMENDATION**

That Council as the Relevant Planning Authority, endorse the attached Planning Proposal to rezone Lot 9 DP 233144 and part Lot 16 DP 746368, Yamba Road, Yamba from Zone No 2(a) Residential (Low Density) Zone to 3(a) Business (or B2 Local Centre under the new Clarence Valley Local Environmental Plan should the new LEP be approved by the Minister before the planning proposal is finalised) and refer it to the NSW Department of Planning seeking a 'Gateway' Determination.

**RECOMMENDATION BY COMMITTEE**

Tiley/Williamson

That the Officer's Recommendation be adopted.

Voting recorded as follows:

For: Tiley, Williamson, Hughes, Howe, Comben

Against: Nil

**COUNCIL RESOLUTION – 12.009/11  
(Crs Tiley/Comben)**

That

Council as the Relevant Planning Authority, endorse the attached Planning Proposal to rezone Lot 9 DP 233144 and part Lot 16 DP 746368, Yamba Road, Yamba from Zone No 2(a) Residential (Low Density) Zone to 3(a) Business (or B2 Local Centre under the new Clarence Valley Local Environmental Plan should the new LEP be approved by the Minister before the planning proposal is finalised) and refer it to the NSW Department of Planning seeking a 'Gateway' Determination.

**Voting recorded as follows:**

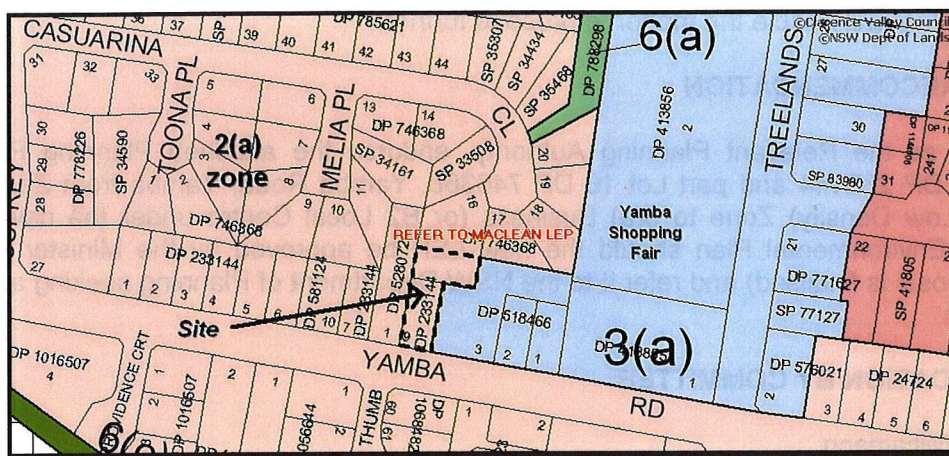
**For:** Councillors Williamson, Comben, Dinham, Howe, Hughes, McKenna, Simmons, Tiley and Toms

**Against:** Nil

**BACKGROUND**

A "private" planning proposal has been submitted by consultants Newton Denny Chapelle in respect of land that is legally described as Lot 9 DP 233144 and part Lot 16 DP 746368, Yamba Road, Yamba. Refer to Attachment A for a copy of the planning proposal.

The current zoning of the land is 2(a) Residential (Low Density) under Maclean LEP 2001 as indicated in the map below. Under the draft Clarence Valley LEP 2010 the land is proposed to be zoned R2 Low Density Residential. This draft LEP is now with the Department of Planning awaiting the ultimate approval by the Minister.



The proposal seeks to rezone the land from either:

- 2(a) Residential (Low Density) to 3(a) Business under the current Maclean LEP 2001, should the new LEP not be approved by the Minister before this planning proposal is finalised; or
- R2 Low Density Residential to B2 Local Centre under the new Clarence Valley Local Environmental Plan should the new LEP be approved by the Minister before this planning proposal is finalised.



**ISSUES**

The relevant issues are presented and discussed in the 'Sustainability Assessment' section below.

**CONSULTATION**

This proposal has not been subject to any public consultation as yet. As noted by the proponent's planning proposal the Department of Planning's gateway determination will determine the community consultation that will need to be undertaken.

It is the proponent's opinion that the matter would, for the purposes of community consultation, be a "low impact proposal" (14 day exhibition period) as identified in the Department of Planning's "*A guide to preparing local environmental plans*". This conclusion is agreed with.

**SUSTAINABILITY ASSESSMENT****Summary Statement**

The proposal facilitates a relatively minor extension to the Yamba Fair Shopping Centre's car park. This has economic benefits and the ability to provide sufficient parking for this significant retail development has the potential to impose constraints to the continued expansion of the centre to accommodate Yamba's shopping needs. Such a proposal is consistent with over arching policy framework.

**Ecology**

The land comprises existing developed residential allotments including;

- one whole lot (Lot 9), measuring approximately 508 m<sup>2</sup>, containing an existing dwelling house; and
- the rear portion of Lot 16, being an area measuring 465 m<sup>2</sup>, leaving the larger front portion of Lot 16 containing the existing dwelling house to remain zoned as residential.

Both Lot 9 and relevant section of Lot 16 are disturbed urbanised sites not likely to contain any significant vegetation that would constitute threatened species, populations or ecological communities nor provide habitat for such. The proposal will not compromise ecological processes.

**Economic**

Economic benefits should accrue by the development of additional retail floor space that will be able to be developed on existing business zoned land at Yamba Shopping Fair, this being enabled by the 15 additional car parking spaces that will be able to be built once Lot 9 and part Lot 16 are rezoned to 3(a)/B2. This will consolidate both additional retail services and employment generation at the existing Yamba Fair Shopping Centre.

**Social & Cultural**

The loss of an existing older style dwelling in poor condition and part of the rear yard of another residential property represents the net loss of one residential dwelling which will not have adverse social and cultural consequences. The ultimate expansion of car parking onto this land also should not adversely impair amenity of the adjoining residential neighbourhood with any minor impacts able to be mitigated/managed through the development consent process.

**Human Habitat & Infrastructure**

The development that will ultimately be facilitated by the rezoning is of a sustainable nature and scale being only a minor westerly extension of an important retail precinct serving Yamba and its hinterland. There are no impacts upon infrastructure nor are there any implications for the future provision/augmentation of essential infrastructure. As noted above the amenity of the adjoining residential neighbourhood should not be adversely impacted by additional car parking as any

## **ORDINARY MEETING**

**15 FEBRUARY 2011**

expected minor impact should be ably managed/mitigated by consent conditions including appropriate fencing along the revised business/residential interface.

### **Governance**

The planning proposal as noted by the proponent is broadly consistent with the 2002 Yamba Retail/Commercial Strategy. Further, the gateway determination will enable Council to undertake community and stakeholder consultation. This will inform Council of the views of interested parties on this matter.

### **Guiding Sustainability Principles**

The following guiding sustainability principles are, to varying extents, relevant to this matter:

- Protecting ecological processes and biodiversity.
- Supporting social and intergenerational equity.
- Promoting ecologically sustainable development.
- Encouraging community involvement and awareness.
- Taking a precautionary and anticipatory approach.
- Focusing on continuous improvement.

The planning proposal is considered to conform to these guiding principles and Council's Sustainability Framework in general.

### **OPTIONS**

1. Refer the Planning Proposal for rezoning of Lot 9 DP 233144 and part Lot 16 DP 746368, Yamba Road, Yamba (Attachment A) to the NSW Department of Planning 'Gateway' for a determination. This determination, once made, will include requirements for additional information (as relevant), consultation requirements and other relevant instructions for processing of the proposal.
2. Reject the planning proposal and not proceed any further. As there is no strategic basis for rejecting this proposal and it is of fairly minor scale and nature this option is not considered appropriate.

### **FINANCIAL IMPLICATIONS**

Rezoning application fees have been paid in full. These fees are expected to cover staff resourcing to the application. In accordance with Council's Fees and Charges additional fees can be sought if staff time exceeds 20 hours on this project.

Des Schroder

DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

Prepared by: Terry Dwyer  
Section: Strategic & Economic Planning  
Attachment: Planning Proposal – Yamba Shopping Fair